



12 April 2019

**BY EMAIL:**

**In reply please quote:**

FOI Request: FA 18/06/00238-OR1

File Number: OBJ2018/50831

Dear

**Freedom of Information (FOI) access request – Revised decision under s. 55G of FOI Act**

This letter refers to your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act), which the Department of Home Affairs (the Department) received on 4 June 2018.

On 25 October 2018, the Department made a decision on your request releasing four documents in full and refusing the remainder of your request under section 24A of the FOI Act.

On 4 October 2018, the Office of the Australian Information Commissioner (OAIC) advised the Department that you had requested an Information Commissioner review of the Department's decision under section 54L of the FOI Act. On 8 February 2019, you advised the OAIC that the documents that the Department had released did not contain all of the information to which you had sought access.

The Department has now made a revised decision on your request under section 55G of the FOI Act. The purpose of this letter is to provide you with the Department's revised decision.

**1 Scope of request**

On 4 October 2018, you requested access to the following documents:

***Overview of Information Required***

*I am seeking to obtain data about the following five temporary visa subclasses issued to primary applicants in ANZSCO Minor Group '233 Engineering Professionals':*

- 1. Temporary Work (Skilled) visa (subclass 457)*
- 2. Skilled - Recognised Graduate visa (subclass 476)*
- 3. Temporary Graduate visa (subclass 485) (Graduate Work Stream)*
- 4. Temporary Graduate visa (subclass 485) (Post-Study Work Stream)*
- 5. Skilled Regional (Provisional) visa (subclass 489)*

*I am seeking this information for the 2016-17 financial year only.*

*I am not seeking data that can be specifically identified with any of the 21 engineering occupations in ANZSCO Minor Group 233. Rather, I am seeking grouped (or combined) data for all occupations in ANZSCO Minor Group '233 Engineering Professionals' – ie. data at the three digit level. The exception is the Temporary Graduate visa (subclass 485)(Post-Study Work Stream) where I am seeking more detailed information if it exists.*

### **Specific Information Required**

*For the nominated visas granted to all primary applicants in ANZSCO Minor Group '233 Engineering Professionals' in 2016-17:*

#### **1. Subclass 457 Visa**

##### **1.1 For onshore applications**

*1.1.1 The total number of visas granted to primary applicants.*

*1.1.2 The number of visas granted to female primary applicants.*

*1.1.3 The number of visas granted to primary applicants in each five year age block between age 20 and age 60, ie. number of visas granted to those aged 20-24, 25-29, 30-34 and so on up to the 55-59 age block.*

*1.1.4 The number of visas granted to primary applicants grouped according to years of relevant professional experience, ie the number of visas granted to those with the following number of years of relevant professional experience: <1, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and >15.*

*1.1.5 The number of visas granted to primary applicants with reported salaries less than the Temporary Skilled Migration Income Threshold of \$53,900.*

*1.1.6 The median reported salary of primary applicants in each five year age block between age 20 and age 60, ie. the median salary of those aged 20-24, 25-29, 30-34 and so on up to the 55-59 age block.*

##### **1.2 For offshore applications**

*1.2.1 The total number of visas granted to primary applicants.*

*1.2.2 The number of visas granted to female primary applicants.*

*1.2.3 The number of visas granted to primary applicants in each five year age block between age 20 and age 60, ie. number of visas granted to those aged 20-24, 25-29, 30-34 and so on up to the 55-59 age block.*

*1.2.4 The number of visas granted to primary applicants grouped according to years of relevant professional experience, ie the number of visas granted to those with the following number of years of relevant professional experience: <1, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and >15.*

*1.2.5 The number of visas granted to primary applicants with reported salaries less than the Temporary Skilled Migration Income Threshold of \$53,900.*

1.2.6 *The median reported salary of primary applicants in each five year age block between age 20 and age 60, ie. the median salary of those aged 20-24, 25-29, 30-34 and so on up to the 55-59 age block.*

2. *Subclass 476 Visa*

2.1 *For onshore applications*

2.1.1 *The total number of visas granted to primary applicants.*

2.1.2 *The number of visas granted to female primary applicants.*

2.1.3 *The number of visas granted to primary applicants in the following three age blocks: 20-24, 25-29, >29.*

2.2 *For offshore applications*

2.2.1 *The total number of visas granted to primary applicants.*

2.2.2 *The number of visas granted to female primary applicants.*

2.2.3 *The number of visas granted to primary applicants in the following three age blocks: 20-24, 25-29, >29.*

