



Bob Buckley

By email only: [foi+request-12035-b5b2a4e4@righttoknow.org.au](mailto:foi+request-12035-b5b2a4e4@righttoknow.org.au)

Dear Bob

### Freedom of Information Internal Review LEX 51949

I refer to your application under *Freedom of Information Act 1982 (FOI Act)* made to the Department of Social Services (**the Department**) on 18 October 2024. The application seeks internal review of the decision made in respect of the FOI request LEX 51700 (**original decision**) which sought access to:

*...all documents created, held, sent or received by SES level staff since 1 July 2020 that relate to policy development, program implementation, and general attitudes for disability advocacy for individual Autistic Australians....*

I am authorised to make internal review decisions under subsection 23(1) of the FOI Act and am writing to inform you of that decision.

### The original decision

The original decision refused access to the documents sought in full on the basis that processing the request would unreasonably and substantially divert the resources of the Department from its other operations and therefore that a practical refusal reason exists in respect of the request.

A copy of the original decision is enclosed.

### Internal review decision

I have decided to affirm the original decision that a practical refusal reason exists in accordance with section 24 of the FOI Act.

The request for internal review submitted that there was insufficient evidence to find that the request was too voluminous to process, and therefore that a claim of a practical refusal reason could not be substantiated. The application did not acknowledge prior advice from the Department that it had undertaken preliminary enquiries as to the amount of documents within scope, and that the refusal decision was being made on the basis of that advice.

As iterated throughout the primary decision process, the request is framed broadly and captures a significant amount of documents within its scope.

The Department is involved in multiple programs that concern delivery of *disability advocacy for individual Autistic Australians*. These include:

- **systemic advocacy** – this would not be limited to the Disability Representative Organisation (DRO) program but could also include participation in other consultation processes that would explicitly or potentially represent the views of Autistic Australians in deliberative processes.
- **Information, Linkages and Capacity Building program (ILCBP)** - which funds a range of activities, many of which are described as ‘peer support’ and ‘support for self-advocacy’; it is likely that many of these activities would target or benefit Autistic Australians.

- **Supporting Participation Program** - which funds individuals to participate as civil society representatives in international for a (typically United Nations); autistic individuals have been funded under this program and the activity may be described as disability advocacy.
- **Disability Royal Commission (DRC) support activities** – these include counselling and other supports to prepare and participate in the DRC processes; much if not all this support could be described as related to disability advocacy.

As the Department plays a role in administering these programs, every email in its possession that mentions them would fall within scope as they would *relate to* the program's *policy development* or *program implementation*. Accordingly the Department has conducted IT searches of email inboxes of current Senior Executive Service (**SES**) who may have received emails relating to the above identified programs for emails that include the following phrases:

"disability advocacy for Autistic Australians"  
 "advocacy for Autistic Australians"  
 "advocacy for Autism"  
 "disability advocacy for autism"  
 "NDAP"  
 "National Disability Advocacy Program"  
 "Information Linkages and Capacity Building program"  
 "ILC"  
 "Disability Royal Commission"  
 "DRC"

This search has identified 244,823 emails generated during the period of January 2020 to May 2024. The IT team also conducted searches of the Department's Enterprise Vault 'EV' which identified a further 33,574 emails meeting the same search terms. Accordingly, 278,397 documents in total were identified during this preliminary search.

I have made the following assumptions:

- half of the documents identified contain duplicates (such is the nature of email chains);
- the documents are on average 3 pages each in length; and
- it would take 3 minutes per page to review and consider whether exemptions may apply to them.

On the basis of the above, it would take a total of 20,879.7 hours (139,198 documents x 3 pages x 3 minutes / 60 minutes), or just under 2,784 working days to review the documents subject to your request.

It is likely certain emails within scope of the request will have attachments, increasing the total amount of documents, and the Department will need undertake the significant administrative processes associated with a request of this size. We also note that the searches conducted thus far have only been of the email inboxes of current substantive SES officers and not of previous or acting SES, so the total number of documents within scope will likely increase once those searches have been undertaken.

I consider that processing this request would be an unreasonable and substantial diversion of resources in particular those for the FOI team and subject matter specialists dealing with programs that involve disability advocacy for autistic Australians. I therefore am satisfied that a practical refusal reason exists in respect of the request and affirm the primary decision to refuse it.

## **Material relied upon in making this decision**

I relied on the following material in coming to this decision:

- the terms of the FOI request;
- the application for internal review;
- the documents subject to the FOI request;
- advice from subject matter experts within the Department regarding the amount of subject to the request;
- the FOI Act; and
- the Guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**).

## **Review rights and complaints**

Information concerning how you may seek a review of this decision or make a complaint about the handling of this request is at **Attachment B**.

## **Contact**

If you would like to discuss any aspect of my decision, please contact me at [foi@dss.gov.au](mailto:foi@dss.gov.au).

Yours sincerely

Alan Hilvert-Bruce  
Authorised FOI Decision Maker

18 November 2024

## **Attachments**

Attachment A – Review Rights

## REVIEW RIGHTS

### **Information Commissioner review**

You can apply for the Information Commissioner to review this decision either immediately or following an internal review decision. You must apply to the Information Commissioner within 60 days of the receipt of this decision letter.

Further details on this process can be found on the Information Commissioner's website at <https://www.oaic.gov.au/>.

### **Complaints to the Information Commissioner**

You may also make a complaint to the Information Commissioner concerning actions taken by the Department while exercising its powers or performing its functions under the FOI Act.

Further details on this process can be found on the Information Commissioner's website at <https://www.oaic.gov.au/>.