



Australian Government
Department of Finance

Reference: FOI 23-24/053IR
Contact: FOI Team
E-mail: foi@finance.gov.au

Me
via Right To Know website

By email only: foi+request-10222-33353106@righttoknow.org.au

Dear Sir,

Freedom of Information Request – FOI 22-23/053IR

On 5 May 2023, the Australian Securities and Investments Commission (ASIC) received your email, in which you sought access under the Commonwealth *Freedom of Information Act 1982* (FOI Act) to the following:

Please provide all documents in ASIC's possession that relate to ASIC receiving, considering, refusing or failing to consider, assessing, determining, accepting, rejecting, or otherwise dealing with, CDDA applications made to ASIC.

For the avoidance of doubt, this does not include individual CDDA applications themselves.

On 16 May 2023, you agreed to amend the scope of your request by the following:

The most final report/outcome documents in the possession of ASIC for any Act of Grace payments considered regarding ASIC since say 1 July 2021.

Would it be possible to revise my scope to the most final report/outcome documents in the possession of ASIC for any Act of Grace payments considered regarding ASIC since say 1 July 2021?

On 19 May 2023, ASIC transferred your request, in full, to the Department of Finance (Finance).

On 23 June 2023, following a teleconference discussion with the Department of Finance, you revised the scope of your request at **Attachment A**.

On 27 April 2023, Finance's decision maker notified you of their access refusal decision (the original decision). A copy of that decision is at **Attachment B**.

On 27 July 2023, you sought an internal review of the original decision. A copy of your request for review is at **Attachment C**.

The purpose of this letter is to provide you with notice of my decision under the FOI Act.

Authorised decision-maker

I am authorised by the Secretary of Finance to grant or refuse access to documents.

Publicly Available Information

During the meeting held on 23 June 2023 you explained that you are seeking information on the characteristics of circumstances in which a claim for an Act of Grace payment related to ASIC was deemed successful.

Information on applying for an Act of Grace payment, including the application form, is available on the Finance website at the following [link](#) (accessible on the Finance website at Home/ Individuals /Act Of Grace Payments, Waiver Of Debts To The Commonwealth, Compensation For Detriment Caused By Defective Administration (CDDA)/ Application process for act of grace or waiver of debt).

I note that the original decision provided you with publicly available information on Act of Grace Payments.

In addition to these materials, you may also wish to access guidance material on Act of Grace payments released by Finance on 9 February 2023 in response to the FOI request with reference FOI22/119. This information is on the Finance website at the following [link](#) (accessible on the Finance website at Home/About Us/ Freedom of Information/ Disclosure Log/ Act of Grace guidance materials).

Decision

The original decision letter identified five (5) documents within scope of your request.

As these documents include a letter relating to four decisions where an Act of Grace payment was authorised, I have not included any duplicate copies of that letter and therefore there are two (2) documents within scope of your request.

I have decided to release the two (2) documents relating to these five decisions, with some information redacted as the documents contain irrelevant information.

In making my decision, I have had regard to the following:

- the terms of your FOI request and your subsequent submissions;
- the content of the documents that fall within the scope of your request;
- the relevant provisions of the FOI Act; and
- the FOI Guidelines issued by the Office of the Australian Information Commissioner (FOI Guidelines).

Exempt and/or irrelevant information removed from the documents

I have reviewed the documents identified as within scope and agree with the original decision that they contain personal information.

Your application for an internal review stated:

I have excluded personal information from scope – it should be redacted under s 22.

The FOI Act has the same definition as the *Privacy Act 1988* (Cth) that:

personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not.

I have redacted irrelevant information from the documents and released the edited form of the documents to you.

Public interest factors

I note that your application for internal review states that:

“there is currently a senate inquiry into ASIC enforcement. The public interest in disclosing the anonymised information is very high. It directly and immediately assists all objectives of the Act, such as participation in democracy, etc.”

As my decision does not exempt any information under Division 3 to Part IV of the FOI Act, I have not given consideration to the public interest test at Section 11B of the FOI Act.

Documents within scope

I note that your request sought information in relation to a total of 10 decisions (comprising 5 ‘successful act of grace’ matters relating to ASIC where SR Group was involved, and 5 where SR Group was not involved), and a list or related document summarising decisions relating to ASIC from 1 July 2022 to 30 June 2023.

In coming to my decision, I have:

- consulted with the relevant business area within Finance who are responsible for Act of Grace payments, I have been advised that there are no areas within Finance that have any knowledge or records of any further documents within the scope of your request;
- ensured that thorough searches were undertaken of relevant Finance systems where any such documents may have been stored; and
- reviewed the searches conducted in relation to the original decision.

