



20 January 2020

Ms L Boon-Kuo  
BY EMAIL: [foi+request-5580-fa8dcb07@righttoknow.org.au](mailto:foi+request-5580-fa8dcb07@righttoknow.org.au)

**In reply please quote:**

FOI Request: FA 19/08/01147  
File Number: OBJ2019/47147

Dear Ms Boon-Kuo

**Freedom of Information (FOI) request - Access Decision**

On 16 August 2019, the Department of Home Affairs (the Department) received a request for access to a 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:

*Procedural Instruction A299 Standard operating procedures - Airport - Airport Inspectors.*

**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 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 undertaken reasonable searches in relation to the document you have requested access to.

##### ***Searches***

In summary, the searches undertaken by the relevant business areas in relation to your request included:

- The Department's record keeping system TRIM, which includes entries for records from preceding systems
- LEGEND.com, which is an electronic database of all migration and citizenship legislation and policy documents.

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 were thorough and all reasonable steps have been taken to locate any document relevant to your request.

#### **5 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 no documents were in the possession of the Department on 16 August 2019 when your FOI request was received. As such I am refusing access to the documents requested by you 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/Series/C2004A02562>. 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](mailto: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: <https://www.oaic.gov.au/freedom-of-information/foi-review-process>.

## **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](mailto: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](mailto:foi@homeaffairs.gov.au).

Yours sincerely

[*Electronically signed*]

**Position no. 60008303**  
**Authorised Decision Maker**  
**Department of Home Affairs**