

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 28 MAY 2008

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(22) Output 1.1: Migration and Temporary Entry

Senator Nettle (L&CA 51) asked:

I understand there was an FOI request in relation to information about people on 457 visas who had died. From the reporting, there was not very much information released. Why wasn't more information released for that FOI request?

Answer:

The FOI request sought access to personal information on the 457 visa holders who had died while working in Australia. DIAC exempted personal information in the documents released to protect the privacy of individuals and their families.

An article in the *Sydney Morning Herald* (SMH) on Saturday, 19 April 2008 claimed that information released in relation to a FOI request into the deaths of three 457 visa holders, contained deletions or exemptions to a large part of the documents, including information that was already in the public domain.

The SMH lodged an FOI request for a range of information on the work related deaths of three 457 visa holders and on 17 other deaths of 457 visa holders.

As part of this request, the SMH also sought access to the names and home addresses of those 20 foreign nationals who have died while in Australia and the names of any agents or labour hire companies involved in bringing to Australia, or recruiting, any of the 20 deceased persons referred to in this request.

Personal information on individuals was exempted in accordance with Section 41(1) of the FOI Act as it was not certain what or how much information was already in the public domain. DIAC was concerned that by releasing personal information, any public information might then be attributed to DIAC's formal release, and this could lead to concerns by family members of the deceased that DIAC had breached the privacy of their family member.

The SMH did not request an internal review of DIAC's decision.