



**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

Email: foi+request-9550-d1032f60@righttoknow.org.au

Dear Andorra Loom,

Freedom of Information (FOI) request – Access Decision

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

Scope of request

You have requested access to the following:

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.

I am also not seeking contact details or names of the Minister's staff below the level of Chief of Staff, or the names or contact details of individual journalists or media staff; these should be redacted under section 22 of the Freedom of Information Act 1982 as irrelevant to my request.

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

Authority to make decision

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests to access documents or to amend or annotate records.

Relevant material

In reaching my decision, I referred to:

- the terms of your request;
- the FOI Act; and
- the Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines).

Documents in scope of request

On 14 February 2023, I sent you a notice under section 24AB(2) of the Act, advising you that a 'practical refusal reason' existed in relation to this request. I advised you that I was satisfied that your request met the definition of a practical refusal reason in section 24AA(1) of the Act, as it appeared that the work involved in processing the request would 'substantially and unreasonably interfere with the performance' of the Minister's functions.

Under the notice, you were provided with a 14 day 'consultation period', during which you could consult with me about the scope of the request. The notice advised you that you were required to respond before the end of the consultation period and either:

- (a) withdraw your request;
- (b) revise the scope of your request; or
- (c) confirm that you did not wish to revise the scope.

The notice advised that if you failed to respond before the end of the consultation period to do one of those three things, the request would be 'deemed withdrawn' under section 24AB(6)(a) of the Act.

I note that a response was not provided and that the 14 day consultation period has since lapsed. Therefore, I remain satisfied that a practical refusal reason still exists under section 24AA(1)(a)(ii) of the Act.

Decision

As the request was deemed to be refused on 10 January 2023 under section 15AC(3) of the FOI Act, a substantive decision by the minister is required for the purpose of supporting the objects of the FOI Act.

My decision is to refuse access under section 24(1)(b) of the Act. My reasons are set out below.

Section 24(1)(b) of the Act provides that, where a practical refusal reason exists, the Minister may refuse to process a request only if the Minister has undertaken the 'consultation process' in section 24AB of the Act and, after completing the consultation, the Minister remains satisfied that a practical refusal reason exists.

I note that I have undertaken the consultation process in section 24AB. Nevertheless, I remain satisfied that the request still meets the definition of a 'practical refusal reason' in section 24AA(1)(a)(ii) in that processing the request will involve a substantial and unreasonable interference of the performance of the Minister's functions.

Therefore, I am refusing your request for access under section 24(1)(b) of the Act.

Your FOI request has accordingly been closed.

Legislation

A copy of the FOI Act is available at www.legislation.gov.au/Series/C2004A02562. If you are unable to access the legislation through this website, please contact our office for a copy.

Your Review Rights

Review by the Office of the Australian Information Commissioner

You may apply directly to the Office of the Australian Information Commissioner (OAIC) for a review of this decision. You must apply in writing within 60 days of this notice.

For further information about review rights and how to submit a request for a review to the OAIC, please see www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review.

Making a Complaint

You may complain to the Australian Information Commissioner about action taken by the Office of the Minister in relation to your request.

Your enquiries to the Australian Information Commissioner can be directed to:

- Phone 1300 363 992 (local call charge)
- Email enquiries@oaic.gov.au

There is no particular form required to make a complaint to the Australian Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Minister of Home Affairs as the relevant agency.

Contacting the Office of the Minister

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at foi@homeaffairs.gov.au quoting reference MO22/11/00001.

Kind regards

Authorised decision maker
The Office of the Minister for Home Affairs
foi@homeaffairs.gov.au

17 March 2023