



30 June 2020

Ravi

**BY EMAIL:** [foi+request-6369-45f63a3d@righttoknow.org.au](mailto:foi+request-6369-45f63a3d@righttoknow.org.au)

**In reply please quote:**

FOI Request: FA 20/06/00144

File Number: OBJ2020/18400

Dear Ravi

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

On 1 June 2020, 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:

*I saw this page on the Home Affairs website which mentions accredited sponsors:  
<https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/sponsoring-workers/becoming-a-sponsor/accredited-sponsor>*

*1] I would like to know if it's possible to get a list of all such accredited sponsors as on 1st June 2020 for Australia since it is publicly available for countries like NZ (refer : <https://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/tools-and-information/tools/accredited-employers-list> ) Some companies such as a Wallan are publicly sharing their 'Accredited Sponsor' status on Job Ads (refer : <http://nvcltd.applynow.net.au/jobs/NVC903-senior-veterinarian>) which leads me to assume that this information can be made publicly available.*

*2] Also, is it possible to get a list of Sponsors & no of visas supported by them for approximately the last 3.5 years (1st January 2017 to 1st June 2020) who have supported workers through the 186 (under Employer Nomination Scheme visa (subclass 186) Direct Entry stream) and 482 (under Temporary Skill Shortage visa (subclass 482) Medium-term stream) schemes for all occupations under ANZSCO UNIT GROUP 2613 ?*

## **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**

In accordance with section 17 of the FOI Act, the Department has used its computer system to produce two documents that contain information that falls within the scope of your request. The data produced in the documents existed in the possession of the Department on 1 June 2020 when your FOI request was received.

**Attachment A** is a schedule which describes the relevant documents and sets out my decision in relation to each of them.

## **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
- Release one document in part with deletions

## **6 Reasons for Decision**

Detailed reasons for my decision are set out below.

Where the schedule of documents indicates an exemption claim has been applied to a document or part of document, my findings of fact and reasons for deciding that the exemption provision applies to that information are set out below.

### **6.1 Section 47G of the FOI Act – Business Affairs**

Section 47G(1)(a) of the FOI Act permits conditional exemption of documents containing business information where disclosure of that information would, or could reasonably be expected to, unreasonably affect the organisation adversely in respect of its lawful business, commercial or financial affairs.

I have considered that part of document number 2 contains information concerning the business, commercial or financial affairs of organisations.

The information is in the nature of visa sponsorship data for organisations.

In determining whether disclosure of the information within the documents would or could reasonably be expected to adversely affect the lawful business, commercial or financial affairs of an organisation, I have had regard to the following factors:

- (a) The extent to which the information is well known;
- (b) Whether the organisation or undertaking is known to be associated with the matters dealt with in the documents;
- (c) The availability of the information from publicly accessible sources; and
- (d) Any other matters that the Department considers relevant.

The information contained within this document is not in the public domain, the organisations concerned are not generally known to be associated with the matters referred to in these documents, and the information is not available from publicly accessible sources, such as the websites of the organisations. I am therefore satisfied that the disclosure of the information would, or could reasonably be expected to, unreasonably affect those organisations in respect of their lawful business, commercial or financial affairs.

I have decided that the part of the document referred to above is conditionally exempt under section 47G of the FOI Act. Access to a conditionally exempt document must generally be given unless it would be contrary to the public interest to do so. I have turned my mind to whether disclosure of the information would be contrary to the public interest, and have included my reasoning in that regard below.

## **6.2 The public interest – section 11A of the FOI Act**

As I have decided that parts of the documents are conditionally exempt, I am now required to consider whether access to the conditionally exempt information would be contrary to the public interest (section 11A of the FOI Act).

A part of a document which is conditionally exempt must also meet the public interest test in section 11A(5) before an exemption may be claimed in respect of that part.

In summary, the test is whether access to the conditionally exempt part of the document would be, on balance, contrary to the public interest.

In applying this test, I have noted the objects of the FOI Act and the importance of the other factors listed in section 11B(3) of the FOI Act, being whether access to the document would do any of the following:

- (a) promote the objects of this Act (including all the matters set out in sections 3 and 3A);
- (b) inform debate on a matter of public importance;
- (c) promote effective oversight of public expenditure;
- (d) allow a person to access his or her own personal information.

Having regard to the above:

- I am satisfied that access to the documents would promote the objects of the FOI Act.

- I consider that the subject matter of the document does have the character of public importance and that there may be broad public interest in the documents.
- I consider that no insights into public expenditure will be provided through examination of the document.
- I am satisfied that you do not require access to the document in order to access your own personal information.

I have also considered the following factors that weigh against the release of the conditionally exempt information in the document:

- disclosure of the part of the document that is conditionally exempt under section 47G of the FOI Act could reasonably be expected to prejudice the competitive commercial activities of third party organisations. I consider that this would be contrary to the public interest and that this factor weighs strongly against disclosure.

I have also had regard to section 11B(4) which sets out the factors which are irrelevant to my decision, which are:

- a) access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
- b) access to the document could result in any person misinterpreting or misunderstanding the document;
- c) the author of the document was (or is) of high seniority in the agency to which the request for access to the document was made;
- d) access to the document could result in confusion or unnecessary debate.

I have not taken into account any of those factors in this decision.

Upon balancing all of the above relevant public interest considerations, I have concluded that the disclosure of the conditionally exempt information in the document would be contrary to the public interest and it is therefore exempt from disclosure under 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**

### 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>.

## **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](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.

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

Yours sincerely

*[Electronically signed]*

**Position no. 60094112**  
**Authorised Decision Maker**  
**Department of Home Affairs**

**ATTACHMENT A**

**SCHEDULE OF DOCUMENTS  
REQUEST UNDER *FREEDOM OF INFORMATION ACT 1982***

**FOI request:** FA 20/05/0004

**File Number:** ADF2020/76359

No .	Date of document	No. of pages	Description	Decision on release	
1.	June 2020	53	List of accredited sponsors	Release in full	
2.	June 2020	17	List of sponsors for 186 and 482 visas under ANZSCO Unit Group 2613	Release in part	s47G(1)(a)