



6 March 2023

Mr Oliver Smith

**BY EMAIL:** [foi+request-9591-e873701c@righttoknow.org.au](mailto:foi+request-9591-e873701c@righttoknow.org.au)

**In reply please quote:**

FOI Request: FA 22/11/01096

File Number: FA22/11/01096

Dear Mr Smith

**Freedom of Information (FOI) request - Access Decision**

On 21 November 2022, the Department of Home Affairs (the Department) received a request for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

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

**1 Scope of request**

You have requested access to the following documents:

*Revised Scope 25 November 2022,*

*Under the Freedom of Information Act 1982 (FOI Act), I am seeking access to documents regarding the use of external contractors engaged by the Department of Home Affairs since 1 June 2022 to present.*

*The specific documents I am after will cover: names of organisations engaged, employed, etc, nature of the work (ie work provided/ project description), duration of engagement/project length, justification for why this work could not be done internally and cost of external contractors engaged - budget of Home Affairs and payment made to external contractor*

*\* any new contractual arrangement entered into by the department in the time frame outlined. To clarify, if an contractual already existed for the previous three years and has merely rolled over, you can exclude from the request, except the below:*

*\* any existing contractual arrangement where the terms have been substantially altered and/or that has increased more than 25 per cent in value on a previous.*

*\* With regards to definitions - please exclude individual work contracts where one person is doing temporary work. However a contract or agreement with a labour hire company to provide services would be within scope.*

*\* Budget refers to money paid by the department or provisioned for that purpose within the time period specified.*

## **2 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.

## **3 Relevant material**

In reaching my decision I referred to the following:

- the terms of your request
- the documents relevant to the request
- the FOI Act
- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)
- advice from Departmental officers with responsibility for matters relating to the documents to which you sought access.

## **4 Decision**

Section 24(1)(b) of the FOI Act provides that where a practical refusal reason exists, an agency may refuse to process a request only if the agency has undertaken the 'consultation process' in s24AB of the Act, and after completing the consultation, the agency remains satisfied that a practical refusal reason exists.

The Department issued a section 24AB notice on the 17 February 2023 because our initial estimation is that the work required to respond to the scope of this request, in its current form, would highly likely to substantially and unreasonably divert the Department's resources.

The Department has not received a formal reply to its section 24AB notice of 17 February 2023 which would advise us of your instructions in respect to either revising the scope or any of the other options provided under s24AB (6), including a withdrawal of the request or an indication that you do not wish to revise scope.

Having considered the scope of the request, I am satisfied that the practical refusal reason remains. Therefore, I have decided to refuse your request under s24(1) of the FOI Act.

## **5 Legislation**

A copy of the FOI Act is available at <https://www.legislation.gov.au/Details/C2017C00251>. If you are unable to access the legislation through this website, please contact our office for a copy.

## **6 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 Fact Sheet 12 "Freedom of information – Your review rights", available online at <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

## **7 Making a Complaint**

You may complain to the Australian Information Commissioner about action taken by the Department 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](mailto: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 Department of Home Affairs as the relevant agency.

## **8 Contacting the FOI Section**

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at [foi@homeaffairs.gov.au](mailto:foi@homeaffairs.gov.au).

Elaine - position 60097486  
Authorised Decision Maker  
FOI and Records Management Branch  
Executive Group  
Department of Home Affairs