



Australian Government
Department of Finance

Reference: FOI 23-24/041
Contact: FOI Team
e-mail: foi@finance.gov.au

V Dog
via Right to Know

By email only: foi+request-10739-21c3b4f0@righttoknow.org.au

Dear Sir/Madam,

Freedom of Information Request – FOI 23-24/041

On 9 October 2023, the Department of Finance (Finance) received your email requesting access under the Commonwealth *Freedom of Information Act 1982* (FOI Act) to the following documents:

This request relates to the now-cancelled, Government-wide 'Cyber Hubs' project. I seek access to the following:

- a) Documents relating to any kind of review that the Department of Finance led, conducted or requested into the 'Cyber Hubs' project.
- b) Documents discussing, recommending or approving the cancellation or de-funding of the 'Cyber Hubs' project.

I am seeking documents created only in the period from 1st January 2022 to 1st October 2023.

Although the Cyber Hubs project was led from the Finance portfolio, the lead agency was the Digital Transformation Agency, not the Department of Finance. Following a machinery of government change, responsibility for this policy area, including the records associated with the former Cyber Hubs project, now resides with the Department of Home Affairs (Home Affairs). Finance's only involvement in the Cyber Hubs project related to our role in reviewing expenditure proposals and providing advice to the Cabinet as part of the Budget process. Records of such advice are exempt from release under section 34 of the FOI Act (the Cabinet exemption).

There are no documents responsive to paragraph a) of your request as Finance has not led, conducted or requested any review into the Cyber Hubs project. However, noting the current role of Home Affairs in the Cyber Hubs policy, and ensure full consideration of this FOI request, Finance transferred paragraph a) of your request to Home Affairs on 9 October 2023.

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The part of your request that Finance has processed is below:

- b) Documents discussing, recommending or approving the cancellation or de-funding of the 'Cyber Hubs' project.

On 31 October 2023, Finance wrote to you notifying that your request was too broad and requested that you narrow the scope of your FOI request and you agreed to amend the scope of your request as provided at Attachment A.

Initial searches of departmental systems have identified more than 300 documents which may fall within the scope of your FOI request. An initial review of these documents indicates that all of these relate to the Budget process and are connected with the purpose of providing advice to Cabinet. While further detailed review of the documents would be required to confirm that the documents identified would be exempt from release under the FOI Act, the nature of Finance's role in relation to this matter leads me to the conclusion that all documents in scope of your current request are likely to be exempt under the Cabinet exemption provided in the FOI Act.

Further detailed work involved in processing your request in its current form would substantially and unreasonably divert Finance's resources from its other operations, are unlikely to result in any documents being released to you, and accordingly are within the purview of 'practical refusal reason' in the FOI Act. The availability of the practical refusal reason is to ensure that capacity of Finance to discharge its normal functions are not undermined by processing requests that are unreasonably burdensome.

On the basis of the above practical refusal reason, I intend to refuse access to the documents requested. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a 'request consultation process'.

Authorised decision-maker

I am authorised by the Secretary of Finance to grant or refuse access to documents.

Why I intend to refuse the request.

Under subsection 24AA(2) I must have regard to the resources that would have to be used by Finance for:

- identifying, locating or collating the documents within Finance's filing system
- 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 with any person or body in relation to the request)
- making a copy or an edited copy, of the document
- notifying any interim or final decision on the request.

I decided that a practical refusal reason exists because your request requires Finance to:

- review over 300 documents which potentially are within the scope of your request; and

- your request may relate to documents that contain third party information, which requires Finance to undertake third party consultation, and to consider any objections to release submitted by those third parties.

Request consultation process: clarifying the terms of your request

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

Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, so that Finance will be able to pinpoint the documents quickly and avoid using excessive resources to process documents you are not interested in.

You could narrow the scope of your request by one or more of the following:

- excluding further documents such as emails;
- narrowing the periods of your request to shorter timeframes.

You may also wish to consider making this request of the agency with primary responsibility for this policy, which as noted above is Home Affairs.

You are required to take further action

Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request
- revise your request
- tell Finance that you seek to proceed with your original request.

The consultation period runs for **14 days** starting on the day after you receive this notice. This means you must respond to this notice in one of the ways set out above on or before **Wednesday, 22 November 2023**.

During this period, you are welcome to seek assistance from the contact officer listed below to revise your request. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, Finance will recommence processing your request, noting relevant exemptions under the FOI Act would continue to apply.

Please note, the time taken to consult with you regarding your request is not taken into account for the purposes of the 30 calendar day statutory processing period in which Finance is required to finalise your request.

If you do not respond electing to do one of the three options listed above during the consultation period or you do not consult the contact person during this period, the FOI Act deems your request to have been withdrawn. If your request is deemed withdrawn, you are not prevented from making a new request in the future.

Contact officer

If you would like to revise your request or have any questions, the contact officer for your request is:

Rachel
FOI Officer
Foi@finance.gov.au

Yours sincerely,



Sebastian Mathew
Assistant Secretary
Home and Foreign Affairs | Government and Defence Division
Department of Finance
08 November 2023