



27 February 2018

s. 47F(1)

**In reply please quote:**

FOI Request: FA 18/01/00028  
File Number: ADF2018/917

Dear s. 47F(1)

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

On 29 December 2017, 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:

*All correspondence passing between Department of Home Affairs (previous Department of Immigration and Border Protection) officers and officers of the Australian Computer Society in respect of setting the Australian Computer Society Skills Assessment Guidelines for Applicants | V5.3 | 2017 and all previous version since 1 Jan 2015 to date.*

*All correspondence passing between Department of Home Affairs (previous Department of Immigration and Border Protection) officers and officers of the Department of Education & Training in respect of setting the Australian Computer Society Skills Assessment Guidelines for Applicants | V5.3 | 2017 and all previous version since 1 Jan 2015 to date.*

*Australian Computer Society has made the following statement:*

*The ACS has met the requirements set by the Minister for Education and is compliant with Guidelines for skilled migration assessing authorities issued by the Department of Education and Training.  
If a copy of the Guidelines for skilled migration assessing authorities issued by the Department of Education and Training has been provided to the Department, kindly release a copy of the guidelines.*

## 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 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 responsibility for matters relating to the documents to which you sought access
- advice from other Commonwealth Departments
- the Department's guidance material on the FOI Act

## 4 Documents in scope of request

The Department has identified two documents as falling within the scope of your request. These documents were in the possession of the Department on 29 December 2017 when your request was received.

**Attachment A** is a schedule which describes the relevant documents and sets out my decision in relation to each of them.

### Searches

The Department has undertaken reasonable searches in relation to the documents you have requested access to.

Having regard to your request and the types of documents that may fall within the scope of your request I am satisfied that the searches conducted were extremely thorough and all reasonable steps have been taken to locate any document relevant to your request.

## 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:

### Part (a) of your request:

- No documents exist and I am refusing access to this part of your request;

### Part (b) of your request:

- Release one document in part with deletions

### Part (c) of your request

- Release one document in full

## 6 Reasons for Decision

Detailed reasons for my decision are set out below.

Where the schedule of documents indicates an exemption claim has been applied to a document or part of document, my findings of fact and reasons for deciding that the exemption provision applies to that information are set out below.

Part (a) of your request:

### ***Section 24A of the FOI Act – Requests may be refused if documents cannot be found, do not exist or have not been received***

Section 24A of the FOI Act provided 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.

In relation to part (a) of your request, the Department does not provide any input into setting the Australian Computer Society Skills Assessment Guidelines for Applicants I V.5.3 I 2017. Therefore, the department has no correspondence *passing* between officers of the Department of Home Affairs and officers of the Australian Computer Society in respect of these guidelines.

Having considered the searches outlined above, 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 29 December 2017 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.

Part (b) of your request:

### ***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 2 January 2018, 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.

I have therefore decided that parts of document marked 's22(1)(a)(ii)' would disclose information that could reasonably be regarded as irrelevant to your request, and have therefore prepared an edited copy of the document, with the irrelevant material deleted pursuant to section 22(1)(a)(ii) of the FOI Act.

The remainder of the document has been released to you as it is relevant to your request.

## 7 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Details/C2017C00251>. If you are unable to access the legislation through this website, please contact our office for a copy.

## 8 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:

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 Fact Sheet 12 "Freedom of information – Your review rights", available online at <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

## 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).

s. 22(1)(a)(ii)

**Authorised Decision Maker  
Department of Home Affairs**

**ATTACHMENT A**

**SCHEDULE OF DOCUMENTS  
REQUEST UNDER *FREEDOM OF INFORMATION ACT 1982***

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No	Date of document	No. of pages	Description	Decision on release	
1.	29 October 2015	1	Email - Guidelines for the Skilled Migration Assessing Authorities	Release in part	s.22(1)(a)(ii)
2.	09 June 2015	13	Guidelines for Skilled Migration assessing authorities issued by the Department of Education and Training.	release in full	