On 19 July 2023, Finance wrote to you advising that:

Documents identified

Finance does not hold a document that consolidates Act of Grace claims related to ASIC, therefore the only documents found that were in scope of the terms "Final outcome/Decision" are reports that related to individuals that have submitted claims and the decisions made for each claim.

...

As Finance does not hold a document that contains consolidated or summarised information of the individual Act of Grace decisions, we are also unable to provide you with details related to the number of successful or unsuccessful claims.

As a result of these consultations and searches, I am satisfied that all reasonable steps have been taken to find any further documents that may fall within the scope of your request.

Review and appeal rights

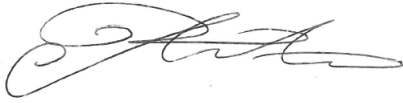
You are entitled to request an external review by the Office of the Australian Information Commissioner (OAIC) of my decision within 60 calendar days, being on or before **Friday 27 October 2023**. The process for review and appeal rights is set out at **Attachment D**.

Publication

Finance will publish the documents released to you on our [Disclosure Log](#). Finance's policy is to publish the documents the working day after they are released to you.

If you have any questions in regards to this request, please contact the FOI Team on the above contact details.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Antone', with a stylized flourish at the end.

Rachel Antone
Assistant Secretary
Risk & Insurance Branch
Department of Finance
28 August 2023

From: Me <@>
Sent: Friday, 23 June 2023 11:51 AM
To: McKay, Rachal
Subject: RE: FOI 22-23/053 - Discussion regarding request [SEC=OFFICIAL]

Follow Up Flag: Follow up
Flag Status: Completed

Dear Rachal,

Thanks for your (and colleagues) time on the phone.

As discussed, can I please amend the scope of my request to be limited to:

1. The 5 most recent successful act of grace decisions regarding ASIC where SR Group were the/an agent of the applicant
2. The 5 most recent decisions as in (1), except where SR Group was not involved
3. Within (1) and (2), only:
 - 3A ASIC's submissions
 - 3B The considerations summary or equivalent in the final decision letter
 - 3C The decision summary or equivalent in the final decision letter
 - 3D Finance's file or reference number or equivalent for that decision
4. For 1 July 2022 - 30 June 2023 (even with the post-dating), a table or similar that lists all ASIC-related Act of Grace payments, including:
 - 4A Finance's file number or equivalent
 - 4B Whether the application was successful
 - 4C The amount of the payment, if applicable

(4) can be by date of payment or date of decision or other, whatever is easier provided it's consistent

The scope expressly excludes:

- Personal information, other than personal information of (a) SES of Commonwealth entities and (b) ministers

- Documents or parts of documents that are not included in the above (for example, the parts of a decision letter that are not the considerations or decisions summary)

I note I expanded (4) slightly. Hopefully it's not much additional if you're looking anyway. If required, I would make the argument it's in the public interest, because (i) there is a surge in ASIC related applications, and (ii) such a table will assist Finance in improving public administration by identifying or helping to identify causes of this surge

Yours sincerely,

Me

-----Original Message-----

OFFICIAL

Hello - hope all is well on your end if any problems please give me your phone number and I will dial you in

Classification: OFFICIAL

Classified by: [email address] on: 23/06/2023 11:01:13 AM

Please use this email address for all replies to this request:

foi+request-10222-333531xx@xxxxxxxxxxxx.xxx.xx

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:

<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.righttoknow.org.au%2Fhelp%2Fofficers&data=05%7C01%7CRachal.McKay%40finance.gov.au%7C78ded57c889f424e2b6908db738c5a2a%7C08954cee47824ff69ad51997dcecf4b0%7C0%7C0%7C638230818874045076%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6k1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=1NnKpTKKnWosz9tnbgHvg1dvpRD%2Ft%2FaNHv1teH52sOA%3D&reserved=0>

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

Be careful with this message

External email. Do not click links or open attachments unless you recognise the sender and know the content is safe.



Australian Government
Department of Finance

Reference: FOI 22-23/053
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Dear Sir,

Freedom of Information Request – FOI 22-23/053

On 5 May 2023, the Australian Securities and Investments Commission (ASIC) received your email, in which you sought access under the Commonwealth *Freedom of Information Act 1982* (FOI Act) to the following:

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For the avoidance of doubt, this does not include individual CDDA applications themselves.

On 16 May 2023, you agreed to amend the scope of your request by the following:

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Would it be possible to revise my scope to the most final report/outcome documents in the possession of ASIC for any Act of Grace payments considered regarding ASIC since say 1 July 2021?

On 19 May 2023, ASIC transferred your request, in full, to the Department of Finance (Finance).

