



**OFFICE OF THE HON CLARE O'NEIL MP  
MINISTER FOR HOME AFFAIRS  
MINISTER FOR CYBER SECURITY**

**In reply please quote:**

FOI Request: MO22/11/00001  
File Number: ADF2022/358441

Dear Andorra

I refer to your correspondence received on 11 November 2022, seeking access to documents held by the Office of the Minister for Home Affairs, under the *Freedom of Information Act 1982* (the FOI Act).

I am writing to advise 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. This is called a 'request consultation process' and 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:

*I am seeking all requests made by media outlets or journalists to the Minister or the Minister's office since 21 September 2022 where the request seeks:*

- 1) an interview;*
- 2) information relating to a press conference;*
- 3) information on media appearances; or*
- 4) information relating to a media response.*

*I also seek the responses to the above requests provided by the Minister or the Minister's office.*

*I am not seeking drafts of the above documents.*

**Power to refuse request**

Section 24 of the FOI Act provides that if the Minister is satisfied that a practical refusal reason exists in relation to a request, the Minister Office must undertake a consultation process with you.

If, after that consultation process, the Minister remains satisfied that the practical refusal reason still exists, the Minister 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 interfere with the performance of the Minister's functions;

- (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 Minister's Office to be able to identify it.

### **Reasons for practical refusal**

The Office of the Minister for Home Affairs (the Office) has considered the scope of this request. The Office estimates that responding to your request would take multiple days of work. The estimate is based on the average number of requests the Minister receives each day, the period you have requested (51 days) and the likely need to consult on some of the documents located.

The Minister for Home Affairs is the Cabinet Minister responsible for Australia's border security, immigration, customs, cyber policy and critical infrastructure protection co-ordination, among other portfolio responsibilities and those to Cabinet and its subcommittees.

The important work of both the Minister and her Office would be significantly pressured if resources were required to be diverted from their current responsibilities in order to identify, locate, collate, assess and consult on the documents held within the Office. Processing the request would divert the resources of the Minister and her Office, absorbing a significant amount of time and delaying the work of the Minister and her staff. This would lead to unmet demands on their time.

This potential diversion of resources needs to be considered against the need for the Minister and her Office to adequately manage and address issues of national importance that the Minister and her Office are responsible for on a day-to-day basis. As such, we consider that this request would result in a substantial and unreasonable interference with the performance of the Minister's functions and that of her Office and, as a result, a practical refusal reason exists in relation to your request.

### **Request Consultation Process**

You now have an opportunity to revise your request. As part of this practical refusal consultation you have 14 days after to do one of the following:

- withdraw your request;
- make a revised request; or
- 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) I will deem your request to be withdrawn.

### **Contact**

To revise your request, provide information or ask 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)

Kind regards

The Office of the Minister for Home Affairs

[foi@homeaffairs.gov.au](mailto:foi@homeaffairs.gov.au)

14 February 2023