



File: T&F20/0761
A1611703

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15 January 2021

Mr Chris Picton MP
Shop 9
760 Grand Boulevard
SEAFORD MEADOWS SA 5169

Sent via email: shadowhealth@parliament.sa.gov.au

Dear Mr Picton

Freedom of Information – International Students

I refer to your application under the *Freedom of Information Act 1991* (FOI Act), received by the Department of Treasury and Finance (DTF) on 21 August 2020.

Your application specifically requested:

'Any documents (including but not limited to emails, minutes, contracts, briefings, letters, proposals, advice, invoices, quotes, notes) regarding the travel of international students to resume studies in South Australian universities [Date range 1/4/2020 – 21/8/2020].'

Under the Act, an agency has 30 days to respond to a freedom of information request. As DTF did not respond to your request within the time frame required, the department is deemed to have refused you access to all documents relevant to your application. However, I have determined to process the request as if the statutory time frame had been met.

The purpose of this letter is to advise you of my determination.

A total of 18 documents were identified as answering the terms of your application and I have determined as follows:

- I grant you access in full to 3 documents, copies of which are enclosed
- I grant you access in part to 2 documents, copies of which are enclosed, and
- I refuse you access to 13 documents.

Please refer to the attached schedule that describes each document and sets out my determination and reasons in summary form.

Documents released in full

Documents 13-15

Documents released in part

Documents 10 and 12 contain sections not relevant to your request, which have been removed.

Documents refused in full

Under clause 5 of Schedule 1 to the FOI Act, information is exempt from disclosure if it contains matter the disclosure of which could reasonably be expected to cause damage to intergovernmental relations; or would divulge information from a confidential intergovernmental communication. Documents 1-2 contain information about the Covid-19 pandemic provided by other jurisdictions in confidence that, if released, could reasonably be expected to cause damage to intergovernmental relations and potentially hinder the sharing of information relating to the pandemic and any future critical issues of national concern. This in turn could hinder the effectiveness of South Australia's ongoing response to the health and economic impacts of the pandemic in particular, and any future issues more generally.

I acknowledge that there is a strong public interest around the government's decision making, particularly when it relates to the physical, psychological and financial wellbeing of the South Australian community. In my view, however, this is outweighed by the need to ensure that South Australia continues to receive all available information and advice from other jurisdictions in relation to critical issues in order to make sound decisions in the best interests of the State, and that future access is not put at risk by releasing sensitive information. I have therefore determined to exempt documents 1-2 in full pursuant to clause 5 of Schedule 1 to the FOI Act

Documents 1-2 also contain matter that relates to interagency consultation and deliberation in the course of decision making about the easing of pandemic-related restrictions in South Australia. I have therefore exempted this information pursuant to clause 9(1)(a)(ii) of Schedule 1 to the FOI Act.

Document 3 contains matter that relates to opinion and advice, also in the course of the decision making about easing of pandemic-related restrictions. I have therefore exempted this information pursuant to clause 9(1)(a)(i) of Schedule 1 to the FOI Act.

Again, I acknowledge the strong public interest in the government's decision making in relation to community wellbeing. In my view, however, this is outweighed by the need to ensure that public servants are able to provide opinion, advice and recommendation without inhibiting frankness and candour. Disclosure of these documents would hinder the government's continuing ability to propose and deliberate a range of options in interagency communications when responding to critical issues such as Covid-19. I therefore determine to exempt documents 1-2 in full pursuant to clause 9(1)(a)(ii) and document 3 in full pursuant to clause 9(1)(a)(i) of Schedule 1 of the FOI Act.

Documents 4-9 and 11 are draft minutes of Covid-19 Transition Committee meetings which were presented to Committee members by the secretariat for the purposes of obtaining the views of members on their accuracy so that agreed versions may be authorised at subsequent meetings.

In my view, the public interest arguments in favour of release include:

- Consistency with the objects of the FOI Act, and
- Release of these documents may go some way to informing the public about how the Committee makes its decisions.

