

Ref. FOI2023/00015

Hon Heidi Girolamo MLC  
Legislative Council  
Parliament House  
North Terrace  
ADELAIDE SA 5000

Email: [Girolamo.office@parliament.sa.gov.au](mailto:Girolamo.office@parliament.sa.gov.au)

Dear Ms Girolamo

**APPLICATION MADE UNDER THE *FREEDOM OF INFORMATION ACT 1991***

I refer to your application made under the *Freedom of Information Act 1991* (the FOI Act) received by the Department for Industry, Innovation and Science (DIIS) on 12 April 2023, seeking access to:

“Copies of all documents relating to the review process of Business Talent (Permanent) visa Subclass 132, including outcomes of the review.”

Date range: From 20/03/2022 to 30/09/2022

On 8 May 2023, I contacted your office to seek clarification on the scope of your application, in particular which review process the scope is referring to. Your office confirmed by return email on 8 May 2023, that the application is referring to the two-year review stage that is conducted to assess if the requirements for state nomination have been met.

On 9 May 2023, I spoke with your office regarding the type of documents within scope of the application. Your office confirmed that you do not want access to the documents provided by businesses to support their review process and agreed to receiving a summary which included the number of two-year reviews processed by the Department under the Business Talent (Permanent) visa Subclass 132 and the comments provided by the Department relating to the client's status in meeting the States sponsorship guidelines and requirements. On 10 May 2023, I sought your advice about amending the scope of the application and by email dated 11 May 2023, you confirmed the scope as follows:

*How many two-year reviews were processed by the Department under the Business Talent (Permanent) visa Subclass 132 and the comments provided by the Department relating to the client's status in meeting the States sponsorship guidelines and requirements. Date range 20/03/022 to 30/09/2022.*

A search of the Department's I-COM system, Dynamics 365, was undertaken to identify records within scope of your application. Section 4(5)(a)(b) of the FOI Act provides that where an agency holds information in computer storage, and a particular document is capable of

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being provided by the computer on the basis of information so stored, the agency is to be taken to hold that document. Therefore, in accordance with Section 4(5)(a)(b), the data has been extracted from Dynamics 365 and summarised below.

For the period 20 March 2022 to 30 September 2022, there were 13 Business Talent (Permanent) visas Subclass 132 processed by the Department under the Department for Home Affairs two-year review process. All were supported by the Department. Under the section 'Part G – Declaration' of the 1010 Form which requests 'Comments on meeting state/territory sponsorship guidelines and requirements' the Departments comments for all 13 visas provided the following text:

*The Government of South Australia supports [client's name] permanent residency in Australia. Their business has added economic benefit to South Australia.*

No fees and charges are payable for the processing of this determination in accordance with Section 53(2)(b) of the FOI Act.

In compliance with Premier and Cabinet Circular PC045 - Disclosure Logs for Non-Personal Information Released through Freedom of Information (PC045), DIIS is required to publish a log of all non-personal information released under the Act.

In accordance with this Circular, any non-personal information determined for release as part of this application will be published on the DIIS website.

If you are dissatisfied with this determination, you have a legal right of review and appeal in accordance with Section 29 of the FOI Act. Your review and appeal rights can be found by visiting the State Records of South Australia website at: <https://archives.sa.gov.au/finding-information/information-held-sa-government/making-freedom-information-application>.

Yours sincerely



Rosanne Davies  
**ACCREDITED FOI OFFICER**

17 / 05 / 2023

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