On 23 June 2023, following a teleconference discussion with the Department of Finance, you revised the scope of your request at **Attachment A**.

The purpose of this letter is to provide you with notice of my decision under the FOI Act in relation to your final amended scope as provided on 23 June 2023.

Additional information relevant to your request

During the meeting held on 23 June 2023 you explained that you are seeking information on the characteristics of circumstances in which a claim for an Act of Grace payment related to ASIC was deemed successful. As such, the following general information may be of assistance to you.

There is no situation which creates an automatic entitlement to an Act of Grace payment and the decisions made by a delegate are unique to the set of circumstances of each claim.

Your amended scope requests documents where the delegate has accepted the claim for an Act of Grace payment. Decision letters authorising a payment for an Act of Grace payment do not contain a consideration or decision summary as described in your request.

Apart from factual and personal information, a decision letter authorising an Act of Grace payment will typically contain standard wording as follows:

I am an authorised delegate for the purposes of section 65 of the Public Governance, Performance and Accountability Act 2013 (PGPA Act).

I have decided, under subsection 65(1) of the PGPA Act to authorise an act of grace payment of \$[amount] in this instance. Finance will liaise with [Non-corporate Commonwealth Entity Name] to give effect to this decision.

Further information is publicly available on the Department of Finance website at the following [link](#) (accessible on the Finance website at Home/ Individuals /Act Of Grace Payments, Waiver Of Debts To The Commonwealth, Compensation For Detriment Caused By Defective Administration (CDDA)/ Act of Grace Payments).

The Commonwealth Resource Management Guide 401 “Requests for discretionary financial assistance under the Public Governance, Performance and Accountability Act 2013” provides guidance to Non-corporate Commonwealth Entities including in relation to Act of Grace payments and the CDDA scheme. This document may be of assistance to your understanding of the roles of Non-corporate Commonwealth Entities and general considerations relevant to Act of Grace payments. It is publicly available on the Department of Finance website at the following [link](#) (accessible on the Finance website at Home /Publications /List Of Resource Management Guides (RMGs) A Z /Requests for discretionary financial assistance under the Public Governance, Performance and Accountability Act 2013 (RMG 401)).

Authorised decision-maker

I am authorised by the Secretary of Finance to grant or refuse access to documents.

Decision

I have identified five (5) documents as falling within scope of your request and I have decided to refuse to release all the five (5) documents under section 47F of the FOI Act.

In making my decision, I have had regard to the following:

- the terms of your FOI request;
- searches for documents held by Finance;
- the relevant provisions of the FOI Act; and
- the FOI Guidelines issued by the Office of the Australian Information Commissioner (FOI Guidelines).

Documents are conditionally exempt due to personal privacy

Section 47F of the FOI Act provides:

- (1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).
- (2) In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:
 - (a) the extent to which the information is well known;
 - (b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
 - (c) the availability of the information from publicly accessible sources;
 - (d) any other matters that the agency or Minister considers relevant.

Section 47F is intended to protect the personal privacy of individuals. Personal information is defined as information or an opinion about an identified individual, or an individual who is reasonably identifiable whether the information or opinion is true or not; and whether the information or opinion is recorded in a material form or not.

The refusal to release the documents ensures there is no risk of personal information becoming disclosed inadvertently. The documents contain the personal details of individuals and the standard wording that is quoted in the section above. As such I consider that the documents are exempt under section 47F.

Public interest test

Having formed the view that the five documents are exempt under section 47F of the FOI Act, I am now required to consider the public interest test for the purposes of determining whether access to the conditionally exempt documents would, on balance, be contrary to the public interest.

Section 11A of the FOI Act provides:

5. The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

Factors favouring disclosure

Section 11B of the FOI Act provides:

3. Factors favouring access to the document in the public interest include whether access to the document would do any of the following:
 - a. promote the objects of this Act (including all the matters set out in sections 3 and 3A);
 - b. inform debate on a matter of public importance;
 - c. promote effective oversight of public expenditure;
 - d. allow a person to access his or her own personal information.

I consider that giving access to the documents would promote the objectives of the FOI Act by providing access to documents held by an agency. I attribute minimal weight to this factor as this objective applies to all documents, regardless of the effect of releasing the documents.

I note that your email of 23 June 2023 stated:

... I expanded (4) slightly [your request for a 'a table or similar that lists all ASIC-related Act of Grace payments'] ... If required, I would make the argument it's in the public interest, because (i) there is a surge in ASIC related applications, and (ii) such a table will assist Finance in improving public administration by identifying or helping to identify causes of this surge

The FOI Act applies to existing documents in the possession of an agency and does not obligate an agency to create a document.

