



21 December 2018

[Redacted]

In reply, please quote:

FOI Request: FA 18/09/00427-R1
File Number: ADF2018/237131

Dear [Redacted]

Freedom of Information (FOI) – Decision on Internal Review

This purpose of this letter is to provide you with a decision regarding your request for internal review, of a decision made by the Department of Home Affairs (the Department), under the *Freedom of Information Act 1982* (FOI Act).

Your request relates to the FOI access decision made by the Department on 13 November 2018 (departmental reference number: FA 18/09/00427).

1 Scope of original request

The scope of your original request for access to documents under the FOI Act was as follows:

'Permanent and Temporary Visa Data for Engineering Occupations in ANZSCO Minor Group 233 'Engineering Professionals'

Part A - Information Required

I am seeking to obtain details about the annual number of permanent residence visas issued for each of the 21 six-digit occupations in ANZSCO Minor Group 233 'Engineering Professionals' (see below under Engineering Occupations of Interest).

I am seeking this information for the 2017-18 financial year only.

For each engineering occupation, for the 2017-18 financial year, I am seeking a breakdown of the number of visa grants for the following permanent visa categories:

- *Employer Nomination Scheme (subclass 186)*
- *Regional Sponsored Migration Scheme visa (subclass 187)*
- *Skilled Independent visa (subclass 189)*
- *Skilled Nominated visa (subclass 190)*
- *Skilled Regional visa (subclass 887)*

Part B - Information Required

I am seeking to obtain details about the annual number of temporary residence visas issued for each of the 21 six-digit occupations in ANZSCO Minor Group 233 'Engineering Professionals' (see below under Engineering Occupations of Interest). I am seeking this information for the 2017-18 financial year only.

For each engineering occupation, for the 2017-18 financial year, I am seeking a breakdown of the number of visa grants for the following temporary visa categories:

- Temporary Work (Skilled) visa (Subclass 457)
- Skilled - Recognised Graduate visa (subclass 476)
- Temporary Skill Shortage visa (Subclass 482)
- Temporary Graduate visa (subclass 485) (Graduate Work Stream)
- Temporary Graduate visa (subclass 485) (Post-Study Work Stream)
- Skilled Regional (Provisional) visa (subclass 489)

Part B - Information Required

I am seeking to obtain details about the annual number of temporary residence visas issued for each of the 21 six-digit occupations in ANZSCO Minor Group 233 'Engineering Professionals' (see below under Engineering Occupations of Interest). I am seeking this information for the 2017-18 financial year only.

For each engineering occupation, for the 2017-18 financial year, I am seeking a breakdown of the number of visa grants for the following temporary visa categories:

Fee Waiver

*I request a fee waiver for obtaining this information, since it is of significant public interest. It is of interest to Australia's 105,000 professional engineers, their families, and tens of thousands of engineering students. It is of general interest to the media, and is part of a wider debate about excessive immigration levels of professionals such as engineers, accountants and ICT professionals. See the following links as examples: www.engineeroversupply.weebly.com
<http://www.smh.com.au/business/workplace-relations/engineers-imported-from-overseas-as-australians-struggle-to-find-jobs-20161220-gtes3q.html>*

Understanding the scale and nature of engineering migration is important for understanding how the engineering labour market is impacted, at a time when the overall supply: demand ratio for engineers remains close to the all-time high.

Engineering Occupations of Interest

ANZSCO Classification (Australian Bureau of Statistics)

Major Group 2: Professionals

Sub-Major Group 23: Design, Engineering, Science and Transport Professionals

Minor Group 233: Engineering Professionals

Unit Group Occupation

2331 Chemical and Materials Engineers

233111 Chemical engineer

233112 Materials engineer

2332 Civil Engineering Professionals

233211 Civil engineer

233212 Geotechnical engineer

233213 Quantity surveyor

233214 Structural engineer

233215 Transport engineer

2333 Electrical Engineers

233311 *Electrical engineer*

2334 Electronics Engineers

233411 *Electronics engineer*

2335 Industrial, Mechanical and Production Engineers

233511 *Industrial engineer*

233512 *Mechanical engineer*

233513 *Production or plant engineer*

2336 Mining Engineers

233611 *Mining engineer (excluding petroleum)*

233612 *Petroleum engineer*

2339 Other Engineering Professionals

233911 *Aeronautical engineer*

233912 *Agricultural engineer*

233913 *Biomedical engineer*

233914 *Engineering technologist*

233915 *Environmental engineer*

233916 *Naval architect*

233999 *Engineering professionals nec (not elsewhere classified)*

2 Original decision

The Department identified one document as falling within the scope of your original request. This document was in the possession of Department on 11 September 2018, when your FOI request was received.

The original decision maker decided to:

- Release one document in full.

3 Request for Internal Review

On 21 November 2018, you requested an internal review of the Department's original decision, as follows:

'I wish to apply for an internal review of my FOI Request FA 18/09/00427. The basis for my request is as follows:

In my request I was very specific in asking for permanent and temporary visa data for "each of the 21 six-digit occupations in ANZSCO Minor Group 233 'Engineering Professionals'". As I have done for previous FOI Requests, I included in my FOI Request a list of these 21 individual occupations along with the corresponding six-digit ANZSCO code for each, so that there could be no confusion about the occupations I was seeking data for. On all previous occasions I have requested data for these occupations, the Department of Home Affairs has provided data for the 21 occupations.

