



27 February 2019

**In reply please quote:**

FOI Request: FA 18/09/01371

File Number: ADF2018/200728

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

On 25 September 2018, 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:

*Annual statistical information on sponsorship monitoring and compliance work undertaken by the ABF between 1 July 2013 to 30 June 2018 for standard business sponsors subject to s140H(1) of the Migration Act.*

*Specifically:*

- 1. By State/Territory and by industry, the total number of approved standard business sponsors as at end of each financial year;*
- 2. By State/Territory and by industry, the total number of sponsorship compliance or monitoring checks undertaken by ABF during each financial year;*
- 3. By State/Territory and by industry, the total number of audits of sponsor's compliance with sponsorship obligations undertaken by Fair Work Inspectors each financial year;*
- 4. By State/Territory and by industry, the total number of monitoring outcomes recorded as Satisfactory each financial year;*

5. *By State/Territory and by sanction type, the total number of monitoring outcomes for each financial year;*

6. *By industry and by sanction type, the total number of sanction outcomes for each financial year;*

7. *By State/Territory and by industry, the total amount of payments of a pecuniary penalty made through a civil penalty order for each financial year.*

On 16 January 2019 the Department issued you a notice under section 24AB of the FOI Act. On 31 January the Department received your revision to the scope of your request as follows:

- *Statistics as (originally) requested (excluding point 3), but for the shorter period of 1 July 2016 – 30 June 2018; OR*
- *Statistics as (originally) requested (excluding point 3), but for the shorter period of 1 July 2017 – 30 June 2018; OR*
- *Statistics as (originally) requested (excluding point 3), but not categorised by State/Territory or by industry, but for the shorter period of 1 July 2016 – 30 June 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 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 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 Documents in scope of request**

In accordance with section 17 of the FOI Act, the Department has used its computer system to produce two documents that contain[s] information that falls within part of the scope of your request. The data produced in the documents existed in the possession of the Department on 25 September 2018 when your FOI request was received.

**Attachment A** is a schedule which describes the relevant documents and sets out my decision in relation to each of them.

## **5 Decision**

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

- Release one document in part with deletions
- Release one document in full

## **6 Reasons for Decision**

Detailed reasons for my decision are set out below.

Where the schedule of documents indicates an exemption claim has been applied to a document or part of document, my findings of fact and reasons for deciding that the exemption provision applies to that information are set out below.

### **6.1 Section 22 of the FOI Act – irrelevant to request**

Section 22 of the FOI Act provides that if giving access to a document would disclose information that would reasonably be regarded as irrelevant to the request, it is possible for the Department to prepare an edited copy of the document, modified by deletions, ensuring that the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request.

On 26 September 2018, the Department advised you that its policy is to exclude the personal details of officers not in the Senior Executive Service (SES), as well as the mobile and work telephone numbers of SES staff, contained in documents that fall within scope of an FOI request.

I am satisfied that other information given in document 1 would also disclose details that did not form part of the scope of your request.

I have therefore decided that parts of document 1 marked 's22(1)(a)(ii)' would disclose information that could reasonably be regarded as irrelevant to your request, and have therefore prepared an edited copy of the document, with the irrelevant material deleted pursuant to section 22(1)(a)(ii) of the FOI Act.

The remainder of the document has been released to you as it is relevant to your request.

### **6.2 Section 24AA of the FOI Act**

Section 24AA of the FOI Act provides that the Department may refuse a request for access to a document if the work involved in the processing of the request would substantially and unreasonably divert the resources of the Department from its other operations.

After consulting with the relevant business area of the Department, I am satisfied that it would take an unreasonable amount of time and a large investment of the Department's resources to extract the data from its electronic systems and compile a response that meets the terms of points 2 through to 6 of your request. I am satisfied that this diversion of the Department's resources would persist with the scope of your request as it was originally on 25 September 2018 and also in its revised form.

## **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@homeaffairs.gov.au](mailto: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>.

## **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](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.

## 10 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).

*Signed electronically*

Authorised Decision Maker  
Freedom of Information Section  
FOI and Records Management Branch  
Productivity and Compliance Division | Corporate and Enabling Group  
Department of Home Affairs

## ATTACHMENT A

### SCHEDULE OF DOCUMENTS REQUEST UNDER *FREEDOM OF INFORMATION ACT 1982*

**FOI Request:** FA 18/09/01371

**File Number:** ADF2018/200728

No.	Date of document	No. of pages	Description	Decision on release	
1.	14/02/2019	1	Email from National Sponsor Monitoring Outcomes with details of civil prosecutions in the period 01 July 2013 – 30 June 2018	Partial	S 22(1)(a)(ii)
2.	-	7	Standard Business Sponsors approved between 2013-14 to 2017-18 by Business Location – State/Territory and Sponsor Industry	Full	