



1 September 2022

Lalit

**BY EMAIL:** [foi+request-9236-ecedd3e4@righttoknow.org.au](mailto:foi+request-9236-ecedd3e4@righttoknow.org.au)

**In reply please quote:**

FOI Request: FA 22/08/00505

File Number: OBJ2022/21672

Dear Lalit,

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

On 6 August 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 documents:

*Can you please provide an order of priority for picking up the applications for subclass 186?*

- 1. PMSOL / non-pmsol,*
- 2. accredited/non-accredited sponsors*
- 3. states*
- 4. ANSCO code.*
- 5. Or any other criteria.*

*Since we see a lot of applicants who had applied in early Feb march haven't got any updates, while some of them who had applied in June have already received a grant.*

**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 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 documents to which you sought access

### **4 Documents in scope of request**

The Department has considered whether it holds documents that may meet the scope of your request. Section 4 of the FOI Act provides that a document for the purposes of the Act does not include:

*(d) material maintained for reference purposes that is otherwise publicly available*

The Department has undertaken reasonable searches in relation to the documents you have requested access to. For the purposes of the FOI Act, as the information you have requested is available publicly, the Department finds that it does not hold any document.

#### **Reasons for Decision**

Section 4 of the FOI Act provides that a document for the purpose of the FOI Act does not include material maintained for reference purposes that is otherwise publicly available.

I have considered the scope of your request and find that the information in scope of this request is publicly available on the Departmental website which may be accessed at the following link:

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-processing-times/skilled-visa-processing-priorities>

As such, I am of the view that the objects of the FOI Act, in terms of providing the Australian community access to this information, have been met.

The information you have requested is freely available on demand at the above location without any need to formally request the information and wait for such a request to be processed. Bypassing the FOI process and accessing the information in the public domain will significantly reduce delays in obtaining the same information and ensure that the information is the most up-to-date.

### **5 Decision**

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

- Refuse access in full

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 6 August 2022 when your FOI request was received. As such, I am refusing your request 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](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/>.

## **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](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.

## **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](mailto:foi@homeaffairs.gov.au).

Yours sincerely,

Signed electronically

**Joanne**

**Position Number: 60100057**

**Authorised Decision Maker**

**Department of Home Affairs**