The public interest arguments against release include:

- The draft minutes have not been approved as a true record of the meetings and may contain inaccuracies and incomplete elements. The need for accurate, correctly attributed records of Transition Committee meetings is acute, given the weight of the decisions it makes and their effect on the community.
- There is a risk of these documents being misinterpreted or used to misrepresent positions taken by the Committee, which in turn could compromise the government's ability to manage the pandemic.
- Accuracy is critical to maintaining community confidence in and compliance with government directives in relation to the pandemic.
- The public interest in the release of records that have not been certified as true and accurate is minimal. The public interest in the committee's decision making processes is being met by the release and availability in certain fora of final, agreed versions.

On balance, in my view it would be contrary to the public interest to release documents 4-9 and 11, and I have therefore determined to exempt these documents in full pursuant to clause 9(1)(a)(i) of schedule 1 of the FOI Act.

Documents 16-18 are briefing notes prepared specifically for use in Parliament, the disclosure of which would infringe the privilege of Parliament. I have therefore determined to exempt these documents in full pursuant to clause 17(c) of Schedule 1 to the FOI Act.

Documents 1-9, 11 and 16-18 also contain sections not relevant to your request.

Exemptions

Clause 5 – Documents affecting inter-governmental or local governmental relations

(1) A document is an exempt document if it contains matter—

(a) the disclosure of which—

(i) could reasonably be expected to cause damage to intergovernmental relations; or

(ii) would divulge information from a confidential intergovernmental communication; and

(b) the disclosure of which would, on balance, be contrary to the public interest.

Clause 9 – Internal working documents

(1) A document is an exempt document if it contains matter—

(a) that relates to—

(i) any opinion, advice or recommendation that has been obtained, prepared or recorded; or

(ii) *any consultation or deliberation that has taken place, in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency; and*

(b) *the disclosure of which would, on balance, be contrary to the public interest.*

Clause 17 – Documents subject to contempt etc

A document is an exempt document if it contains matter the public disclosure of which would, but for any immunity of the Crown—

(a) *constitute contempt of court; or*

(b) *contravene any order or direction of a person or body having power to receive evidence on oath; or*

(c) *infringe the privilege of Parliament*

Please note, in compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information* (PC045), DTF is now required to publish a log of all non-personal information released under the *Freedom of Information Act 1991*.

In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DTF website. A copy of PC045 can be found at the following address: <https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars> Please visit the website for further information.

Appeal Rights

If you are aggrieved with this determination, you have a right to apply for internal review under subsection 29(1) of the FOI Act. Pursuant to subsection 29(2), your application must:

- be in writing
- be addressed to the principal officer, and
- be lodged at an office of DTF, or emailed to freedomofinformation2@sa.gov.au within 30 days after the day on which you receive this letter or within such further time as the principal officer may allow.

If you require any further information please phone Russell Withers on (08) 8429 3631.

Yours sincerely



Maria Ross
ACCREDITED FREEDOM OF INFORMATION OFFICER

Schedule of Documents

T&F20/0761 - DTF has received an FOI application from Mr Chris Picton MP seeking 'Any documents (including but not limited to emails, minutes, contracts, briefings, letters, proposals, advice, invoices, quotes, notes) regarding the travel of international students to resume studies in South Australian universities.' [Date range: 1/04/2020 to 21/08/2020]

