



4 November 2022

Rowan O'Hara

**BY EMAIL: [foi+request-9441-9c5aa211@righttoknow.org.au](mailto:foi+request-9441-9c5aa211@righttoknow.org.au)**

**In reply please quote:**

FOI Request: FA 22/10/00341

File Number: OBJ2022/26955

Dear Rowan O'Hara

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

On 5 October 2022, 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 document:

*I am an Australian citizen residing in Denmark and interested to know if I can access a [1] list of accredited sponsors [2] for the years 2021, 2022 and 2023 if possible. Ideally, schools and early childhood settings across Australia that have the capacity to sponsor 482 visa holders (private and public settings). Any information would be greatly appreciated.*

**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 document 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 document to which you sought access

#### 4 Document in scope of request

In accordance with section 17 of the FOI Act, the Department has used its computer system to produce one document that contains information that falls within the scope of part [1] of your request. The data produced in the document existed in the possession of the Department on 5 October 2022 when your FOI request was received.

In relation to part [2] of your request for data covering the years 2021-2023, for schools and early childhood settings, and sponsorship of 482 visa holders, the Department has undertaken reasonable searches for the document you have requested access to but does not hold an existing discrete document that contains the specific breakdown of data you are seeking. In summary, the searches included interrogation of standard record-keeping systems.

The Department has considered whether it can extract the data in accordance with section 17(1) of the FOI Act.

The obligation for retrieving or collating information stored in a computer system arises if:

- the Department could produce a written document containing the information using a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information, and
- producing a written document would not substantially and unreasonably divert the resources of the agency from its other operations (s17(2))

In *Collection Point Pty Ltd v Commissioner of Taxation* the full bench of the Federal Court decided that if a new computer program is required to be written to produce the document then a computer is not being used in a manner that is ordinarily available to the agency because an extraordinary step is required to be taken.<sup>1</sup>

To compile the information you have requested into a discrete document would require a manual search of each relevant individual record. This is not what section 17 of the FOI Act requires. Section 17 only requires a new document to be created when it is possible to do so using a computer or other equipment to extract data. It is not possible to generate a document containing the information you have requested.

I am satisfied that the Department is not able to produce a written document containing the data you seek in relation to part [2] of your request for data covering the years 2021-2023, for schools and early childhood settings, and sponsorship of 482 visa holders, in a discrete form using a computer or other equipment ordinarily available to it.

Having regard to your request and the types of documents that may fall within the scope of part [2] 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.

As such the Department is providing a full list of all current accredited sponsors as at 12 October 2022.

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<sup>1</sup> *Collection Point Pty Ltd v Commissioner of Taxation* [2013] FCAFC 67 [20].

## 5 Decision

The decision in relation to the document in the possession of the Department which falls within the scope of your request is as follows:

- Release one document in full

## 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 Final decision on charge

On 2 November 2022 the Department issued you with a notice of the preliminary charge in the amount of **\$10.00** to process your request, which includes the first five hours of decision-making at no cost.

### Amount already paid

On 3 November 2022, the Department received your payment of **\$10.00** - the total charge indicated in the preliminary charges notice issued by the Department.

As you have paid the full amount required, the Department is now releasing the document to you. If you are dissatisfied with my decision to impose charges, your review rights are set out in the paragraph titled "Your Review Rights" below.

## 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 <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>.

## 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

*[signed electronically]*

**Lynette**

Position number - 60025562

FOI Officer | Freedom of Information Section

FOI and Records Management Branch | Legal Group

Department of Home Affairs