



15 September 2023

Mr Oliver Smith

**BY EMAIL:** [foi+request-10466-43dc2980@righttoknow.org.au](mailto:foi+request-10466-43dc2980@righttoknow.org.au)

**In reply please quote:**

FOI Request: FA 23/07/00690

File Number: FA23/07/00690

Dear Mr Smith

**Freedom of Information (FOI) request – Access Decision**

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

*Under the Freedom of Information Act, I am seeking access to all correspondence since 1 January 2023 directed to the Minister for Immigration and Citizenship that is making a complaint about the conduct of a Labor MP acting as the Minister's delegate at a Citizenship Ceremony in relation to any discussion about the referendum on the Indigenous Voice to Parliament.*

**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 Australian Information Commissioner (OAI) under section 93A of the FOI Act (the FOI Guidelines)

- advice from Departmental officers with responsibility for matters relating to the document/s to which you sought access.

#### **4 Documents in scope of request**

The Department has undertaken reasonable searches for documents within the scope of your request.

##### ***Searches***

In summary, the searches undertaken by the relevant business areas in relation to your request included:

- A search of the Parliamentary Document Management System (PDMS)
- Information holdings of the Citizenship Program Ceremonies Section.

Having regard to your request and the types of documents that may fall within the scope of your request, I am satisfied that the searches conducted were extremely thorough and all reasonable steps have been taken to locate any document in the Department's possession which is within scope of your request.

#### **5 Decision**

Section 24A of the FOI Act provides that the Department may refuse a request for access to a document if all reasonable steps have been taken to find the document and the Department is satisfied that the document does not exist.

I am satisfied that the Department has undertaken reasonable searches in relation to your request and that no documents within scope of your request were in the possession of the Department on 12 July 2023, when your FOI request was received. As such, I am refusing your request based on the application of section 24A of the FOI Act.

#### **6 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.

#### **7 Your Review Rights**

##### ***Review by the Office of the Australian Information Commissioner***

You may apply directly to the 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/your-freedom-of-information-rights/freedom-of-information-reviews/internal-review>.

## 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](mailto: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.

## 9 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](mailto:foi@homeaffairs.gov.au).



Anne Leo  
Assistant Secretary  
Citizenship Program Delivery Branch  
Citizenship and Multicultural Affairs Division

**Position number: 3355**  
**Authorised Decision Maker**  
**Department of Home Affairs**