



9 February 2016

Moonee Valley Legal Service

foi+request-1490-101b346f@righttoknow.org.au

Our reference: LEX 17105

Dear Moonee Valley Legal Service

Your Freedom of Information Request - Decision

1. I refer to your request dated 12 January 2016 and received by the Department of Human Services (the **department**) on the same date, for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

'Could I get the following data for Ascot Vale, Carlton, Flemington, Kensington, North Melbourne for 2015:

Family composition

Percentage of households receiving a disability pension

Numbers of properties

Numbers of vacant tenable properties and average time those properties had been vacant as at 31 December 2015

Number of residents and number of those residents who are in new tenancies

The percentages of different countries of birth

The percentages of the age groups

Languages spoken Gross weekly income by households Income types.'

Background

2. On 19 January 2016, I contacted you by email to advise that the information you have requested is not available through the department and asked whether you would be agreeable to withdrawing your request on this basis.
3. On 5 February 2016, I contacted you again by email asking whether you would like to continue with your request, noting that the information you requested is not available through the department. I am yet to receive a response to these emails.

Decision

4. I am authorised to make decisions under section 23(1) of the FOI Act.
5. I have decided to refuse your request for access under section 24A of the FOI Act on the basis that all reasonable steps have been taken to locate the documents you have requested and I am satisfied that they cannot be located or do not exist.

Information Considered

6. In reaching my decision, I have considered:

- the terms of your request, dated 12 January 2016;
- the FOI Act;
- consultations with department officers about the department's operating environment and functions; and
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the **Guidelines**).

Reasons for Decision

Section 24A of the FOI Act

7. Section 24A of the FOI Act provides that:

- (1) An agency or Minister may refuse a request for access to a document if:
 - (a) all reasonable steps have been taken to find the document; and
 - (b) the agency or Minister is satisfied that the document:
 - (i) is in the agency's or Minister's possession but cannot be found; or
 - (ii) does not exist.

8. The department's Statistics Team has made enquiries as to whether the data you have requested is available in documents held by the department. As advised in an email to you dated 19 January 2016, the information you have requested below is not available through the department.

9. You may consider contacting the Australian Bureau of Statistics (ABS) who may be able to provide data relating to the Australian population and composition relevant to your request.

10. Data specific to the department's social welfare payments is publicly available at www.data.gov.au. This information may be able to be utilised in conjunction with the population information obtained through the ABS to convey percentages as you have indicated you are seeking.

11. On the basis of these investigations, I am satisfied that in accordance with section 24A of the FOI Act:

1. all reasonable steps have been taken to find the document; and
2. the documents cannot be located or does not exist.

Rights of review

12. I have enclosed information about your rights of review under the FOI Act at **Attachment A**.

Yours sincerely

Sally Cook
FOI Practitioner
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Department of Human Services
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INFORMATION ON RIGHTS OF REVIEW

FREEDOM OF INFORMATION ACT 1982

Application for review of decision

The *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for a review of this decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of this decision by:

- (i) an internal review officer in the Department of Human Services; or
- (ii) the Information Commissioner.

Internal Review

If you apply for internal review, it will be carried out by a different decision-maker who will make a fresh decision on your application. An application for review must be:

- made in writing;
- made within 30 days of receiving this letter; and
- sent to the address at the head of this letter.

No particular form is required, but it is desirable to set out in the application the grounds upon which you consider the decision should be reviewed.

If the internal review officer decides not to grant you access to all of the documents to which you have requested access, you have the right to seek a review of that decision by the Information Commissioner. You will be further notified of your rights of review at the time you are notified of the internal review decision.

Please note that if you apply for an internal review and a decision is not made by an internal review officer within 30 days of receiving the application, you have the right to seek review by the Information Commissioner for a review of the original FOI decision on the basis of a 'deemed refusal' decision. An application for Information Commissioner review in this situation must be made within 60 days of the date when the internal review decision should have been made (provided an extension of time has not been granted or agreed).

Information Commissioner review

You must apply in writing within 60 days of the receipt of the decision letter and you can lodge your application in one of the following ways:

Online: www.oaic.gov.au Post: GPO Box 5218, Sydney 2001 Email: enquiries@oaic.gov.au
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If a person has sought an internal review and no result of that review is provided within 30 days, then the applicant may apply to the Information Commissioner to review the matter.

An application form is available on the website at www.oaic.gov.au. Your application should include a copy of the notice of the decision that you are objecting to (if one was provided), and your contact details. You should also set out why you are objecting to the decision.

Complaints to the Commonwealth Ombudsman and Information Commissioner

Commonwealth Ombudsman

You may complain to the Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Ombudsman may be made in person, by telephone or in writing. The Ombudsman's contact details are:

Phone: 1300 362 072
Website: www.ombudsman.gov.au

The Commonwealth Ombudsman generally prefers applicants to seek review before complaining about a decision.

Information Commissioner

You may also complain to the Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act, There is no fee for making a complaint. A complaint to the Information Commissioner must be made in writing. The Information Commissioner's contact details are:

Telephone: 1300 363 992
Website: www.oaic.gov.au

Office of the Australian Information Commissioner (OAIC) is disbanding

Please note: The Australian Government announced as part of the 2014–15 Budget that the Office of the Australian Information Commissioner (OAIC) will be disbanded. The OAIC remains operational until further notice.

For further information on how the OAIC will deal with IC reviews and FOI complaints please visit their website at www.oaic.gov.au.