3. *Subclass 485 (Graduate Work Stream) Visa*

3.1 *For all applications*

3.1.1 *The number of visas granted to male primary applicants.*

3.1.2 *The number of visas granted to female primary applicants.*

4. *Subclass 485 (Post-Study Work Stream) Visa*

4.1 *For all applications*

4.1.1 *In a previous FOI request (FA 18/02/00796) it was revealed that in 2016-2017, there were no visas granted to applicants with an occupation falling under ANZSCO classification '233 Engineering Professionals'. Please explain the reason why apparently no engineering graduates were granted this visa, when thousands were granted the subclass 476 and subclass 485 (Graduate Work Stream) visas.*

4.1.2 *If engineering graduates were in fact granted this visa, please provide the following information for engineering disciplines with these Australian Standard Classification of Education (ASCED) codes: 03 (Engineering and Related Technologies), 0301, 0303, 0305, 0307, 0309, 0311, 0313, 0315, 0317, 0399.*

*The information required for each of these codes is:*

4.1.2.1 *The number of visas granted to male primary applicants.*

4.1.2.2 *The number of visas granted to female primary applicants.*

5. *Subclass 489 Visa*

5.1 *For onshore applications*

5.1.1 *The total number of visas granted to primary applicants.*

5.1.2 *The number of visas granted to female primary applicants.*

5.1.3 *The number of visas granted to primary applicants in each five year age block between age 20 and age 60, ie. number of visas granted to those aged 20-24, 25-29, 30-34 and so on up to the 55-59 age block.*

5.1.4 *The number of visas granted to primary applicants grouped according to years of relevant professional experience, ie the number of visas granted to those with the following number of years of relevant professional experience: <1, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and >15.*

## 5.2 *For offshore applications*

5.2.1 *The total number of visas granted to primary applicants.*

5.2.2 *The number of visas granted to female primary applicants.*

5.2.3 *The number of visas granted to primary applicants in each five year age block between age 20 and age 60, ie. number of visas granted to those aged 20-24, 25- 29, 30-34 and so on up to the 55-59 age block.*

5.2.4 *The number of visas granted to primary applicants grouped according to years of relevant professional experience, ie the number of visas granted to those with the following number of years of relevant professional experience: <1, 1, 2, 3, 4, 5, 6, 7, 8,9, 10, 11, 12, 13, 14, 15, and >15.*

## 2 **Revocation or variation of access refusal decision**

Section 55G of the FOI Act provides for the revocation or variation of an access refusal decision during a review by the Information Commissioner:

### **55G Procedure in IC review—revocation or variation of access refusal decision**

- (1) *An agency or Minister may vary (or set aside and substitute) an access refusal decision (the **original** decision) in relation to a request or an application under section 48 at any time during an IC review of the access refusal decision if the variation or substitution (the **revised** decision) would have an effect of:*
- (a) giving access to a document in accordance with the request; or*
  - (b) relieving the IC review applicant from liability to pay a charge; or*
  - (c) requiring a record of personal information to be amended or annotated in accordance with the application.*

*Note: When making the revised decision, a consultation requirement under section 26A (documents affecting Commonwealth-State relations etc.), 26AA (documents affecting Norfolk Island intergovernmental relations), 27 (business documents) or 27A (documents affecting personal privacy) may apply.*

- (2) *If an agency or Minister varies (or sets aside and substitutes) an access refusal decision under subsection (1):*
- (a) the agency or Minister must, in writing, notify the Information Commissioner as soon as practicable after the agency or Minister makes the variation or substitution; and*

*(b) the Information Commissioner must deal with the IC review application for review of the original decision as if it were an IC review application for the review of the varied or substituted decision, subject otherwise to this Part.*

### **3 Scope of revised decision**

The Department's revised decision covers an additional document, comprising one page, that contains the information requested by you at subsections 2.1.1, 2.1.2, 2.1.3, 2.2.1, 2.2.2 and 2.2.3 of your FOI request.

The Department is not reconsidering its decision on the documents it originally identified as falling within the scope of the request or its decision to refuse the remainder of your request under section 24A of the FOI Act.

### **4 Authority to make decision**

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

### **5 Revised decision on 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 2.1.1, 2.1.2, 2.1.3, 2.2.1, 2.2.2 and 2.2.3 of your request. The data produced in this document was in the possession of the Department on 4 June 2018, when the Department received your FOI request.

The Department's decision on the document within scope is:

- to release the document in full

### **6 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.

### **7 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.

## **8 Contacting the FOI Section**

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at

**Authorised Decision Maker  
Department of Home Affairs**