



7 January 2019

TD

BY EMAIL: foi+request-5178-f92d9400@righttoknow.org.au

In reply please quote:

FOI Request: FA 19/01/00139

File Number: ADF2019/3676

Dear TD

I refer to your email dated 26 December 2018 in which you request access to documents held by the Department of Home Affairs (the Department) under the *Freedom of Information Act 1982* (the FOI Act).

I am writing to tell you that I intend to refuse your request on the basis that a practical refusal reason exists. However, before I make a final decision to do this, you have an opportunity to revise your request to remove the practical refusal reason. This is called a '*request consultation process*'. You have 14 days to respond to this notice in one of the ways set out below.

Scope of Request

You have requested access to the following:

Submissions by George Christensen or his office, supporting the granting of Visa's for Filipino Nationals within the last 18months.

Power to refuse request

Section 24 of the FOI Act provides that if the Department is satisfied that a practical refusal reason exists in relation to a request, the Department must undertake a consultation process with you, and if, after that consultation process, the Department remains satisfied that the practical refusal reason still exists, the Department may refuse to give you access to the documents subject to the request.

Practical refusal

A *practical refusal reason* exists if either (or both) of the following applies:

- (a) the work involved in the processing of the request would substantially and unreasonably divert the resources of the Department from its other operations
- (b) the request does not satisfy the requirement in section 15(2)(b) of the FOI Act, which requires you to provide such information concerning the document you are seeking access to, to enable the Department to be able to identify it.

Reasons for practical refusal

In order for the Department to be able to identify any documents that would be relevant to your request, it is necessary to first identify the individual visa applications for which submissions may have been received from Mr Christensen or a member of his staff. To do this, each and every visa application received by the Department across the timeframe of your request, being 18 months, would have to be assessed, to ascertain whether any such submissions had been received.

In the event that the Department were to be able to limit those searches to individuals who were identified as being a citizen of the Philippines, each of those visa applications would have to be individually assessed to ascertain whether any submissions were received in support of that application, and whether that submissions was from a particular person that may fall within the scope of your request.

Whilst you have limited the timeframe for your request to 18 months, you have not identified a specific type of visa. Statistics published by the Department on its website demonstrate that in 2017-18

- a total of 106,773 visitor visa applications were lodged from individuals who were citizens of the Philippines¹
- a total of 2,520 primary subclass 482 (Temporary Skill Shortage) visas were granted to individuals who were citizens of the Philippines²

There are a broad range of other visas that would also be captured by your request.

The Department would be required to divert significant resources from its current operations in order to identify, locate and collate the documents held within the Department that may be captured by your request. Without reviewing each and every single visa application received during the 18 month timeframe of your request, it would not be possible for the delegated FOI decision maker to be assured that all documents relevant to your request had been identified.

This diversion of resources which would occur to accomplish this task would result in a substantial adverse effect on the business area within the Department that would be required to undertake that task. To process the request would require a complete diversion from that area's ability to carry out their normal functions and activities.

I am satisfied that in order to undertake such a search for any documents that would be relevant to your request, the Department would be required to divert significant resources from its current operations, and that this diversion would result in an unreasonable diversion of the resources of the Department from its normal operations.

Request Consultation Process

If you wish to revise your request to specify the documents you are seeking access to, the agency may be able to process your request and consider whether it holds any relevant documents.

You now have an opportunity to revise your request to enable it to proceed.

¹ <https://www.homeaffairs.gov.au/research-and-stats/files/visitor-visa-june-2018.pdf>

² <https://www.homeaffairs.gov.au/research-and-stats/files/temp-res-skilled-rpt-summary-30062018.pdf>

Under section 24AB of the FOI Act, you have 14 days to respond to this notice in writing and advise me whether:

- you wish to make a revised request;
- indicate that you do not wish to revise your request; or
- withdraw your request.

If you do not do one of the three things listed above during the consultation period (14 days) or you do not consult the contact person listed below during this period, your request will be taken to have been withdrawn in accordance with section 24AB(7) of the FOI Act.

Contact

Should you wish to revise your request or have any questions in relation to this process, please do not hesitate to contact us at foi@homeaffairs.gov.au.



Alison Smith
Acting Assistant Director | Freedom of Information Section
FOI and Records Management Branch
Productivity and Compliance Division | Corporate and Enabling Group
Department of Home Affairs