



14 May 2020

Mr Adam

BY EMAIL: foi+request-5809-5356ffe5@righttoknow.org.au

In reply please quote:

FOI Request: FA 19/11/00081

File Number: ADF2019/308002

Dear Mr Adam

I refer to your email dated 29 October 2019 in which you request access to documents held by the Department of Home Affairs (the Department) under the *Freedom of Information Act 1982* (the FOI Act).

I am writing to tell you that I intend to refuse your request on the basis that a practical refusal reason exists. However, before I make a final decision to do this, you have an opportunity to revise your request to remove the practical refusal reason. This is called a '*request consultation process*'. You have 14 days to respond to this notice in one of the ways set out below.

Power to refuse request

Section 24 of the FOI Act provides that if the Department is satisfied that a practical refusal reason exists in relation to a request, the Department must undertake a consultation process with you, and if, after that consultation process, the Department remains satisfied that the practical refusal reason still exists, the Department may refuse to give you access to the documents subject to the request.

Practical refusal

A *practical refusal reason* exists if either (or both) of the following applies:

- a. the work involved in the processing of the request would substantially and unreasonably divert the resources of the Department from its other operations
- b. the request does not satisfy the requirement in section 15(2)(b) of the FOI Act, which requires you to provide such information concerning the document you are seeking access to, to enable the Department to be able to identify it.

Scope of Request

You have requested access to the following:

The total number of foreign workers currently working in Australia. This includes people working on Student visa, dependent visa and all other kind of work visas and excluding only Permanent Residents/Citizens

Reasons for practical refusal

We wrote to you on the 19 November 2019 3:43pm, advising you that the business area is unable to provide data on the total number of foreign workers “currently working in Australia”. We advised this is due to the fact that whilst a person may have work rights on their visa, this does not necessarily mean that they are currently employed.

You replied to us on the 19 November 2019 9:54pm, to say that you did not wish to amend your scope hence we are proceeding with this formal consultation.

Request Consultation Process

You now have an opportunity to revise your request to enable it to proceed.

You may amend your scope to request data relating to the number of temporary visa holders in Australia who hold work rights.

Under section 24AB of the FOI Act, you have 14 days to do one of the following:

- withdraw your request;
- make a revised request;
- indicate that you do not wish to revise your request.

If you do not do one of the three things listed above during the consultation period (14 days) or you do not consult the contact person listed below during this period, your request will be taken to have been withdrawn in accordance with section 24AB(7) of the FOI Act.

Contact

Should you wish to revise your request or have any questions in relation to this process, please do not hesitate to contact the decision maker at foi@homeaffairs.gov.au.

Signed electronically

Position number 60097486
Authorised Decision Maker | Freedom of Information Section
FOI and Records Management Branch
Data Division | Corporate and Enabling Group
Department of Home Affairs