



2 November 2022

Ira

BY EMAIL: foi+request-9406-21f345e3@righttoknow.org.au

In reply please quote:

FOI Request: FA 22/09/01523

File Number: OBJ2022/26080

Dear Ira

Freedom of Information (FOI) request – Access Decision

On 27 September 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 document:

- 1. Number of skilled - Nominated (subclass 190) applications on hold for Solicitor (ANZSCO Code: 271311) as of today.*
- 2. Number of invited skilled - Nominated (subclass 190) applicants for Solicitor (ANZSCO Code: 271311) by salary, score and state from 1 July 2022 to today.*
- 3. Number of skilled - Nominated (subclass 190) applications on hold for Judicial and Other Legal Professionals (ANZSCO Code: 271299) as of today.*
- 4. Number of invited skilled - Nominated (subclass 190) applicants for Judicial and Other Legal Professionals (ANZSCO Code: 271299) by salary, score and state from 1 July 2022 to today.*

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 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 parts 1 and 3 of your request. The data produced in the document existed in the possession of the Department on 27 September 2022 when your FOI request was received.

In relation to parts 2 and 4 of your request, the information you seek can be found on the Department's web page, at:

https://api.dynamic.reports.employment.gov.au/anonap/extensions/hSKLS02_SkillSelect_EOI_Data/hSKLS02_SkillSelect_EOI_Data.html

5 Decision

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

- Release one document in full
- In relation to parts 2 and 4 of your request, my decision is to refuse access on the basis that the information is publicly available.

6 Reasons for Decision

Detailed reasons for my decision in relations to parts 2 and 4 are set out below.

Section 4(1)(d) 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 publically available.

The information you have requested access to is publicly available at the address provided above.

I therefore consider that you are not entitled to access this document under the FOI Act, based on the application of section 4(1)(d) 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

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.

Yours sincerely

[signed electronically]

Lynette

Position number - 60025562

FOI Officer | Freedom of Information Section

FOI and Records Management Branch | Legal Group

Department of Home Affairs