



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2018-0270

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	7
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

**From:** [REDACTED]  
**To:** [CMTEDD FOI](#)  
**Subject:** FOI Request  
**Date:** Tuesday, 2 October 2018 11:11:32 AM

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To whom it may concern,

my name is [REDACTED].

I make the following request under the auspices of the Freedom of Information Act 2016.

I seek a list of all prohibited names which parents have tried to register their babies between January 1, 2017 and the present. If such a list does not exist, I seek all correspondence between January 1, 2017 and the present in which Access Canberra informs a person that the name they have tried to register is a prohibited name.

Please note, I do not need any personal identifying information included in the list and/or correspondence, only the names that were rejected by Access Canberra during the aforementioned time period.

#### CHARGES:

I ask that you waive processing charges for this request because:

- it is limited in scope and can likely be processed quickly; and
- access to the information is in the general public interest.

#### Size of request

The act empowers you to charge for access to documents but I request that, under section 2(2), you exercise your discretion "as far as possible to facilitate and promote, promptly and at the lowest reasonable cost, the disclosure of information" and waive all charges.

Although this request is made under the ACT legislation, the Australian Information Commissioner has issued guidelines on interpreting the federal FOI Act, which is, in the relevant parts, almost identical to the ACT Act.

These guidelines urge FOI decision-makers to consider reducing or exempting charges when:

- the "cost of calculating and collecting a charge might exceed the cost to the agency of processing the request"; and
- the "agency was able to identify and retrieve the document easily and at marginal cost"

There is a large public interest to the release of these names, as Access Canberra has previously mentioned publicly one name was banned several years ago. In the time since those comments, Access Canberra have confirmed there have been similar cases of rejected names.

#### THE PUBLIC INTEREST:

Section 1 (9) of the FOI Act 2016 states the government should promote access to government information.

"It is the intention of the Legislative Assembly that this Act be administered with a pro-disclosure bias and discretions given under it be exercised as far as possible

in favour of disclosing government information.”

In the same legislation, the public interest test defined in Section 16 (17) (1a) states an agency or minister, in deciding whether disclosure of information would, on balance, be contrary to the public interest, must take steps to identify any factor favouring disclosure that applies in relation to the information.

Factors favouring disclosure in the public interest include, as mentioned in Schedule 2 section 2.1, the disclosure of information that could reasonably be expected to promote open discussion of public affairs and enhance the government’s accountability and contribute to positive and informed debate on important issues or matters in the public interest.

As mentioned above, the government has deemed this correspondence in the public interest. They have clearly decided that information about these issues belongs in the public domain.

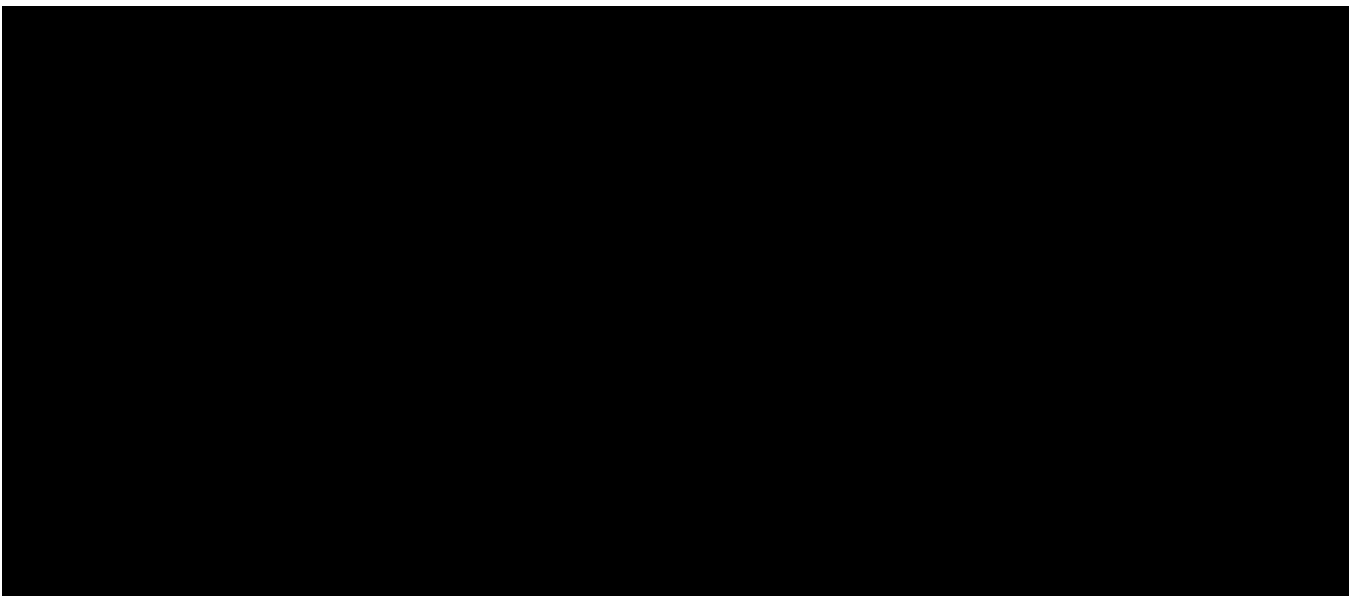
I believe I have provided sufficient reasons for you to provide the information I seek free of charge. However, please contact me on 6280 2147 or 0427 047 166 if you face any barriers to releasing this information.

