



26 March 2020

Mr J Smith

**BY EMAIL:** [foi+request-6220-a7dfb17e@righttoknow.org.au](mailto:foi+request-6220-a7dfb17e@righttoknow.org.au)

**In reply please quote:**

FOI Request: FA 20/03/00730

File Number: OBJ2020/8141

Dear Mr Smith

I refer to your email dated 12 March 2020 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.

**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.

## Scope of Request

You have requested access to the following:

*A copy of all final reports delivered to the department, by either the firm McKinsey & Co, or Boston Consulting Group; since 18 September 2013.*

*A copy of all powerpoint presentations delivered to the department by either of those firms, since 18 September 2013.*

*Please narrow this request to only documents delivered by either of those groups to the department, stored in either a PDF, powerpoint, or word document format. .*

## Reasons for practical refusal

I consider that your request does not satisfy the requirements of section 15(2)(b) of the FOI Act.

The terminology of “*all final reports delivered to the department*” and “*all PowerPoint presentations delivered to the department*” makes the assessment of your request difficult. This is due to the fact that the functions of this Department are widespread and cover: visas, immigration and citizenship; travel and crossing the border; importing and exporting goods, national security; criminal justice (serious and organised crime); transport security; multicultural affairs, emergency management and cyber security.

Whilst you have identified the names of two companies within your request for documents, the Department, at times, may engage companies across many different business areas and for many different functions. I note that you have not detailed any Departmental areas or functions that relate to your request. This makes the assessment of your request difficult as records could be located across various systems and departmental files.

As such, I consider that you have not provided such information concerning the document you are seeking to access to enable the Department to be able to identify it.

I am satisfied that 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, and to make a decision on access to those documents. This diversion would result in a significant drain on the resources of the area within the Department that would be required to process this request.

I consider that this would result in this request imposing both a substantial and an unreasonable diversion of resources of the Department from its other operations and that a practical refusal reason exists in relation to this request.

## **Request Consultation Process**

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

The Australian Government website AusTender provides centralised publication of Australian Government business opportunities, annual procurement plans and contracts awarded.

The information provided on Austender may assist you in providing the Department sufficient information to be able to identify the documents that you are seeking to access.

AusTender can be accessed by the following link: <https://www.tenders.gov.au/>

Under section 24AB of the FOI Act, you have 14 days to do one of the following:

- withdraw your request;
- make a revised request;
- indicate that you do not wish to revise 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 FOI section at [foi@homeaffairs.gov.au](mailto:foi@homeaffairs.gov.au).

Position No. 11450  
FOI Officer | Freedom of Information Section  
FOI and Records Management Branch  
Data Division | Corporate and Enabling Group  
Department of Home Affairs