



29 May 2019

Jim Wong

BY EMAIL: foi+request-5390-129511f9@righttoknow.org.au

In reply please quote:

FOI Request: FA 19/04/01328

File Number: OBJ2019/25025

Dear Jim Wong,

Freedom of Information (FOI) request - Access Decision

On 23 April 2019, 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:

Through the Migration Regulations 1994, Reg 2.26B, the department delegates responsibility for determining skill assessments for skilled migration visas to various assessing authorities.

*Assessments for the following occupations are delegated to the Institute of Managers and Leaders (formerly Australian Institute of Management):
Chief Executive or Managing Director (ANZSCO 111111) Corporate General Manager (ANZSCO 111211) Sales and Marketing Manager (ANZSCO 131112) Advertising Manager (ANZSCO 131113) Public Relations Manager (ANZSCO 131114) Human Resource Manager (ANZSCO 132311) Engineering Manager (ANZSCO 133211) Supply and Distribution Manager (ANZSCO 133611) Procurement Manager (ANZSCO 133612)*

Please provide statistics for the last 3 program years (2015-2016, 2016-2017, 2017-2018) for the total number of skill assessment applications successful, and the total number unsuccessful, as processed by the above authority.

The authority performs this duty under the request of the Department of Home Affairs and therefore this request is made to the Department of Home Affairs.

2 Authority to make decision

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of a request 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 any responsibility for matters relating to the scope of your request

4 Documents in scope of request

The Department of Home Affairs does not conduct a formal business relationship, or have in place a formal Memorandum of Understanding (MOU) between it and the Australian Institute of Management (AIM), in respect of AIM's status as an assessing authority.

The Department and the AIM are separate and independent organisations. While AIM is an assessing authority specified by the Minister under various Instruments, for various skilled occupations, in various skilled visa programs, the Department does not manage or report on the application processes for AIM.

The guidelines for skilled migration assessing authorities are managed by the Department of Education and Training. These guidelines are publicly-available on the website for that agency and can be sourced via the following URL:

<https://docs.education.gov.au/documents/guidelines-skilled-migration-assessing-authorities>

The Department therefore does not hold documents that would fall within the scope of this request.

5 Decision

Section 24A of the FOI Act provides that the Department may refuse a request for access to a document if all reasonable steps have been taken to find the document and the Department is satisfied that the document does not exist.

I am satisfied that the Department has undertaken reasonable searches in relation to your request and that no documents were in the possession of the Department on 23 April 2019 when your FOI request was received. As such I am refusing access to the documents requested by you based on the application of section 24A of the FOI Act.

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 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:

OR By email to: 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>.

8 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

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.

9 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.

Signed electronically

Position number 60081621

Authorised Decision Maker | Freedom of Information Section

FOI and Records Management Branch

Productivity and Compliance Division | Corporate and Enabling Group

Department of Home Affairs