



August 2023

Mr Oliver Smith

**BY EMAIL: [foi+request-10420-f165615b@righttoknow.org.au](mailto:foi+request-10420-f165615b@righttoknow.org.au)**

**In reply please quote:**

FOI Request: FA 23/07/00156

File Number: FA23/07/00156

Dear Mr Smith

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

On 3 July 2023, the Department of Home Affairs (the Department) received a request for access to 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:

*Under the Freedom of Information Act, I am seeking a section from the document "Home Affairs Portfolio BUDGET 2023-24 Key Facts and Figures" prepared by the Department for the 2023-24 Budget.*

*Specifically, I am seeking the section "Migration – Uplift of Visa Application Charges" starting page 42.*

**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 document 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 your request. This document was in the possession of the Department on 3 July 2023 when your request was received.

#### **5 Decision**

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

- Release one document in part with deletions

#### **6 Reasons for Decision**

Detailed reasons for my decision are set out below.

My findings of fact and reasons for deciding that the exemption provision applies to that information are set out below.

##### **6.1 Section 22 of the FOI Act – irrelevant to request**

Section 22 of the FOI Act provides that if giving access to a document would disclose information that would reasonably be regarded as irrelevant to the request, it is possible for the Department to prepare an edited copy of the document, modified by deletions, ensuring that the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request.

On 6 July 2023, the Department advised you that its policy is to exclude the personal details of officers not in the Senior Executive Service (SES), as well as the mobile and work telephone numbers of SES staff, contained in documents that fall within scope of an FOI request.

##### **6.2 Section 47 of the FOI Act – Documents disclosing commercially valuable information**

Section 47 provides that a document is conditionally exempt if its disclosure under this Act would have a substantial adverse effect on the financial or property interests of the Commonwealth, of Norfolk Island or of an agency.

The parts of the document redacted and marked “s47D” relate to the commercial activities of the Department. The release of this material would have a substantial adverse effect on the financial or property interests of the Commonwealth, and I therefore find that they are exempted under section 47D of the FOI Act.

Having formed the view that the release of the documents would have a substantial adverse effect on the financial or property interests of the Commonwealth, I have considered whether release of the documents would be contrary to the public interest.

I considered the following factors in favour of disclosure:

- There is a general public interest in making information held by the Government accessible to the public;
- A person or the general public is entitled to have access to documents containing decisions which affect them. Disclosure may reveal the reasons for decision;
- Inform debate on a matter of public importance; and
- The need for openness and accountability of the Department's operations.

I considered the following in favour of non-disclosure:

- Prejudice the competitive commercial activities of the Department;
- Provide an unfair advantage in relation to lawful tender process;
- Affect the Department's ability to use public money effectively.

The Department's responsibility to use public money lawfully and effectively has been given the most weight. I am therefore satisfied that the release would be contrary to the public interest and the documents are exempt under section 47D of the FOI Act.

I have therefore decided that document is exempt from disclosure under section 47 of 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**

### *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).

*J. Duke*

**Position number** 60012007

**Authorised Decision Maker** Janelle Duke

**A/g AS External Budgets & Revenue - Department of Home Affairs**