



22 August 2019

Mr Michael Green

**BY EMAIL: [foi+request-5326-bc1fbb55@righttoknow.org.au](mailto:foi+request-5326-bc1fbb55@righttoknow.org.au)**

**In reply please quote:**

FOI Request: FA 19/03/01223

File Number: OBJ2019/20315

Dear Mr Green,

I refer to your email dated 22 March 2019 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).

I am writing to tell 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.

**Scope of Request**

You have requested access to the following:

*Documents in relation to the eligibility of persons applying for the Community Support Program, according to nationality, ethnicity, religion or place of residence.*

*Please limit this to briefing papers, reports, guidance notes, policy documents and advice the senior officials and the Minister.*

*Please limit this request to only documents since 2013.*

**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 if either (or both) of the following applies:

- (a) the work involved in the processing of 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 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.

**Reasons for practical refusal**

It is my view that the scope of your request, as it is currently, would meet the second practical refusal reason because it is unclear within your scope as to the nature and content of the documents that you are seeking access to.

Concerning the eligibility of a person for the Community Support Program (CSP), you appear to request access to documents that may contain high-level policy detail of how the eligibility criteria is determined, with a particular emphasis on any information which concerns an applicant's nationality, ethnicity, religion or place of residence.

The Department publishes the eligibility criteria for the CSP on its website. That information may be sourced at the following URL:

<https://immi.homeaffairs.gov.au/what-we-do/refugee-and-humanitarian-program/community-support-program/how-to-apply>

While it appears clear in your scope that you are seeking documents about the underlying, high-level policy settings, including any Ministerial briefings, which have contributed to the formation of the eligibility criteria as distinct from the criteria themselves, we would appreciate your further clarification as to the nature and content of the documents you are seeking, which will assist us in conducting searches, and liaising with any relevant business areas.

For your reference, the Guidelines for Approved Proposing Organisations (APOs) provides guidance on the selection of applicants in line with the Australian government's priorities for resettlement under the Humanitarian program and the Community Support Program in particular. This document has previously been released under a Freedom of Information request; see case number FA 18/08/00011 at the below URL:

<https://www.homeaffairs.gov.au/access-and-accountability/freedom-of-information/disclosure-logs/2018>

If this document meets your information requirements in part or in full, you may consider withdrawing your request, or revising your scope after considering the above document.

To assist the FOI Section in processing requests in a timely manner, we ask that you consider how you have worded the scope of your request. If you are seeking a specific document that supports a specific practice, process or procedure it is very helpful for the purpose of assessment if you state that in the terms of your request or provide descriptive content in your scope.

## **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 the decision maker at [foi@homeaffairs.gov.au](mailto:foi@homeaffairs.gov.au).

*Signed electronically*

**Position number 60081621**

Authorised Decision Maker | Freedom of Information Section

FOI and Records Management Branch

Productivity and Compliance Division | Corporate and Enabling Group

Department of Home Affairs