



02 November 2022

Tharun Thatikonda
BY EMAIL: foi+request-9305-d7085281@righttoknow.org.au

In reply please quote:

FOI Request: FA 22/08/01326
File Number: OBJ2022/22953

Dear Tharun Thatikonda,

I refer to your email dated 24 August 2022 in which you request access to documents held by the Department of Home Affairs (the Department) under the *Freedom of Information Act 1982* (the FOI Act).

I am writing to inform you that I intend to refuse your request on the grounds that a practical refusal reason exists. However, before I proceed to a final decision, you have an opportunity to revise your request to remove the practical refusal reason. This '*request consultation process*' now provides you with a *consultation period* of 14 days to respond in one of the ways set out below.

Scope of Request

You have requested access to the following:

I request to release all the documents in relation to SkillSelect invitation round details held on 22nd August 2022 like correspondence details exchanged between various business areas of skillSelect department.

I request to release the information in line with document released for the FOI request fa-200700958

On 29 August 2022, you agreed to revise the scope of your request as follows:

I request to release all the documents in relation to SkillSelect invitation round details held on 22nd August 2022 like correspondence details exchanged between various business areas of skillSelect department.

Power to refuse request

Section 24 of the FOI Act provides that if the Department is satisfied that a practical refusal reason exists in relation to a request, the Department must undertake a consultation process with you, and if, after that consultation process, the Department remains satisfied that the practical refusal reason still exists, the Department may refuse to give you access to the documents subject to the request.

Practical refusal

A *practical refusal reason* exists if either (or both) of the following applies:

- (a) the work involved in the processing of the request would substantially and unreasonably divert the resources of the Department from its other operations
- (b) the request does not satisfy the requirement in section 15(2)(b) of the FOI Act, which requires you to provide such information concerning the document you are seeking access to, to enable the Department to be able to identify it.

Reasons for practical refusal

The Department issued a section 24AB notice on 12 September 2021 because the scope of your request did not clearly identify the documents you were seeking to access. You responded to this notice and made the above revisions to scope. Your request has been processed on this basis.

The Department has identified 9 documents as falling within the scope of your request.

I am satisfied that continuing to process this request would require an unreasonable diversion of resources, for the following reasons:

- The Department has already expended **3.5 hours** on search, retrieval and initial assessment activities for this request.
- To further process this request, the Department would need to redact individual instances of occupations that have been issued with an invitation, in the 22 August 2022 round, where those occupations are less than 5 in number. There are 336 pages of invited occupations in the invitation report, which are not filtered alphabetically nor by occupation group, as this is not the way that data is organised within the invitation report. A decision maker must therefore individually scroll each page of invited-occupations list and manually identify the instances where there are 5 or less of an occupation listed. A sample assessment indicates that this process will take approximately 6 minutes and 25 seconds per page, or an estimated total of 35 hours just too preliminarily assess this list, before we seek feedback from the responsible business are in the ordinary course of consultation. Considering the 3.5 hours of time that has already been devoted to processing this request, we therefore estimate that continuing to process this request will exceed **40 hours of work effort**.

Based on this estimate, I consider that the extent of work to service this request is likely to amount to a significant and unreasonable diversion of the Department's resources away from its other operations.

We now seek your assistance in revising the scope in ways which would remove the practical refusal reason. You may consider omitting the invitation report from scope and thereby limiting your scope to include only the remaining 8 documents that have been identified as being in scope, which will include a list of points scores attributed to individual applicants and their occupations, as well as internal correspondence relating to the round.

Request Consultation Process

You now have an opportunity to revise your request to enable it to proceed.

Under section 24AB of the FOI Act, you have 14 days to respond to this notice in writing and advise me whether:

- you wish to make a revised request;
- indicate that you do not wish to revise your request; or
- withdraw your request.

If you do not do one of the three things listed above during the consultation period (14 days) or you do not consult the contact person listed below during this period with respect to agreeing on a workable scope, your request will then continue to be processed on the basis of the present scope, noting that this consultation has notified you of the existence of a practical refusal reason.

Contact

Should you wish to revise your request or have any questions in relation to this process you may contact me at foi@homeaffairs.gov.au.

Signed electronically

Glen

Position number 60081621

Authorised Decision Maker | Freedom of Information Section
FOI and Records Management Branch
Data Division | Strategy and National Resilience Group
Department of Home Affairs