Doc. No.	Date	Description of Document	# of pages	Determination	Exemption Clause
1	4/05/2020	Email	2	Refused in full	5(1)(a)(i) - Damage to intergovernmental relations & contrary to public interest
					5(1)(a)(ii) - Contains information from confidential intergovernmental communication & contrary to public interest
					9(1)(a)(ii) - Contains matter relating to consultation or deliberation for decision-making of the Government, a Minister or an agency & contrary to public interest
					Sections not relevant
2	4/05/2020	Attached to document 1	1	Refused in full	5(1)(a)(i) - Damage to intergovernmental relations & contrary to public interest
					5(1)(a)(ii) - Contains information from confidential intergovernmental communication & contrary to public interest
					9(1)(a)(ii) - Contains matter relating to consultation or deliberation for decision-making of the Government, a Minister or an agency & contrary to public interest
					Sections not relevant
3	4/05/2020	Email	2	Refused in full	9(1)(a)(i) - Contains matter relating to opinion, advice or recommendation prepared for decision-making of the Government, a Minister or an agency & contrary to public interest
					Sections not relevant
4	15/05/2020	Draft minutes of Covid-19 Transition Committee	2	Refused in full	9(1)(a)(i) - Contains matter relating to opinion, advice or recommendation prepared for decision-making of the Government, a Minister or an agency & contrary to public interest
					Sections not relevant
5	2/06/2020	Draft minutes of Covid-19 Transition Committee	5	Refused in full	9(1)(a)(i) - Contains matter relating to opinion, advice or recommendation prepared for decision-making of the Government, a Minister or an agency & contrary to public interest
					Sections not relevant

Schedule of Documents

Doc. No.	Date	Description of Document	# of pages	Determination	Exemption Clause
6	30/06/2020	Draft minutes of Covid-19 Transition Committee	2	Refused in full	9(1)(a)(i) - Contains matter relating to opinion, advice or recommendation prepared for decision-making of the Government, a Minister or an agency & contrary to public interest
					Sections not relevant
7	10/07/2020	Draft minutes of Covid-19 Transition Committee	2	Refused in full	9(1)(a)(i) - Contains matter relating to opinion, advice or recommendation prepared for decision-making of the Government, a Minister or an agency & contrary to public interest
					Sections not relevant
8	21/07/2020	Draft minutes of Covid-19 Transition Committee	2	Refused in full	9(1)(a)(i) - Contains matter relating to opinion, advice or recommendation prepared for decision-making of the Government, a Minister or an agency & contrary to public interest
					Sections not relevant
9	28/07/2020	Draft minutes of Covid-19 Transition Committee	2	Refused in full	9(1)(a)(i) - Contains matter relating to opinion, advice or recommendation prepared for decision-making of the Government, a Minister or an agency & contrary to public interest
					Sections not relevant
10	28/07/2020	Final minutes of Covid-19 Transition Committee		Released in part	Sections not relevant
11	7/08/2020	Draft minutes of Covid-19 Transition Committee	3	Refused in full	9(1)(a)(i) - Contains matter relating to opinion, advice or recommendation prepared for decision-making of the Government, a Minister or an agency & contrary to public interest
					Sections not relevant
12	7/08/2020	Final minutes of Covid-19 Transition Committee		Released in part	Sections not relevant
13	21/07/2020	Email	2	Released in full	
14	21/07/2020	Summary of student visa holders in and outside Australia	1	Released in full	

Withers, Russell (DTF)

From: Gilbert, Kevin (DTTI)
Sent: Tuesday, 21 July 2020 9:59 AM
To: Winefield, Matthew (DTF)
Subject: FW: international students [SEC=UNOFFICIAL]
Attachments: DESE 20200712 all visa holders 12 July 2020.pdf; DESE 20200712 all visa holders 12 July 2020.xlsx

Hi Matthew

Data attached as requested

We are continuing to evaluate the economic impact of COVID-19, and will keep you posted.

We can only reinforce to you again, the enrolment data from the DESE pivot tables is not a reflection of the seriousness of the impact on the sector here on shore.

Happy to send a detailed update later or discuss at any time.

Please contact the Director (Taliessin Reaburn) to discuss further.

k

Kevin Gilbert
 International Education
 Department for Trade and Investment

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kevin.gilbert@sa.gov.au

From: Reaburn, Taliessin (DTTI) <Taliessin.Reaburn@sa.gov.au>
Sent: Tuesday, 21 July 2020 9:40 AM
To: Koutrikas, Antonia (DTF) <Antonia.Koutrikas@sa.gov.au>; Gilbert, Kevin (DTTI) <Kevin.Gilbert@sa.gov.au>
Subject: RE: international students [SEC=UNOFFICIAL]

Hi Antonia,

Good to chat earlier.

