



27 October 2023

BE

BY EMAIL: foi+request-10518-1c812f6a@righttoknow.org.au

In reply please quote:

FOI Request: FA 23/08/00089

File Number: FA 23/08/00089

Dear BE

Freedom of Information request – decision on access

I refer to your email dated 31 July 2023 in which you request access to documents held by the Department of Home Affairs (the Department) under the *Freedom of Information Act 1982* (the FOI Act).

Scope of Request

You have requested access to the following documents held by the Department:

Please provide a list of Ministerial Submissions sent to the Hon Clare O'Neil during her appointment as the Minister for Home Affairs and Cyber Security including PDR number and date (ie in same format as FOI FA22/10/00553 published on the Department's disclosure log)..

On 10 October 2023 the Department sent you a notice under section 24AB (2) of the Act, advising you that a 'practical refusal reason' existed in relation to this request. The Department advised you that your request met the definition of a practical refusal reason in section 24AA(1) of the Act, as it appeared that the work involved in processing the request would 'substantially and unreasonably divert the resources' of the Department from its other operations.

Under the notice, you were provided with a 14-day 'consultation period', during which you could consult with me about the scope of the request. The notice advised you that you were required to respond before the end of the consultation period and either (a) withdraw your request or (b) revise the scope of your request or (c) confirm that you did not wish to revise the scope. The notice advised that if you failed to respond before the end of the consultation period to do one of those three things, your request will be taken to have been withdrawn in accordance with section 24AB(7) of the FOI Act. Please note, since this is an overdue request, the Department's decision is to refuse to give you access to the documents under section 24(1)(b) of the Act.

I am satisfied that the work involved in processing the request will substantially and unreasonably divert the resources of this Department from its other operations. Therefore, I am satisfied that a practical refusal reason still exists under section 24AA(1)(a)(i) of the Act.

Decision

I am an officer authorised under section 23 of the Act to make decisions in respect of requests to access documents. My decision is to refuse access under section 24(1)(b) of the Act. My reasons are set out below.

Section 24(1)(b) of the Act provides that, where a practical refusal reason exists, an agency may refuse to process a request only if the agency has undertaken the 'consultation process' in section 24AB of the Act and, after completing the consultation, the agency remains satisfied that a practical refusal reason exists.

I note that I have undertaken the consultation process in section 24AB. Nevertheless, I remain satisfied that the request still meets the definition of a 'practical refusal reason' in section 24AA(1)(a)(i) in that processing the request will involve a substantial and unreasonable diversion of the Department's resources.

Therefore, I am refusing your request for access under section 24(1)(b) of the Act.

Your FOI request has accordingly been closed on our system. I invite you to submit a new request to the Department, should you wish to do so, taking into account my correspondence to you on scope.

1 Your Review Rights

Information Commissioner review

You may apply directly to the Office of the Australian Information Commissioner (OAIC) for an Information Commissioner review of this decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a request for a review to the OAIC, please see <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>.

2 Making a complaint

You may complain to the Information Commissioner about action taken by the Department in relation to your request.

Your enquiries to the Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)

Email enquiries@oaic.gov.au

There is no particular form required to make a complaint to the Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Department of Home Affairs as the relevant agency.

Contact

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at foi@homeaffairs.gov.au.

Electronically signed

Susan
Authorised Decision Maker
Department of Home Affairs