



5 January 2023

Oliver Smith

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In reply please quote:

FOI Request: FA22/12/00359

File Number: FA22/12/00359

Dear Mr Smith

Freedom of Information (FOI) request – Access Decision

On 6 December 2022, 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 1982 (FOI Act), I am seeking access to correspondence between the Department of Home Affairs and City of Darebin council and/or people making representations on behalf of City of Darebin council in regards to the issue of the City of Darebin council's right to hold citizenship ceremonies or lack thereof.

The documents I am seeking are from the period 22 May 2022 to the date this FOI is actioned.

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:

- your request
- the FOI Act
- Guidelines published by the Office of the Australian Information Commissioner (OAIC) under section 93A of the FOI Act (the FOI Guidelines)
- advice from Departmental officers with responsibility for matters relating to the documents to which you sought access.

4 Documents in scope of request

The Department has undertaken reasonable searches in relation to the document/s you have requested to access.

Searches

In summary, the searches undertaken by the Department in relation to your request included consultation with the business areas with responsibility for the subject of your request.

The searches determined that the Department does not hold information that falls within scope of your request.

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 thorough and all reasonable steps have been taken to locate any document relevant to your request.

5 Decision

Section 24A of the FOI Act provides that the Department may refuse a request if all reasonable steps have been taken to find document/s 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 were in the possession of the Department on 6 December 2022 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/reviews-and-complaints/information-commissioner-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

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.



Anne Leo
Assistant Secretary, Citizenship Program Delivery
Authorised Decision Maker
Department of Home Affairs