Looking forward to hearing from you.

Regards,



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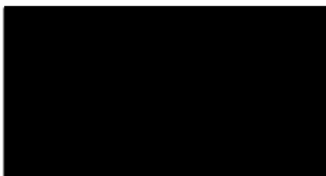





**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2018-0270



via email: 

Dear 

### **FREEDOM OF INFORMATION REQUEST**

I refer to your application received by the Chief Minister, Treasury and Economic Development Directorate on 2 October 2018 in which you sought access to information under the *Freedom of Information Act 2016* (the Act).

Specifically, you are seeking *"a list of all prohibited names which parents have tried to register their babies between January 1, 2017 and the present. If such a list does not exist, I seek all correspondence between January 1, 2017 and the present in which Access Canberra informs a person that the name they have tried to register is a prohibited name."*

### **Authority**

I am an Information Officer appointed by the Director-General of CMTEDD under section 18 of the Act to deal with access applications made under Part 5 of the Act.

### **Timeframes**

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 30 October 2018.

### **Decision on access**

Access Canberra have confirmed they do not create lists of prohibited names so a document search was conducted for relevant documents with 1 document being identified that falls within the scope of your request.

I have decided to grant partial access to that document. The information redacted in the documents I consider to be information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

I have included as Attachment A to this decision the schedule of relevant document. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as Attachment B to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decision is below.

### **Statement of Reasons**

In reaching my access decision, I have taken the following into account:

- the Act, particularly section 17 and schedule 2.2(a)(ii);
- the content of the documents that fall within the scope of your request;
- the *Human Rights Act 2004*.

### **Exemption claimed**

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

#### Factors favouring disclosure (Schedule 2.1)

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest':

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (viii) *reveal the reason for a government decision and any background or contextual information that informed the decision.*

Having considered the factors identified as relevant in this matter, I am satisfied the information contained within the document is within the public interest to release as it reveals the reason for a government decision and any background or contextual information that has formed that decision in regard to the reason the ACT prohibited the registration of an infant's name.

#### Factors favouring non-disclosure (Schedule 2.2)

Taking into consideration the information contained in the documents found to be within the scope of your request, I have also identified the following public interest factors in favour of non-disclosure are relevant to determine if release of the information contained within these documents is within the 'public interest'.

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (ii) *prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

Having reviewed the documents, I have considered the impact that releasing the personal information contained in the document, being the personal details of the applicant of application to register a birth and also the gender of the infant associated with the application. I am of the opinion that release of this information may prejudice the protection of these individuals' right to privacy or any other right under the *Human Rights Act 2004*. I am satisfied that this factor favouring non-disclosure should be afforded significant weight as it relates to individuals privacy. Accordingly, I have decided to

withhold from disclosure all information that identifies the applicant or infant subject to the Application to register a birth.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

### **Charges**

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because the total number folio's to be released to you is below the charging threshold of 50 pages.

### **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published on the CMTEDD disclosure log after 16 October 2018. Your personal contact details will not be published.

### **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601  
Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)


### **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Riley', with a stylized, cursive script.

Daniel Riley  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate

11 October 2018



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
[REDACTED]	I seek a list of all prohibited names which parents have tried to register their babies between January 1, 2017 and the present. If such a list does not exist, I seek all correspondence between January 1, 2017 and the present in which Access Canberra informs a person that the name they have tried to register is a prohibited name.	CMTEDDFOI2018-0270

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Letter – Application to register a birth	22 Feb 2017	Partial Release	Sch 2 s2.2 (a)(ii)	Yes
<b>Total No of Docs</b>						
1						





**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

**Sch 2.2(a)(ii)**

Dear **Sch 2.2(a)(ii)**

**RE: ACT Births, Deaths and Marriages - Application to register a birth**

I refer to your application to register the birth of **Sch 2.2(a)(ii)** received on **Sch 2.2(a)(ii)**

You have identified on the registration statement that the full given name of **Sch 2.2(a)(ii)** is **Sch 2.2(a)(ii)** Princeofzion.

The legislation that registers births in the ACT prohibits the registration of a name that includes or resembles an official title or rank. As such, you are unable to use the words 'Princeofzion' in **Sch 2.2(a)(ii)** name.

I am returning the original form to you and request that both **Sch 2.2(a)(ii)** and you reconsider the chosen names for **Sch 2.2(a)(ii)**. Both parents must also sign alongside any changes made to the form. Once the name has been changed, please return the 'Birth Registration Statement' form to Access Canberra so the registration can be completed and a certificate issued once the payment has been received.

If you have any questions regarding the above please do not hesitate to contact Mrs Louise Dooley A/g Manager Births, Deaths and Marriages on (02) 6027 6083 Monday to Friday, 9.00am to 4.30pm (excluding public holidays).

Yours sincerely

Dale Pegg  
Deputy Registrar-General  
Births, Deaths & Marriages  
Access Canberra  
22 February 2017