



8 November 2017



In reply please quote:

FOI Request: FA 16/11/00216

File Number: ADF2016/66089

Dear 

Freedom of Information (FOI) request - Access Decision

On 4 November 2016, the Department of Immigration and Border Protection (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:

'a copy of the document "Secretary's Instruction 10 Legal Services.'

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
- 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 4 November 2016 when your request was received.

5 Decision

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

- Release one document in full

I note that the attached document released – *Secretary's Instruction 10 Legal Services* – is the version that is currently in use across the Department and is provided to staff who are seeking advice on legal services. Prior to the integration of the two agencies (the Department of Immigration and Border Protection (DIBP) and the Australian Customs and Border Protection Service (ACBPS)), there was a DIBP Secretary's Instruction regarding legal services. Shortly after the integration of the agencies on 1 July 2015, the DIBP instruction was revised to include information about ACBPS legal services. The Secretary's Instruction is currently being redrafted in accordance with the Department's Policy and Procedure Control Framework. The new Secretary's Instruction is expected to be finalised in early 2018.

6 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Details/C2017C00251>.

7 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@border.gov.au

OR

By mail to:
Freedom of Information Section
Department of Immigration and Border Protection
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>.

8 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 Immigration and Border Protection as the relevant agency.

9 Contacting the FOI Section

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at foi@border.gov.au.

(signed electronically)


FOI Officer | Freedom of Information Section
FOI, Privacy and Records Management Branch
Corporate Services Division
Department of Immigration and Border Protection