



**Australian Government**  
**Australian Customs and**  
**Border Protection Service**

Customs House  
5 Constitution Avenue  
Canberra ACT 2601

File No: 2014/002674

22 January 2014

Henare Degan

**BY EMAIL: [foi+request-499-8f3ddcb7@righttoknow.org.au](mailto:foi+request-499-8f3ddcb7@righttoknow.org.au)**

Dear Mr Degan

**Freedom of Information Request**

I refer to your email received on 1 January 2014, in which you request access to documents relating to the Minister for Immigration and Border Protection's press conferences on the topic of asylum seeker boat arrivals, under the *Freedom of Information Act 1982* (the FOI Act).

As advised on 17 January 2014, your request was transferred from the Department of Immigration and Border Protection to the Australian Customs and Border Protection Service (ACBPS) on 16 January 2014 under section 16 of 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 ACBPS 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 information held by ACBPS that relates to:

*"documents and emails concerning the Minister for Immigration and Border Protection's press conferences on the topic of asylum seeker boat arrivals since 7 September 2013 to 1 January 2014".*

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

## **Practical Refusal**

Please note that a general request for documents concerning a particular subject will likely attract refusal under section 24AA of the FOI Act because it would not be possible for the decision maker to certify that he or she has located every copy of every single document in ACBPS's possession, which falls within the scope of the request, without conducting a search of every hard copy file and all individuals electronic communication records in ACBPS.

ACBPS would be required to divert significant resources from its current operations in order to identify, locate and collate the documents held within the Service that are relevant to your request.

Initial indications from the relevant work area suggest that, on average, 150 emails exist relating to each individual Media Briefing held by the Minister since 7 September 2013. During the timeframe of your request 14 Media Briefings have been held. As a result, ACBPS would hold approximately 2,000 documents relevant to your request.

ACBPS anticipate it would take approximately 12 hours to search and retrieve those documents.

Once the documents have been identified and retrieved, significant resources would then 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. This would include the use of resources to examine the documents, or to consult with any relevant person or body in relation to the request, as well as making copies, or edited copies, of the documents, and to notify you of any interim or final decision on the request.

ACBPS estimate that the decision making time required to complete that task in relation to approximately 2,000 documents would be something in the region of 200 hours.

This diversion would result in a significant drain on the resources of the work area within ACBPS that would be required to process this request. To process the request would require a complete diversion from that work 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.

If you wish to revise your request to specify the type of documents you are seeking access to, ACBPS may be able to process your request and consider whether it holds any relevant documents.

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 an FOI officer on 02 6275 5621 or at [foi@customs.gov.au](mailto:foi@customs.gov.au).

A handwritten signature in black ink, appearing to read 'SM', with a small horizontal line extending from the end.

**Stephen McGlynn**  
**Principal Lawyer | Operations and Information Law**  
**Australian Customs and Border Protection Service**