



6 December 2017



In reply please quote:

FOI Request: FA 17/09/00998

File Number: ADF2017/102983



Freedom of Information (FOI) request - Access Decision

On 20 September 2017, the Department of Immigration and Border Protection (the Department) received a request for access to document 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 document:

1. *The number of 189 visa application made for occupation 2211 Accountant after receiving EOI Invitation in the financial year 2016-2017*
2. *The number of 189 visa application made for occupation 2212 Auditors, Company Secretaries and Corporate Treasurers after receiving EOI Invitation in the financial year 2016-2017*
3. *The number of EOI invitations for occupation 2211 Accountant expire without a visa application in the financial year 2016-2017*
4. *The number of EOI invitations for occupation 2212 Auditors, Company Secretaries and Corporate Treasurers expire without a visa application in the financial year 2016-2017.*

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 document or to amend or annotate records.

3 Relevant material

In reaching my decision I referred to the following:

- the terms of your request
- the FOI Act
- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)
- the Department's guidance material on the FOI Act

4 Document in scope of request

The Department has identified one document as falling within the scope of your request. This document was in the possession of the Department on 20 September 2017 when your request was received.

5 Decision

My decision is as follows:

- In relation to point 1 and 2 of your FOI request, I have decided to release one document in full.
- In relation to point 3 and 4 of your FOI request, I am refusing access to this part of your request on the basis that these documents do not exist.

Detailed reason for my decision is set out below.

6 Reasons for Decision

Section 24A of the FOI Act provides that the Department may refuse a request for access to a document if all reasonable steps have been taken to find the document and the Department is satisfied that the document does not exist.

In relation to point 3 and 4 of your FOI request, I have consulted with the relevant business area and have been advised that the information being sought is not retained in a database maintained by the Department. Having considered this response, I am satisfied that the Department has undertaken reasonable searches in relation to your request and that no documents in relation to point 3 and 4 of your FOI request were in the possession of the Department on 20 September 2017 when your FOI request was received. As such I am refusing access to the documents requested by you based on the application of section 24A of the FOI Act.

7 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.

8 Your Review Rights

Internal Review

If you disagree with this decision, you have the right to apply for an internal review by the Department of this decision. Any request for internal review must be provided to the Department within 30 days of you being notified of the decision. Where possible please attach reasons why you believe a review of the decision is necessary. The internal review

will be carried out by an officer other than the original decision maker and the Department must make a review decision within 30 days. Applications for review should be sent to:

By email to: foi.reviews@border.gov.au

OR

By mail to:
Freedom of Information Section
Department of Immigration and Border Protection
PO Box 25
BELCONNEN ACT 2617

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>.

9 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

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 Immigration and Border Protection as the relevant agency.

10 Contacting the FOI Section

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at foi@border.gov.au.


Authorised Decision Maker
Department of Immigration and Border Protection