



21 January 2024

Oliver Smith

BY EMAIL: foi+request-12529-1f06ef05@righttoknow.org.au

In reply please quote:

FOI Request: FA 24/12/00558

File Number: FA24/12/00558

Dear Oliver Smith

I refer to your email dated 10 December 2024, in which you requested access to documents held by the Department of Home Affairs (the Department) under the *Freedom of Information Act 1982* (the FOI Act).

You have requested access to the following:

Under the FOI Act, I seek a copy of the Ministerial Brief provided to the office of Home Affairs Minister Tony Burke on 5/9/24 with the Brief PDR No. MS24-001415

Intention to refuse request

I am writing to advise you that I intend to refuse your request on the basis that a practical refusal reason exists. However, before I make a final decision to do this, you have an opportunity to revise your request to remove the practical refusal reason. This is called a '*request consultation process*'. You have 14 days to respond to this notice in one of the ways set out below.

Power to refuse request

Section 24 of the FOI Act provides that if the Department is satisfied that a practical refusal reason exists in relation to a request, the Department must undertake a consultation process with you, and if, after that consultation process, the Department remains satisfied that the practical refusal reason still exists, the Department may refuse to give you access to the documents subject to the request.

Practical refusal

A *practical refusal reason* exists under section 24AA of the FOI Act if either (or both) of the following applies:

- (1)(a)(i) the work involved in the processing of the request would substantially and unreasonably divert the resources of the Department from its other operations
- (1)(b) the request does not satisfy the requirement in section 15(2)(b) of the FOI Act, which requires you to provide such information concerning the document you are seeking access to, to enable the Department to be able to identify it.

I consider that the work involved in the processing of the request would substantially and unreasonably divert the resources of the Department from its other operations, and accordingly that practical refusal reasons exist under section 24AA(1)(a)(i) of the FOI Act.

Reasons for practical refusal

The Department has made a preliminary assessment of the documents that would be captured by your request and has identified a total of 174 documents potentially captured in the scope of your request. It has taken the Department one hour to identify and retrieve the relevant documents.

Due to the volume of documents within scope, the Department has completed a sample assessment of their page numbers to determine the estimated resources required in order to process your request. All of the documents identified contain multiple pages. A sample of 20 documents, revealed approximately 203 pages, which averages 10.15 pages per document. Given this calculation, there could be an estimated 2,060 pages within scope of your request.

If the Department were to commence assessments, the FOI Section would need to review the documents in collaboration with relevant business areas, make appropriate redactions, convert documents to pdf, create a schedule of documents and make a decision on your request.

I consider that the decision maker will require at least **5** minutes to assess each page captured by your request. On that basis, I estimate that the decision maker would require approximately **147 hours** to complete making a decision on access to the documents captured by your request. This would include deciding whether to grant, refuse or defer access to the **174** individual files to which your request relates, or to grant access to edited copies of such documents in the files, and includes the resources that would have to be used to examine the documents, make copies, or edit copies, of the documents, and to notify you of a decision on access in your request.

I am satisfied that the Department would be required to divert significant resources from its current operations in order to identify, locate and collate the documents held within the Department, and to make a decision on access to those documents. This diversion would result in a significant drain on the resources of the area within the Department that would be required to process this request.

I consider that this would result in this request imposing both a substantial and an unreasonable diversion of resources of the Department from its other operations and that a practical refusal reason exists in relation to this request.

You now have an opportunity to revise your request to enable it to proceed.

To resolve the practical refusal reasons, you may want to revise your scope to focus on specific parts of information from the documents.

Under section 24AB(6) of the FOI Act, you have 14 days to do one of the following:

- withdraw your request;
- make a revised request;
- indicate that you do not wish to revise your request.

If you do not do one of the three things listed above during the consultation period (14 days), or you do not consult the contact person listed below during this period, your request will be taken to have been withdrawn in accordance with section 24AB(7) of the FOI Act.

Contact

Should you wish to revise your request or have any questions in relation to this process, please do not hesitate to contact: foi@homeaffairs.gov.au.

Yours sincerely,

[Signed electronically]

Slavica
Position number: 60202839
Authorised Decision Maker
Department of Home Affairs