



19 December 2023

Oliver Smith

**BY EMAIL:** [foi+request-10863-17594ba7@righttoknow.org.au](mailto:foi+request-10863-17594ba7@righttoknow.org.au)

**In reply please quote:**

FOI Request: FA23/11/00728

File Number: FA23/11/00728

Dear Oliver Smith,

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

On 14 November 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:

*Under the FOI Act, I am seeking the document with PDR Number: MS22-002452 called Changes to the Australian Citizenship Ceremonies Code.*

*Any personal information can be redacted to expedite this process.*

**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 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 document to which you sought access

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

The document relevant to your request is publicly available via the Department of Home Affairs Disclosure log <https://www.homeaffairs.gov.au/access-and-accountability/freedom-of-information/disclosure-logs/2023> by searching for FOI request FA 23/01/00091- Pages 62-65.

#### **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.

#### **6 Reasons for decision**

Section 4(1)(d) of the FOI Act provides that a document for the purpose of the FOI Act does not include material maintained for reference purposes that is otherwise publicly available.

As the document you have requested access to is publicly available at the web address provided above, 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](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.

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

Yours sincerely,

*[Signed electronically]*

**Joanne**

**Position Number: 60100057**

**Authorised Decision Maker**

**Department of Home Affairs**