



11 May 2023

Mr J Scullin

BY EMAIL: foi+request-10046-fcafe87f@righttoknow.org.au

In reply please quote:

FOI Request: FA 23/03/00888

File Number: FA23/03/00888

Dear Mr Scullin

Freedom of Information (FOI) request – Access Decision

On 10 March 2023, 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. The minutes and briefs regarding the delivery of the Business Innovation and Investment Program (BIIP) within the Department from 21 May 2022 until 10 March 2023.*
- 2. Current automatic reply for the inbox of business skills Adelaide email inbox and business innovation email inbox.*

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

The Department has identified one document as falling within scope of your request.

In accordance with section 17 of the FOI Act, the Department has used its computer system to produce one document that contains information pertaining to Part 2 of the scope of your request.

The data produced in the document existed in the possession of the Department on 10 March 2023 when your FOI request was received.

However, the Department does not hold an existing discrete document that contains minutes and briefs regarding the delivery of the Business Innovation and Investment Program (BIIP) within the Department from 21 May 2022 until 10 March 2023.

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

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 full (Part 2 of your request)
- Refuse Part 1 of your request under section 24A of the FOI Act.

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.

I am satisfied that the Department has undertaken reasonable searches in relation to your request and that documents relating to Part 1 of your request were not in the possession of the Department on 10 March 2023 when your FOI request was received.

As such, I am refusing Part 1 of your request 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/Series/C2004A02562>. If you are unable to access the legislation through this website, please contact our office for a copy.

8 Your Review Rights

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 <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>.

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 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.

Yours sincerely,

[Electronically Signed]

Anjani

Position number 60165359
Authorised Decision Maker
FOI and Records Management Branch | Legal Group
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