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FOI/2021/008

FREEDOM OF INFORMATION ACT 1982

REQUEST BY: Mr Darren

**On behalf of Robert Mills of the Larrakia People & the Original
Sovereign Tribal Federation**

**DECISION BY: Wayne Beswick
Branch Manager
Land Branch**

Dear Applicant,

I refer to your request dated 6 November 2020 under the *Freedom of Information Act 1982* (Cth) (FOI Act) to the National Indigenous Australians Agency (the NIAA) for access to the following documents (revised on 28 November 2020):

'1. As an elder of the Larrakia People and beneficiary with a genuine "Claim of Right" I request the most current financial statement of the Aboriginals Benefit Account established under the Australian Land Rights Act 1976 for the benefit of Aboriginal people, including any interest given for the benefit of the Commonwealth.'

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the NIAA's Chief Executive Officer (CEO) under section 23 of the FOI Act.

Searches for relevant documents

The NIAA has undertaken searches of its relevant records and identified one (1) document as falling within the scope of paragraph 1 of your FOI request (the requested document).

Matters Taken Into Account

In making my decision in this matter I have had regard to the following:

- the terms of your request;
- the content of the requested document;
- consultations with the NIAA's FOI advisers;
- the provisions of the FOI Act; and
- Guidelines made by the Australian Information Commissioner under section 93A of the FOI Act (the FOI Guidelines).

Decision

My decision is to release the requested document in full.

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Processing and access charges

I have decided not to impose charges for this FOI request.

Publication

Where an applicant is provided access to a document, section 11C of the FOI Act requires the NIAA to publish the document to members of the general public within ten (10) business days of providing the applicant with access to the document. Documents are published on NIAA Disclosure Log at <https://www.niaa.gov.au/foi/agency-foi-disclosure-logs>.

Review rights

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 NIAA; and external review by the OAIC.

Information Commissioner Review

The OAIC is an independent office that can review the decisions of agencies under the FOI Act.

You can ask the OAIC to review the NIAA's decision. You do not need to seek an internal review from the NIAA before seeking a review from the OAIC; however, going through the NIAA's internal review process gives us the opportunity to reconsider the initial decision and your needs may be met more quickly without undergoing an external review process.

The OAIC review process is free. You must apply to the OAIC within 60 days of being given notice of the decision. You must apply in writing, and further details are available on the OAIC website: www.oaic.gov.au

If you cannot access these websites, please contact the FOI Coordinator (contact details at the end of this notice), and further details will be provided to you.

Complaint rights

You may make a complaint to the Information Commissioner about the NIAA's actions in relation to this decision. Making a complaint about the way the NIAA has handled an FOI request is a separate process to seeking review of the NIAA's decision.

A complaint to the Information Commissioner must be in writing and identify the agency in respect of which the complaint is made. The Office of the Australian Information Commissioner (OAIC) may be contacted by phone (1300 363 992), email (enquiries@oaic.gov.au) or by letter (GPO Box 2999, Canberra ACT 2601).

Further information about the OAIC can be found on their website: www.oaic.gov.au.

Contact details

If you have any questions about this decision, or the FOI process, please contact the NIAA's FOI Coordinator at foi@niaa.gov.au.



Wayne Beswick
Branch Manager
Land Branch

3 December 2020



Schedule of Documents

FOI/2021/008

Scope:

'1. As an elder of the Larrakia People and beneficiary with a genuine "Claim of Right" I request the most current financial statement of the Aboriginals Benefit Account established under the Australian Land Rights Act 1976 for the benefit of Aboriginal people, including any interest given for the benefit of the Commonwealth.'

Doc #	Date	Description	No of pages	Decision	Relevant provision
1	30 June 2020	Aboriginals Benefit Account Financial Statements for the period ended 30 June 2020	20	Release in full	N/A