I'll introduce you to Kevin Gilbert, Manager International Education, who is our data expert.

He has been following these issues closely and can share the Home Affairs data.

We haven't done a specific brief, although we have done some initial forecasting with our Economist (for internal purposes) which we'd be happy to discuss.

Cheers

Tally

Regards

Taliessin Reaburn

Director

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Department for Trade and Investment

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From: Koutrikas, Antonia (DTF) <Antonia.Koutrikas@sa.gov.au>

Sent: Tuesday, 21 July 2020 9:35 AM

To: Reaburn, Taliessin (DTTI) <Taliessin.Reaburn@sa.gov.au>

Subject: international students

Hi Talie,

Thank you for the chat re international students. The Home Affairs data would be most appreciated.

Also if there is a comprehensive brief on the current situation with international students you can share with us, that would also be useful.

Many thanks

Antonia Koutrikas

Manager Economics | Commercial and Economics | Economics Section

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Government of South Australia
Department of Treasury
and Finance



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Student visa holders in and outside Australia



Australian Government

Department of Education,
Skills and Employment

International student visa holders who may be affected by COVID-19 related travel restrictions - 12 July 2020

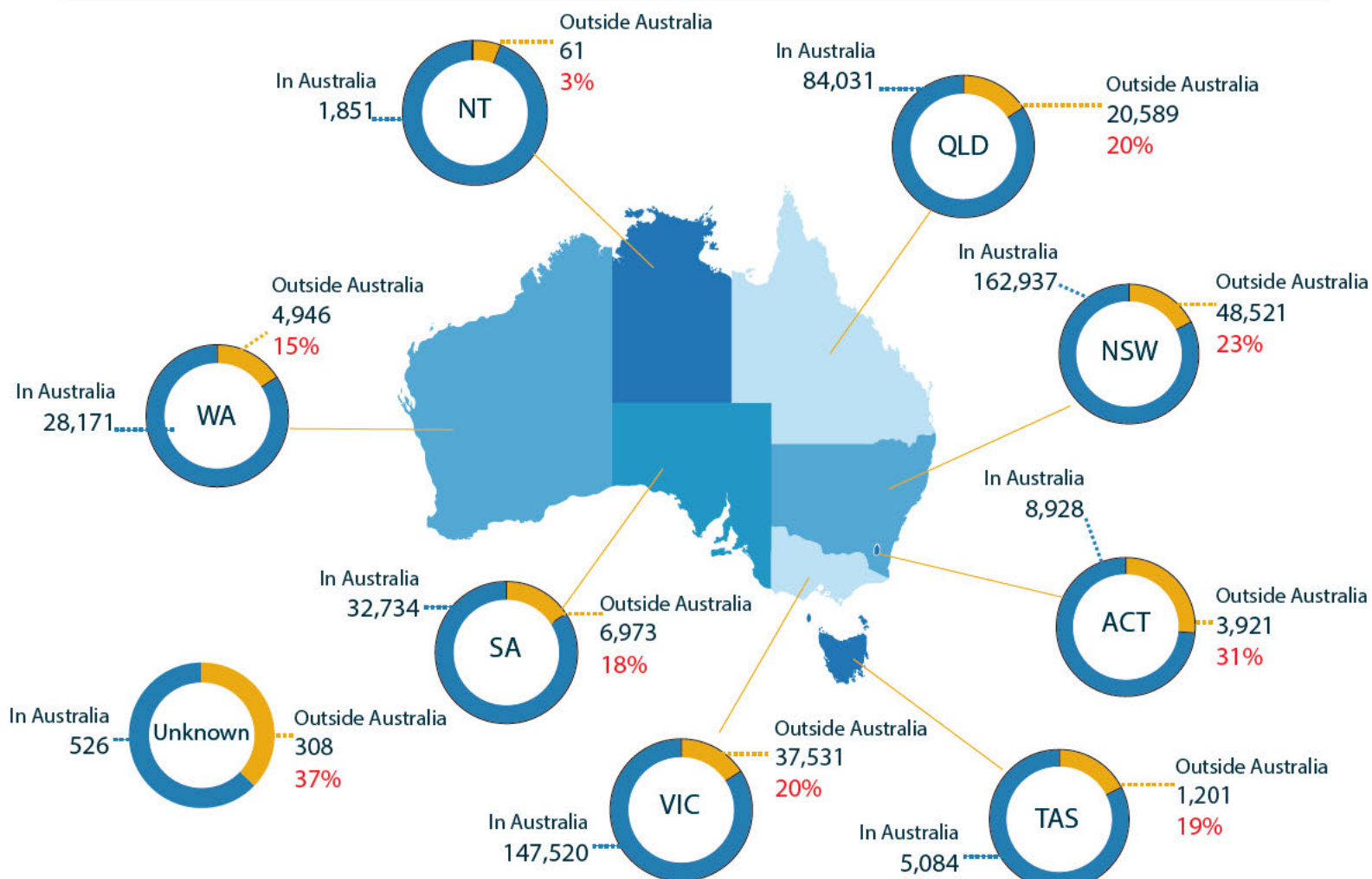
Primary student visa holders , by visa subclass