On this occasion however, the information the Department released to me was for

the seven four-digit Unit Groups in ANZSCO Minor Group 233 'Engineering Professionals', rather than for the 21 six-digit occupations in this Minor Group. I am requesting a review of this decision, and I am seeking the release of the requested data for the 21 six-digit occupations.'

4 Scope of internal review

Based on your submissions noted above, I consider that the full range of data requested in your original request falls within the scope of this internal review.

5 Authority to make decision

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of to access documents or amend or annotate departmental records.

6 Information considered

In reaching a decision on your internal review request, I have considered the following:

- The terms of your request for internal review;
- The documents falling within the scope of your request;
- the documents to which you sought access;
- The FOI Act; and
- The Australian Information Commissioner's guidelines relating to the interpretation, operation and administration of the FOI Act (the FOI Guidelines).

7 Internal review decision and reasoning

I have considered the submissions made by you in requesting an internal review, and have conducted a review into the processing of FA 18/09/00427, including the access decision issued on 13 November 2018.

As part of this process, the Department consulted further with the relevant departmental business area, who in turn conducted additional reasonable searches to identify the data requested in your original FOI request.

This resulted in the relevant business area locating most of the data requested in your original FOI request. However, the data relevant to one segment of your original request was not available.

In accordance with section 17 of the FOI Act, the business area used its available computer systems to produce one (1) discrete document to capture the available data.

The document captures the breakdown of the number of visa grants for all requested visa categories for the 21 six-digit occupations in ANZSCO Minor Group 233 'Engineering Professionals', for the 2017-18 financial year – with the exception of the Skilled - Recognised Graduate visa (subclass 476).

Based on the information provided by the business area, I have decided to set aside the original FOI decision and make a new decision on your request.

My decision in relation to your internal review request is to:

- Release the discrete document noted above in full;

- Refuse access to the data requested in relation to the Skilled - Recognised Graduate visa (subclass 476).

Attachment A is a Schedule of Documents (the Schedule) that summarises the decision made on the documents within the scope of your internal review.

Further reasoning for the decision to refuse access to the Skilled - Recognised Graduate visa (subclass 476) data is provided below.

7.1 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 provides that requests for documents can be refused if all reasonable steps have been taken to find the document, and an agency is satisfied that the document:

- (i) is in the agency's or Minister's possession but cannot be found; or
- (ii) does not exist.

In your request, you sought access to:

A breakdown of the number of visa grants for Skilled - Recognised Graduate visa (subclass 476) for the 21 six-digit occupations in ANZSCO Minor Group 233 'Engineering Professionals', for the 2017-18 financial year.

The discrete document produced by the relevant business area states the following:

'Note: we do not have information on occupation for subclass 476 visa holders.'

FOI enquired with the relevant business area who confirmed that the data is not available because the Department does not hold occupation data for subclass 476 holders.

As the relevant business area has confirmed that the Department does not hold occupation data for subclass 476 holders, I am refusing access to this segment of your request under section 24A(1)(a)(ii) of the FOI Act (on the basis that this data does not exist within Departmental records).

8 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.

9 Your Review Rights

Review by the Office of the Australian Information Commissioner (OAIC)

If you are not satisfied with my decision, you may apply directly to the OAIC for a review. You must apply in writing within 60 days following receipt of this notice. For further information about review rights and how to submit a review request 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>

10 Making a Complaint

You may complain to the OAIC if you have concerns about how the Department has handled your request. There is no particular form required to make a complaint to the OAIC. Requests should be in writing, should identify the Department as the relevant agency, and should provide the grounds on which it is considered that the Department's actions should be investigated.

Further information about how to submit a complaint is available at:
www.oaic.gov.au

Enquiries to the OAIC can be directed to:

Phone 1300 363 992 (local call charge)

Email enquiries@oaic.gov.au

11 Contacting the FOI Section

If you wish to discuss this matter, please do not hesitate to contact me via email at:
foi.reviews@homeaffairs.gov.au

Yours sincerely,



Authorised Decision Maker
Freedom of Information (FOI) Section
Department of Home Affairs

ATTACHMENT A

SCHEDULE OF DOCUMENTS

REQUEST UNDER *FREEDOM OF INFORMATION ACT 1982*

FOI request: FA 18/09/00427-R1

File Number: ADF2018/237131

No.	Date of document	Pages	Description	Decision on release	Applicable part/s of the FOI Act
1	Provided to FOI on 18/12/2018	7	Breakdown of the number of visa grants for all requested visa categories for the 21 six-digit occupations in ANZSCO Minor Group 233 'Engineering Professionals', for the 2017-18 financial year, with the exception of the Skilled - Recognised Graduate visa (subclass 476)	Released in full	N/A
2	N/A	N/A	Breakdown of the number of visa grants for Skilled - Recognised Graduate visa (subclass 476) for the 21 six-digit occupations in ANZSCO Minor Group 233 'Engineering Professionals', for the 2017-18 financial year.	Refused in full	s 24A(1)(a)(ii) (data does not exist within departmental records)