



12 March 2019

In reply please quote:

FOI Request: FA 18/12/00526

File Number: ADF2018/243752

Dear [REDACTED]

Freedom of Information (FOI) request - Access Decision

On 7 December 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:

1. *Statistics of outcomes and processing times for 501 visa revocations, for past 2 years:*
 - a) *persons who are fathers of children born or residing in Australia.*
 - b) *persons who are mothers of children born or residing in Australia.*
 - c) *all 501 revocations - how long it has taken the department to either confirm or revoke the original cancellation, after having received a 501 revocation application.*
2. *Ministerial directions regarding the handling of visa revocation applications from persons charged with sexually based offences against a child.*
3. *Departmental directions regarding the handling of visa revocation applications from persons charged with sexually based offences against a child.*

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 Documents in scope of request

Part 1(a) and (b)

The Department has undertaken reasonable searches in relation to the information you have requested access to. No discrete document is held by the Department and the Departments computer systems cannot report on 'persons who are [parents] of children born or residing in Australia'.

Part 1(c)

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 your request. The data produced in the document existed in the possession of the Department on 7 December 2018 when your FOI request was received

Part 2

The Department has identified two documents as falling within the scope of your request.

Part 3

The Department has undertaken reasonable searches in relation to the documents you have requested access to. No discrete document is held by the Department.

5 Decision

Part 1(a), (b) and Part 3

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.

Searches

Having regard to your request and the types of documents that may fall within the scope of your request I am satisfied that the searches conducted by responsible business areas were extremely thorough and all reasonable steps have been taken to locate any document relevant to your request.

I am satisfied that the Department has undertaken reasonable searches in relation to your request and that no documents were in the possession of the Department on 7 December 2018 when your FOI request was received. As such I am refusing access to the documents requested in Parts 1(a), (b) and Part 3 based on the application of section 24A of the FOI Act.

Part 1(c) and Part 3

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 three documents in full

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.

Yours sincerely



Authorised Decision Maker
Department of Home Affairs