



Australian Government  
Department of Immigration  
and Border Protection

**In reply please quote:**

FOI Request: FA 17/01/00475

File Number: ADF2017/5083

24 January 2017

Mr J Gothe-Snape  
Journalist, SBS  
Canberra  
ACT

**BY EMAIL:** [foi+request-2906-70a2ac46@righttoknow.org.au](mailto:foi+request-2906-70a2ac46@righttoknow.org.au)

Dear Mr J Gothe-Snape

I refer to your email dated 04 January 2017 in which you request access to documents held by the Department of Immigration and Border Protection (Department) under the Freedom of Information Act 1982 (the FOI Act).

I am writing to tell you that I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this agency from its other operations due to its broad nature, size and complexity. This is called a 'practical refusal reason' (section 24AA).

On this basis, I intend to refuse access to the documents you 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' as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

**Scope of Request**

You have requested access to documents held by the Department that relate to:

*'all Labour Agreements agreed to by the Commonwealth under the Migration Act.'*

In order for your request to be valid it must not substantially and unreasonably divert the resources of the agency from its other operations.

**Practical Refusal**

Section 24AA of the FOI Act provided that a practical refusal reason exists in relation to a request for a document if either or both of the following applies:

- (a) the work involved in processing the request would substantially and unreasonably divert the resources of the Department from its other operations;

- (b) the request does not satisfy the requirement in paragraph 15(2)(b), that is, that you have not provided such information concerning the document you are seeking access to as is reasonably necessary to enable a responsible officer of the Department to identify it.

The Department has considered the scope of your request, and has made an initial assessment of the documents that it can identify as falling within the scope of your request.

The Department records were reviewed and it was found the scope of the request involves 545 individual labour agreements (2011-2017) at approximately 30 pages each, totalling 16,350 pages. This number does not include those agreements that were in place prior to 2011 before the creation of the labour agreement data base. A quick count of Labour Agreement files for the period 1999-2010 is 661 and without checking each file it could not be confirmed if each file has an approved agreement without physically obtaining and reviewing each file.

#### Work Estimate

As each agreement is specific to each individual company there are confidentiality concerns with their release. As such the following calculations include a time allowance for third party consultations.

545 labour agreements (2011-17) estimated @ 30 pages each (16,350)	Time estimate 1362.5 hours*
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661 files for 1999-2010 estimated @ 30 pages each (19,830)	Time estimate 1652.5 hours*
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**Total time estimate 3015 hours**

*\*Calculated at 5 minutes per page, noting the need for consultation with third parties*

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. This work would be required to be undertaken by a small team of three officers, and the diversion of the resources of that team to process this request would result in an unreasonable diversion of their resources from their business as usual.

In addition, significant resources would be required to decide whether to grant, refuse or defer access to the large number of documents to which your request relates, or to grant access to edited copies of such documents, including resources that would have to be used to examine the documents, to consult with any person or body in relation to the request, and to make copies, or edited copies, of the documents, and to notify you of any interim or final decision on the request.

This diversion would result in a significant drain on the resources of the business areas within the Department that would be required to process this request. To process the request would require a complete diversion from that area's ability to carry out their normal functions and activities.

#### Request Consultation Process

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

Under section 24AB of the FOI Act, you have 14 days to respond to this notice in writing and advise me whether:

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

- withdraw 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 me at [foi@border.gov.au](mailto:foi@border.gov.au).

Yours sincerely



Karen Chapman  
FOI Officer / Freedom of Information Section  
Information Management Branch  
Corporate Services Division  
Department of Immigration and Border Protection