



**Australian Government**  
**Department of Education**

Your Ref  
Our Ref LEX 1177

Bob Buckley

By email: [foi+request-12056-2324f6af@righttoknow.org.au](mailto:foi+request-12056-2324f6af@righttoknow.org.au)

Dear Bob

**Your Freedom of Information request - consultation**

I refer to your request, received by the Department of Education (department) on 15 September 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

*“all information held by the Department of Education relating to the National Autism Strategy including, but not limited to:*

- 1. communication with and information provided to the National Autism Strategy Oversight/Committee/Council and/or its working groups,*
- 2. communication with and information provided to staff or officials in the Department of Social Security,*
- 3. information given to politicians or parliamentary officials,*
- 4. information and records held within the Department of Education, and*
- 5. relevant information received by the Department of Education.”*

On 23 September 2024, the department wrote to you explaining the operation of the FOI Act, its interpretation of your request and suggestions for clarifying the scope of your request, given it would have captured a broad range of documents.

On 24 September 2024, you emailed the department and revised your request, stating:

*“You can exclude:*

- \* Cabinet documents*
- \* I am only interested in the final email of email threads, and*
- \* I do not wish to receive duplicate documents.”*

On 30 September 2024, I wrote to you advising that it was likely processing your revised request would substantially and unreasonably divert the resources of the department. I explained the consultation process and made further suggestions for reducing the scope of your request.

On the same day, you responded and revised your request to:

*“all documents held, sent or received by SES officers that explicitly mention or relate to the development of the National Autism Strategy and/or its contents.”*

I have interpreted this scope as still excluding Cabinet and duplicate documents and only including the ‘final email of email threads’. However, please advise me as soon as possible if this is incorrect.

### **Practical refusal reason**

While I appreciate your further efforts to revise the scope of your request, I am writing to you, under sections 24AA(1)(a)(i), 24AA(2) and 24 of the FOI Act to tell you that it is still likely that processing your revised request in its current form would substantially and unreasonably divert the resources of the department.

I have consulted further with departmental officers in the Inclusion and Disability Branch regarding the number and nature of documents held by the department which are likely to be relevant to your request, and the work involved in processing your request.

I am asking for your assistance in reducing the scope of your request. If we are unable to reach a satisfactory agreement on the scope of your request, it is likely that I will decide to refuse your request as currently worded under section 24 of the FOI Act.

To assist you, I have set out the relevant sections of the FOI Act at **Attachment A**.

### **Amount of time to process your request**

Given your request is for documents 'held, sent or received by SES officers', the department has conducted initial IT Forensics searches of emails sent from, and received by, departmental email addresses of current and former departmental SES staff containing the terms 'National Autism Strategy' or 'NAS', as it is likely that the majority of documents relevant to your request would be in an email format.

These searches identified over 700 emails, likely totalling at least 1000 pages including attachments, which could potentially be within the scope of your request. Additionally, the department identified approximately 250 documents outside of its email system which may relate to your request.

To continue processing your request, the department would need to manually review each document to confirm whether it falls within the scope of your request. This would include considering whether the document mentions or relates to the development or contents of the National Autism Strategy and removing duplicate documents, Cabinet material and any emails which were not the 'final email of email threads'.

Based on my experience with the type and volume of records you want, I estimate it would take more than 85 hours to process your revised request. This includes undertaking the steps outlined above, as well as consulting with third parties, considering whether any documents may need redactions, scheduling the documents and writing a statement of reasons.

For completeness, I note in your correspondence, dated 30 September 2024, you requested an electronic version of the department's preliminary searches so you could indicate which documents you consider relevant. Unfortunately, the department cannot share further details of its preliminary searches with you. However, I have provided a summary of the results above and considered them when making suggestions below for narrowing the scope of your request.

### **Suggestions for reducing the scope of your request**

To assist you in narrowing the request, you could consider the following suggestions, which may allow the department to process your request:

- specifying a limited date range for your request (e.g. a 3-month period)
- specifying types or categories of documents (e.g. final briefs, reports, or meeting minutes)
- specifying keywords the documents must contain (e.g. keywords that relate to particular aspects of the National Autism Strategy you are interested in), and
- seeking correspondence between specific entities or individuals.

### **Action required from you under the FOI Act**

Before I make a final decision on your request, you can submit a revised request.

Under the FOI Act, you must do one of the following things in the next 14 days:

- make a revised request,
- tell us that you do not want to revise your request, or
- withdraw your request.

### **Contact officer**

I am the contact officer for your request. During the consultation period you can contact me to ask for help revising your request by emailing [foi@education.gov.au](mailto:foi@education.gov.au).

In accordance with section 24AB of the FOI Act, your response will be expected by **23 October 2024**. If I do not receive a response from you within the time frame, your request will be taken to be withdrawn by the operation of the FOI Act.

### **Further assistance**

If you have any questions, please email [foi@education.gov.au](mailto:foi@education.gov.au).

Yours sincerely

Lauren  
Authorised decision maker  
Freedom of Information Team  
Department of Education

9 October 2024

**Relevant sections of the *Freedom of Information Act 1982***

Section 24AA(1)(a)(i) of the FOI Act provides that a practical refusal reason exists in relation to an FOI request if the work involved in processing the request would substantially and unreasonably divert the resources of the department from its other operations.

Section 24AA(2) of the FOI Act sets out certain factors which the department must consider when determining whether providing access in relation to a request would substantially and unreasonably divert resources. The department must specifically have regard to the resources that would have to be used for:

- identifying, locating or collating the documents
- deciding whether to grant, refuse or defer access to a document to which the request relates, or to grant access to an edited copy of such a document, including resources that would have to be used for examining the document or consulting in relation to the request
- making a copy, or an edited copy, of the document
- notifying any interim or final decision on the request.

Section 24AB(7) of the FOI Act provides that the request is taken to have been withdrawn at the end of the consultation period if:

- the applicant does not consult the contact person during the consultation period in accordance with the notice
- the applicant does not do one of the things mentioned in subsection (6) before the end of the consultation period.

Section 24AB(6) says that the applicant must, before the end of the consultation period, do one of the following, by written notice to the agency or Minister:

- withdraw the request
- make a revised request
- indicate that the applicant does not wish to revise the request.