



Statement of reasons made under the *Freedom of Information Act 1982*

**Decision and reason for decision of
Julian Yates, First Assistant Secretary, Local Government and Territories**

Applicant: [REDACTED]
Decision date: 19 September 2012
FOI reference number: 12.02
Documents: Documents relating to a Trust Deed between the Commonwealth Government and the Cocos (Keeling) Island Council Dated 18 September 1984

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Summary

1. I have made a decision to release the document subject to your request in full.

Authority to make this decision

2. I, Julian Yates, First Assistant Secretary, Local Government and Territories, am an officer authorised by the Secretary of the Department of Regional Australia, Local Government, Arts and Sport to make decisions about access to documents in the possession of the Department in accordance with Section 23(1) of the Freedom of Information Act 1982 (the FOI Act).

Background

3. On 16 August 2012 you made a request for access to documents in the possession of the Department of Regional Australia, Regional Development, Local Government, Arts and Sports (the Department). Your request sought access to:

'A Trust Deed between the Commonwealth Government and the Cocos (Keeling) Island Council dated 18 September 1984'

Documents subject to this request

4. The Department has undertaken a search of its records and has identified all documents that fall within the scope of your request.
5. The document subject to your request is:
 - **Trust Deed between the Commonwealth Government and the Cocos (Keeling) Island Council dated 18 September 1984**

Decision

6. I have made a decision to release the document subject to your request in full.

Your rights of review

9. If you disagree with your FOI decision, you can ask for the decision to be reviewed. There are two ways you can ask for review of a decision: internal review by the Department, and external review by the Office of the Australian Information Commissioner (OAIC).
10. You can ask the Department to review its decision in relation to access to documents. There is no charge for internal review. You must apply within 30 days of being notified of the decision, unless the Department extends the application time. You should contact the Department if you wish to seek an extension. The Department must make a review decision within 30 days. If it does not do so, its original decision is considered to be affirmed. The review will be carried out by a different departmental officer, usually someone at a more senior level. You must apply in writing and you can lodge your application in one of the following ways:

Post: FOI Coordinator
Department of Regional Australia, Regional Development and Local Government
GPO Box 803
Canberra ACT 2601
Fax: +61 2 6210 6076
Email: FOI@regional.gov.au

11. You can ask the OAIC to review the Department's decision in relation to access to documents. The Information Commissioner is an independent office holder who can review the decisions of agencies and ministers under the FOI Act. The Information Commissioner also investigates complaints about agency actions under the FOI Act. However, if you are complaining that the Department's decision is wrong, it will be treated as an application for a review. You do not need to seek an internal review from the Department before seeking an external review from the Information Commissioner. However, going through the Department's internal review process gives the Department the opportunity to reconsider its initial decision, and your needs may be met more quickly without undergoing an external review process. The Information Commissioner's review is free. You must apply to the Information Commissioner within 60 days of being given notice of the decision. You can ask the Information Commissioner for an extension of time to apply, and this may be granted if the Information Commissioner considers it is reasonable in the circumstances.

You must apply in writing and you can lodge your application in one of the following ways:

Online: www.oaic.gov.au
Post: GPO Box 2999
Canberra ACT 2601
Fax: +61 2 9284 9666
Email: enquiries@oaic.gov.au
In person: Level
25 National Circuit
Forrest, ACT; or at
Level 8, Piccadilly Tower
133 Castlereagh Street
Sydney, NSW

More information about Information Commissioner Reviews is available from
[http://www.oaic.gov.au/publications/FOI fact sheet12 your review rights.html](http://www.oaic.gov.au/publications/FOI%20fact%20sheet12%20your%20review%20rights.html).



Julian Yates
First Assistant Secretary, Local Government and Territories

19 September 2012