Visa subclass	In Australia	Outside Australia	Total	% Outside Australia
Higher Education	288,638	90,340	378,978	24%
Independent ELICOS	13,190	5,879	19,069	31%
Non-Award	1,867	7,153	9,020	79%
Postgraduate Research	15,894	3,469	19,363	18%
Schools	16,561	4,217	20,778	20%
VET	135,632	12,838	148,470	9%
Other	-	155	155	100%
Total	471,782	124,051	595,833	21%

Top 10 visa holders by citizenship

Country	Outside Australia	Total	% Outside Australia
China	72,962	176,528	41%
India	5,202	98,675	5%
Nepal	1,145	45,292	3%
Vietnam	2,771	22,468	12%
Malaysia	2,476	18,297	14%
Brazil	2,314	17,345	13%
Colombia	1,689	16,754	10%
South Korea	3,115	15,249	20%
Phillipines	804	15,132	5%
Indonesia	2,246	15,070	15%
Other	29,327	155,023	19%
Total	124,051	595,833	21%

Primary student visa holders by location of primary education provider



Source: Department of Home Affairs, 2020

Citizenship Country	(All)
Education Provider State	(All)
Applicant Type	Primary

Sum of Student Row Labels	Column Labels		
	Inside Australia	Outside Australia	Grand Total
Higher Education Sector	288,638	90,340	378,978
Independent ELICOS Sector	13,190	5,879	19,069
Non-Award Sector	1,867	7,153	9,020
Postgraduate Research Sector	15,894	3,469	19,363
Schools Sector	16,561	4,217	20,778
Student (Not Further Specified)	-	155	155
Vocational Education and Training Sector	135,632	12,838	148,470
Grand Total	471,782	124,051	595,833

SA COVID-19 TRANSITION COMMITTEE

Meeting 29: 28 July

Outcomes:

Reference	Action
	Nil

Minutes

1. Welcome and apologies

- 1.1 All committee members present.
- 1.2 Ms Ingrid Norman, AC Noel Bamford and Dr Evan Everest attended as guests.

2. Minutes and apologies

- 2.1 The minutes of the previous meeting were endorsed.

Sections not relevant

Sections not relevant

5. Border update

Sections not relevant

- 5.5 Conversations with the Commonwealth government are continuing in relation to international students. The Committee noted that a proposal will be provided to the Premier soon.

Sections not relevant

SA COVID-19 TRANSITION COMMITTEE

Meeting 31: 07 August

Minutes

1. Welcome and apologies

1.1 All members present.

1.2 Mr Evan Everest, Ms Ingrid Norman and AC Noel Bamford attended as guests.

2. Minutes

2.1 The minutes of the meetings 28 and 31 July will be reviewed by Members.

Sections not relevant

Sections not relevant

8. Any other business

Sections not relevant

- 8.2 The Committee noted the proposal on the return of international students had been considered by the Commonwealth government and was in progress.