



23 June 2023

In reply please quote:

FOI Request: FA 23/05/00957

File Number: FA23/05/00957

Dear Sooraj

Freedom of Information (FOI) request – Access Decision

On 12 May 2023, the Department of Home Affairs (the Department) received a request for access to a 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:

Could you please publish latest Procedures Advice Manual 3 document if any change compared to the last released document.

Last released document under FOI -

<https://www.homeaffairs.gov.au/foi/files/2020/fa-200601127-document-released.pdf>.

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 documents or to amend or annotate records.

3 Relevant material

In reaching my decision I referred to the following:

- the terms of your 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 to which you sought access

4 Documents in scope of request

The documents relevant to your request are publicly available on LEGENDcom and to the wider public via libraries that subscribe to LEGENDcom, through the Commonwealth Library deposit and free issue scheme (LDS).

The information you seek can be found on the following Department's web page, at the following link, on a subscription basis including a payment fee:

<https://immi.homeaffairs.gov.au/help-support/tools/legendcom>

If you do not have a subscription to LEGEND, there are a number of State or Territory libraries that subscribe to LEGENDcom through the LDS. The Department provides information about the participating libraries and the LDS at the link above.

5 Decision

My decision in relation to your request is to refuse access to the document you have requested on the basis that it is publicly available on LEGEND.

6 Reasons for decision

Section 12(1)(b) of the FOI Act provides that a person is not entitled to access a document that is open to public access, as part of a public register or otherwise, in accordance with another enactment, where that access is subject to a fee or other charge.

As the documents you have requested access to are available on LEGEND, I consider that you are not entitled to access to the document under the FOI Act.

7 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Series/C2004A02562>. If you are unable to access the legislation through this website, please contact our office for a copy.

8 Your Review Rights

[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: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>.

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.

Yours sincerely

[signed electronically]

Louise

Position number 60081621

Authorised FOI Officer - Freedom of Information

Privacy, FOI and Records Management Branch | Legal Group

Department of Home Affairs | www.homeaffairs.gov.au

Email foi@homeaffairs.gov.au