



17 January 2019

In reply please quote:

FOI Request: FA 18/11/00694

File Number: ADF2018/227114

Dear [REDACTED]

Freedom of Information (FOI) request - Access Decision

On 14 November 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 number forced marriages which were brought to the attention of the Department in both 2016-17 and 2017-18*
- 2) *The number of forced marriages which were brought to the attention of the Department where the complaint originated from the state of Victoria in 2016-17 and 2017-17*
- 3) *The number of visas which were cancelled or rejected as a result of a claim of forced marriage in 2016-17 and 2017-18 and*
- 4) *The number of visas which were cancelled or rejected as a result of a claim of forced marriage in 2016-17 and 2017-18 where the complaint/allegations originated from the state of Victoria.*

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 document 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)

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 that contains information that falls within the scope of parts 1 and 2 of your request. The data produced in the document existed in the possession of the Department on 14 November 2018 when your FOI request was received.

In relation to parts 3 and 4 of your request, the Department is unable to provide statistics on visa cancellations or refusals on the basis of a claim of forced marriage, as this information is not recorded in departmental systems in a reportable format. Having regard to your request I am satisfied that all reasonable steps have been taken to locate any document relevant to parts 3 and 4 of your request.

5 Decision

The decision in relation to the document in the possession of the Department which falls within the scope of parts 1 and 2 of your request is to release one document in full.

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.

I am satisfied that the Department has undertaken reasonable searches in relation to parts 3 and 4 of your request and that no relevant documents were in the possession of the Department on 14 November 2018 when your FOI request was received. As such I am refusing access to these parts of your request 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**