



19 July 2022

Hume Resident

BY EMAIL: foi+request-9019-d03d87ab@righttoknow.org.au

In reply please quote:

FOI Request: FA 22/06/00859

File Number: OBJ2022/16222

Dear Hume Resident

Freedom of Information (FOI) request – Notice of charge decision following applicant contention that charge be reduced or not imposed (s 29(8))

On 14 June, the Department of Home Affairs (the Department) received a request for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

1 Scope of request

You have requested access to the following documents:

Number of people whose application for Australian citizenship (by conferral) had been approved between 23rd Feb 2022 - 19th March 2022 and who were waiting to attend a citizenship ceremony at Hume City Council (Vic).

The date of approvals for individual invited in either 5th July or 19th July ceremonies

On 30 June 2022 the Department wrote to you to advise you that a preliminary assessment had been made that you were liable to pay a charge of \$40.00 for the processing of this FOI request.

On 5 July 2022 you requested a waiver or reduction of charges pursuant to section 29(5)(a) of the Act, on the grounds of financial hardship AND/OR pursuant to section 29(5)(b), on the grounds of public interest.

This letter provides my decision on your request.

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 Decision on waiver or reduction of charges

I have decided *under s 29(4) not to vary the original assessment of the charge*. The amount you are liable to pay is \$40.00. The reasons for my decision under s 29(4) are set out below.

Reasons for my decision

I have considered the following:

- whether payment of the charge, or part of it, would cause financial hardship to the applicant or a person on whose behalf the application was made,
- whether giving access to the document in question is in the general public interest or in the interest of a substantial section of the public.
- the arguments you have put forward in your email of 5 July 2022;
- the documents are primarily of interest only to the applicant and are not of general public interest or of interest to a substantial section of the public;;
- whether disclosure of a document would advance the objects of the Act;

I have determined that the disclosure of the document in question is not in the general public interest or in the interest of a substantial section of the public. Furthermore the charge is proportionate to the cost of making a decision and providing access, and it fairly reflects the work involved in providing access to the document.

For the above reasons I have decided to not to vary the original assessment of the charge.

Next steps in processing your request

As the charge exceeds \$25, you must pay a deposit of \$20, (in accordance with regulation 12 of the *Freedom of Information (Charges) Regulations 1982* (the FOI Charges Regulations)).

The deposit will be refunded if the Department fails to make a decision on your request within the statutory time limit.

Please note that if you choose to pay the deposit only, while the Department will be under an obligation to provide you with the decision by the due date, the documents will not be provided until you have paid the balance of the charges (s.11A(1)(b) of the Act and Regulation 11 of the FOI Charges Regulations).

How to pay the charge

You may pay by using the online payment facility for credit/debit cards; automated telephone payment system and BPay. You may also pay the charge by cheque or money order.

Electronic funds transfer/credit card payment

If you wish to pay the charges using a credit card, the online payment facility, telephone payment system or BPay, please refer to the tax invoice attached which will include full details of how the payment can be made.

The deposit can be paid by cheque, money order or credit card. Cheques and money orders should be made payable to "Collector of Public Monies DIBP" and sent to:

Freedom of Information Section
Department of Home Affairs
PO Box 25
BELCONNEN ACT 2616

Time in which to respond

Under the Act you have 30 days from the date of this notice to provide the Department with a response to my decision and either agree to pay the charges or seek an internal review of my decision. Your full review rights are set out in the next section, headed 'Review Rights'.

Therefore, you must provide the Department with a written response as to how you wish to proceed by close of business **Thursday 18 August**.

Review rights

Internal review

If you disagree with my decision, you have the right to apply for an internal review by the Department my decision. Any request for internal review must be provided to the Department by the date set out above. Where possible please attach reasons why you believe 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@homeaffairs.gov.au

OR

By mail to:
Freedom of Information Section
Department of Home Affairs
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 my decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a review request to the OAIC, please see FOI fact sheet 12 '*Freedom of information – Your review rights*', available online at www.oaic.gov.au.

How to make a complaint about the handling of this FOI request

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 Home Affairs as the relevant agency.

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.

Yours sincerely

Elaine – position 60097486
Authorised Decision Maker
Freedom of Information Section
Department of Home Affairs
Email: foi@homeaffairs.gov.au