



Administrative Appeals Tribunal

FOI ref: 2022/0096

23 June 2022

Bee Mate

Email: foi+request-8973-d0eef719@righttoknow.org.au

Dear Bee Mate

Freedom of Information Request no. 2022/0096

I refer to your request for access to documents under the *Freedom of Information Act 1982* (FOI Act) received on 1 June 2022.

You have requested access as follows:

For the years 2017-2022, please release the following information where Member De-Anne Kelly made decisions in relation to RSMS nomination review applications.

- 1) Number of cases which she heard*
- 2) Number of cases in which she set aside the original refusal*
- 3) Number of cases in which she affirmed the original refusal*
- 4) Number of cases which were appealed to the Federal Circuit Court of Australia or Federal Circuit and Family Court of Australia*
- 5) List of published cases which were subject of 1) above*
- 6) How many RSMS nomination cases does she hold at the moment?*

I consulted with our Analysis and Reporting team regarding obtaining reports providing the information which you have requested. I have been advised that the Tribunal systems we use to record relevant data are unable to produce reports differentiating the RSMS nomination review cases (that are linked to subclass 187 visas) from the Employer Nomination Scheme (ENS) nomination review cases (that are linked to subclass 186 visas).

As we are unable to extract the RSMS related data only, we are likely to refuse your request. This is called a 'practical refusal reason' under section 24AA(1)(b) of the FOI Act.

Before I make a final decision, I wish to provide you with an opportunity to revise your request to include both RSMS and ENS nominations.

Within 14 days after the date this notice is given to you, you must do one of the following, in writing:

- withdraw your request
- revise your request to include both RSMS and ENS nomination cases
- advise me that you do not wish to revise your request.

If you do not contact me or provide written notice within the 14 day period, your FOI request will be taken to have been withdrawn under section 24AB(7) of the FOI Act.

The 30 day statutory timeframe for processing your FOI request is suspended from the date you receive this letter, and will resume on the day you revise your request or indicate that you do not wish to revise your request.

If you agree to revise your request, we also ask that you agree to extend the time to process your request by a further 8 weeks to enable the data to be retrieved from our systems.

If you have any questions, please contact me at foi@aat.gov.au.

Yours sincerely,

Loga R

Loga R
Authorised FOI Officer (APS 6)