

## **Filipino Migrants Forum**

### ***Do You Need access to your documents lodged with DIAC?***

***By Atty. Imelda Argel, Bachelor of Laws (UP), Master of Laws (University of Sydney)***

The Freedom of Information Act 1982 was introduced by the Commonwealth Government to extend and clarify the right of the Australian community to access information held by the government by:

- making available to the public information about the operations of departments and public authorities and, in particular, ensuring that rules and practices affecting members of the public in their dealings with those organizations are readily available to persons affected by those rules and practices;
- creating a general right of access to information in documentary form in the possession of Ministers, departments and public authorities;
- creating a right to bring about the amendment of records containing personal information that is incomplete, incorrect, out of date or misleading.

The object of the Act is to extend as far as possible the right of the Australian Community to access information in the possession of the Government of the Commonwealth, however this is subject to limitations. These limitations broadly relate to the protection of essential public interests and the private and business affairs of persons other than the person making the request for access. Therefore a number of documents may not be accessible.

Applications for access under this Act is subject to fees and charges however these may be waived or exempted in certain cases. The applicants should state their reasons for seeking fee exemption. Exemption of the fee is generally on the grounds that payment would cause hardship or that the release of the information is in the general public interest.

There is no central agency for all government departments for the handling of requests for access under the freedom of information.

Each individual government department deals with requests relating to their own functions and potential applicants will need to identify the relevant department and then check its website for the location of their Freedom of Information Unit and the appropriate application form and fee.

For example, if the documents required were submitted to the Department of Immigration and Citizenship (DIAC), then the requests should be sent specifically to DIAC.

DIAC has two Freedom of information units which are located in Melbourne and Canberra. For those residing in Victoria, requests are to be addressed and sent to:

Parliamentary and Public Access  
Department of Immigration and Citizenship  
GPO Box 241  
MELBOURNE VIC 3001

For those residing in all other parts of Australia, requests are to be addressed to the unit in Canberra:

FOI Unit  
Department of Immigration and Citizenship  
PO Box 25  
BELCONNEN ACT 2616

The Email for both units is: [FOI@immi.gov.au](mailto:FOI@immi.gov.au)

In dealing with DIAC, applicants will find three application forms on the website which relate to the freedom of information:

- **Form 424A – Request for access to documents.** This is the application form most commonly used and covers requests for access to all documents held by DIAC other than movement records.
- **Form 424B – Request for international movement records.** This form is used where access to records of the applicant's arrival and departures to and from Australia is being requested.
- **Form 424C – Request for amendment or annotation to personal records.** This form is used to correct errors in records of an applicant's personal details which are out of date or incorrect.

The forms provide a simple means by which applicants who have submitted documents or information to DIAC to retain access to this information.

In the case of forms 424A and 424B, the appropriate fee must be sent concurrently with the application and if the exemption request is granted, the fee will be refunded in due course. Applications sent without the fee would be regarded as incomplete and may be returned for inclusion of the fee. There is no fee required for form 424C.

*This information is of a general nature and should not be taken as authoritative legal advice for specific cases. The writer, Atty. Imelda Argel is a practising Filipino lawyer and a registered migration agent in Sydney, Australia. She is a Solicitor of the Supreme Court of New South Wales, the High Court of Australia, Attorney at law in the Philippines and in the State of New York, USA. Her Registered Migration Agent no. is 9682957. More information is available at [www.iargel.com.au](http://www.iargel.com.au)*

*Readers of the Philippine Community Herald Newspaper are invited to send their comments to "The President, Filipino Migrants Forum" c/o Imelda Argel & Associates,*

*Solicitors & Attorneys, by email at [info@iargel.com.au](mailto:info@iargel.com.au) or by fax at (+612) 9699 3210 or by post to Suite 41, Ground Floor, 61-89 Buckingham St. SURRY HILLS NSW 2010.*