



18 July 2018

In reply please quote:

FOI Request: FA 18/03/00984
File Number: ADF2018/32580

Dear [REDACTED]

Freedom of Information (FOI) request - Access Decision

On 15 March 2018, the Department of Home Affairs (the Department) received a request for access to document 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:

Access to DIBP report titled Experiences of Temporary Residents. This is a report of a survey of temporary residents in Australia was undertaken in 2015-2017.

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 document 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
- advice from other Commonwealth Departments
- the Department's guidance material on the FOI Act

4 Document in scope of request

The Department has identified one document as falling within the scope of your request. This document was in the possession of the Department on 15 March 2018 when your request was received.

5 Decision

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

- Release one document in full

6 Explanatory statement regarding the document released

The Department of Home Affairs has consulted with Department of Jobs and Small Business on the release of the report titled Experiences of Temporary Residents would like the applicant to note the information below:

“The Department of Jobs and Small Business notes that the Report was not published at the time it was drafted back in 2015 because the Department had some concerns about the methodology of the research (including the robustness of the survey, particularly regarding the salary levels of visa holders and comparisons to the national minimum wage). There were concerns around the methodology not supporting some of the conclusions in the Report about the experiences of certain migrant groups, notably regarding potential underpayment issues.) The Report also precedes Australian Government initiatives to address underpayment and exploitation of migrant workers, such as the Migrant Workers Taskforce. Disclosure of the Report may create the impression that the Report is presenting new information on the issues canvassed in the Report, whereas the information is in fact relatively old.”

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

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

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.

