



## Administrative Appeals Tribunal

FOI ref: 2017/18 46

6 February 2018

Mr Jay Doe

Email: [foi+request-4303-b66c1af1@righttoknow.org.au](mailto:foi+request-4303-b66c1af1@righttoknow.org.au)

Dear Mr Doe,

### **Notice of Decision for Freedom of Information Request no. 2017/18 46**

The purpose of this letter is to give you a decision about access to documents that you have requested under the *Freedom of Information Act 1982* (FOI Act).

#### **Summary**

I am an officer authorised under s.23(1) of the FOI Act to make decisions in relation to FOI requests.

You lodged an FOI request with the Department of Immigration and Border Protection (now called the "Department of Home Affairs") on 11 January 2018. You requested access to "a document which shows what powers that the Minister for Immigration has delegated to the IAA and AAT, and the positions within the IAA and AAT that have the ability to exercise those powers".

The Department of Home Affairs transferred part of your request to the AAT on 12 January 2018. I have searched our electronic information management system and identified one document that is relevant to your request, titled *Instrument of Delegation 2015*. For your information, the effect of this Instrument is that the President of the AAT has been delegated the power to approve forms which are used for lodging applications for review in the Migration and Refugee Division of the AAT.

#### **Decision**

I have decided to release the document to you in full, with the exception of irrelevant information which I have deleted or redacted under s.22 of the FOI Act.

The document has a total of 21 pages. I have deleted 18 full pages as they contain information that is outside the scope of your request. I have also redacted information that is outside the scope of your request from the remaining pages of the document. I have made these deletions because the information does not relate to powers the Minister has delegated to the AAT.

In making my decision I have taken into account:

- your request of 11 January 2018;
- the FOI Act; and
- the guidelines issued by the Australian Information Commissioner under s.93A of the FOI Act.

### **Your review rights**

Information about how you can apply for a review of this decision or complain about how we have dealt with this matter is set out in the attached fact sheet, FOI 2.

If you have any questions about this decision, please contact me on 02 9276 5360 or at [foi@aat.gov.au](mailto:foi@aat.gov.au).

Yours sincerely,



**Angela Leung**  
Authorised FOI Officer (APS6)

### **Attachments**

- DEL 15/090 Instrument of Delegation 2015 dated 30 June 2015
- FOI 2 – Information about reviews and complaints under the Freedom of Information Act

## **Information about reviews and complaints under the Freedom of Information Act**

### **What should I do prior to applying for internal review or contacting the Office of the Australian Information Commissioner?**

Before you apply for an internal review or contact the Office of the Australian Information Commissioner, we recommend that you telephone the officer who made the FOI decision. It is often possible to resolve concerns or answer your questions using this approach and, if not, the officer will be able to assist you in applying for review.

### **How do I apply for internal review to the AAT?**

You can apply to us for an internal review of the FOI decision. The application for internal review must be made within 30 days or such further period as we allow, after the day the decision is notified to you. To apply for an internal review you must do so in writing. You may also wish to explain why you are not satisfied with the decision. A different and more senior officer authorised under the *Freedom of Information Act 1982* (the FOI Act) will conduct the internal review and make a new decision within 30 days after receipt of your application.

If you have already applied for internal review and want to seek a further review of that decision, you will need to apply to the Australian Information Commissioner.

### **How do I apply for review to the Australian Information Commissioner?**

You may also apply directly to the Australian Information Commissioner for review of the FOI decision. The application for review must be made within 60 days after the day notice of the decision was given. An application for review must be in writing, include details of how notices in relation to the review are to be sent to you and include a copy of the decision. You may also wish to explain why you are not satisfied with the decision. An online application form is available on the Office of the Australian Information Commissioner's website, details of which are provided below.

### **What if I want to make a complaint about the handling of a Freedom of Information request?**

If you have a complaint about the way in which we have processed your request for access under the FOI Act you can ask the Australian Information Commissioner to investigate. An online complaint form is available on the Office of the Australian Information Commissioner's website, details of which are provided below.

### **Where can I find further information or contact details for the Office of the Australian Information Commissioner?**

Further information is available on the Office of the Australian Information Commissioner's website at [www.oaic.gov.au](http://www.oaic.gov.au) and you can contact the office on 1300 363 992 or by email at [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au).