



15 August 2022

BE

BY EMAIL: foi+request-9224-2d3f0a35@righttoknow.org.au

In reply please quote:

FOI Request: FA 22/08/00298

File Number: OBJ2022/21284

Dear BE

I refer to your email dated 4 August 2022, in which you requested access to documents held by the Department of Home Affairs (the Department) under the *Freedom of Information Act 1982* (the FOI Act).

You have requested access to the following:

I seek access under the FOI Act 1982 to Question Time briefs (however described). This request is limited to Question Time briefs for the 47th Parliament (ie Question Time briefs prepared for 27 – 28 July and 1-4 August).

I also request a copy of the Department's current index of Question Time briefs.

Duplicate copies of the same document are not required, although different or updated versions of a document are. If a document contains tracked changes or comments, it is requested that the document be provided in a form where all tracked changes and comments are visible.

Names and contact details for departmental staff below the SES level are not required and can be treated as irrelevant under s22 of the Act for the purposes of this request.

Intention to refuse request

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 under section 24AA of the FOI Act if either (or both) of the following applies:

- (1)(a)(i) the work involved in the processing of the request would substantially and unreasonably divert the resources of the Department from its other operations
- (1)(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.

I consider that the work involved in the processing of the request would substantially and unreasonably divert the resources of the Department from its other operations, and accordingly that practical refusal reasons exist under section 24AA(1)(a)(i) of the FOI Act.

Reasons for practical refusal

The Department has made a preliminary assessment of the documents that would be captured by your request.

There are 80 current Question Time Briefs (QTBs). As QTBs are updated daily during sitting periods, one QTB could easily have up to 20 historical versions. Therefore, there could be around 1,600 documents potentially falling within the scope of your request.

While the Department has identified that it may hold 1,600 potentially relevant documents in its systems, the relevant business area estimates that it would take approximately **60 hours** actually to search for and retrieve each of those relevant documents.

A further **27 hours** - based on an average of one minute per document - would be required to collate and create a schedule of the 1,600 potentially relevant documents.

In the event that the Department were to continue to process your request, a decision would need to be made on access to those documents. Based on a one-in-ten sample, I estimate that the average length of each document is 4.5 pages. Therefore, I estimate the total combined page length of documents captured by your request would be $1,600 \times 4.5 = \mathbf{7,200 \text{ pages}}$. Estimating that the decision maker would require at least three minutes to review and assess each page for relevant exemptions, I calculate that it would take at least **360 hours** to complete a decision on access to the documents potentially identified as being relevant to your request.

As such, a minimum total estimated time of $\mathbf{60 + 27 + 360 = 447 \text{ hours}}$ would be required to process this request.

This estimated processing time disregards time that may be needed to undertake consultations with other agencies to inform the assessment process, where QTBs were developed in consultation with those agencies.

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 by 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.

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

The Department proposes the following revised scope of your request:

Final version of each QTB for the 47th Parliament as it was last provided to the Ministers' Offices by the Department.

Under section 24AB(6) 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 me at: foi@homeaffairs.gov.au.

Yours sincerely

[Signed electronically]

Guy

Position no. 60103474

FOI Officer | Freedom of Information Section

FOI and Records Management Branch

Data Division | Strategy and National Resilience Group

Department of Home Affairs