



13 June 2018

[Redacted]

In reply please quote:

FOI Request: FA 18/05/00128
File Number: ADF2018/49661

Dear [Redacted]

Freedom of Information (FOI) request - Access Decision

On 2 May 2018, the Department of Home Affairs (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 total number of applications for a 143 Contributory Parent Visa that has not been assessed prior to 1/Apr/2018 and the total number of applications for a 143 Visa that has been issued an invitation of commencement of preparation of documents but has not been assigned case offer yet prior to 1/Apr/2018; and*
- 2) *The total number of applications for a 103 Parent Visa that was in queue and has not been assessed prior to 1/Apr/2018 and the total number of applications for a 103 Visa that has been issued an invitation of commencement of preparation of documents but has not been assigned case offer yet prior to 1/Apr/2018; and*
- 3) *The total number of applications for a 864 Contributory Aged Parent Visa that has not been assessed prior to 1/Apr/2018 and the total number of applications for a 864 Visa that has been issued an invitation of commencement of preparation of documents but has not been assigned a case offer yet prior to 1/Apr/2018.*

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)
- advice from Departmental officers with responsibility for matters relating to the document to which you sought access.

4 Document in scope of request

In accordance with section 17 of the FOI Act, the Department has used its computer system to produce one document relevant to part of your request. The data produced in the document existed in the possession of the Department on 2 May 2018 when your FOI request was received.

However, The Department was unable to identify any information relating to the following parts of your request:

- *the total number of application for a 143 Visa that has been issued an invitation of commencement of preparation of documents but has not been assigned case offer yet prior to 1/Apr/2018;*
- *the total number of application for a 103 Visa that has been issued an invitation of commencement of preparation of documents but has not been assigned case offer yet prior to 1/Apr/2018;*
- *the total number of application for a 864 Visa that has been issued an invitation of commencement of preparation of documents but has not been assigned a case offer yet prior to 1/Apr/2018*

The Department has undertaken consultation with the relevant business area, being Family Programme Management Section. The business area has advised that the Department is unable to quantify the number of applications yet to be allocated to a case officer, as the Department does not capture this type of information. Consequently, the Department does not have the data to produce from its systems.

5 Decision

In accordance with section 17 of the FOI Act, the Department has used its computer system to produce one document relevant to part of your request which I have considered can be released in full. The data produced in the documents existed in the possession of the department on 2 May 2018 when your FOI request was received.

The decision in relation to the document in the possession of the Department which fall within the scope of your request is as follows:

- Release one document in full

Section 24A

Section 24A of the FOI Act provided 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.

Having considered the searches outlined above, I am satisfied that the Department has undertaken reasonable searches in relation to the second point of each part of your request and that no documents were in the possession of the Department on 2 May 2018 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.

6 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.

7 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@homeaffairs.gov.au

OR

By mail to:
Freedom of Information Section
Department of Home Affairs
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>.

8 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 Home Affairs as the relevant agency.

9 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.



Authorised Decision Maker
Department of Home Affairs