Further, I do not consider that the release of the documents requested favours the public interest in relation to a “surge in ASIC related applications” or assists in identifying causes of such a surge.

Factors against disclosure

Paragraph 6.22 of the FOI Guidelines provides a non-exhaustive list of factors against disclosure, of which, I consider the following could reasonably be expected to apply:

- prejudice the protection of an individual’s right to privacy;
- harm the interests of an individual or group of individuals; and
- prejudice an agency’s ability to obtain similar information in the future.

As outlined above, I consider that the documents identified contain personal details and sensitive information related to an individual, and that the information outlined in the documents is not well known nor available from publicly accessible sources. In addition, the fact that an individual has applied for an Act of Grace payment is not well known or publicly available.

I consider that the release of these documents, even in a redacted form, may cause concern, distress or otherwise harm the interests of applicants who have made discretionary payment applications. I consider that the release of any further information in relation to these applications could reasonably be expected to impact the willingness of applicants to provide similar information in the future.

Irrelevant considerations

I have not taken into account any of the irrelevant factors listed under Section 11B of the FOI Act:

4. The following factors must not be taken into account in deciding whether access to the document would, on balance, be contrary to the public interest;
 - a. access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
 - b. access to the document could result in any person misinterpreting or misunderstanding the document;
 - c. the author of the document was (or is) a high seniority in the agency to which the request for access to the document was made;
 - d. access to the document could result in confusion or unnecessary debate.

Balancing the public interest factors

The FOI Guidelines provide:

[6.25] The decision maker must determine whether access to a conditionally exempt document is, at the time of the decision, contrary to the public interest, taking into account the factors for and against disclosure.

[6.27] To conclude that, on balance, disclosure of a document would be contrary to the public interest is to conclude that the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the information.

I consider that there is public interest in providing access to documents held by Finance. However, for the reasons listed above, I consider there is greater public interest in protecting personal information and sensitive personal information of applicants, as it is reasonably likely that the release of this information will prejudice those applicants’ right to privacy and harm their interests, and will prejudice Finance’s ability to obtain similar information in the future.

Approval of an Act of Grace claim is discretionary and the documents which are within scope of your request do not contain consideration or decision summaries. Given that I have provided to you in this letter, the wording that is typically included in decisions approving an Act of Grace claim, I consider that the release of any further information from these documents would contribute minimally towards factors favouring disclosure.

I consider that releasing five documents identified as within scope of your request would, on balance, be contrary to the public interest.

Review and appeal rights

You are entitled to request an internal review or an external review by the Office of the Australian Information Commissioner (OAIC) of my decision. The process for review and appeal rights is set out at **Attachment B**.

If you have any questions regarding this request, please contact the FOI Team on the above contact details.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Wilson', enclosed in a simple oval shape.

Jessica Wilson
A/g Assistant Secretary
Procurement & Discretionary Payments Branch
Commercial Group
24 July 2023

From: Me <foi+request-10222-33353106@righttoknow.org.au>
Sent: Thursday, 27 July 2023 10:03 AM
To: FOI Requests
Subject: Internal review of Freedom of Information request - ASIC CDDA scheme

Dear FOI Requests,

Please see my request for internal review at this link

https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.righttoknow.org.au%2Frequest%2Fasic_cdda_scheme%23outgoing-20898&data=05%7C01%7CFOIA%40finance.gov.au%7Cad3ecf5099e14637f10808db8e34dc31%7C08954cee47824ff69ad51997dccef4b0%7C0%7C0%7C638260129911260478%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=My0gf4B1qT4nrs9DUwa6ztJWk9obre%2Ff1mmpfOCYIB0%3D&reserved=0

(It went to ASIC by accident)

Yours sincerely,

Me

-----Original Message-----

OFFICIAL

Dear Me

Please see attached a decision letter in relation to your FOI request (our

reference FOI 22-23/053).

Kind regards

FOI Officer | Legal and Assurance Branch

Business Enabling Services

Department of Finance

A: One Canberra Avenue, Forrest ACT 2603

Classification: OFFICIAL

Classified by: [email address] on: 25/07/2023 8:12:08 AM

Please use this email address for all replies to this request:

foi+request-10222-33353106@righttoknow.org.au

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:

<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.righttoknow.org.au%2Fhelp%2Fofficers&data=05%7C01%7CFOIA%40finance.gov.au%7Cad3ecf5099e14637f10808db8e34dc31%7C08954cee47824ff69ad51997dccef4b0%7C0%7C0%7C638260129911260478%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQljojV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=gq%2Bbpil8ME1v76hE30TOye6m4b4w7W2N3cGY0uOYaco%3D&reserved=0>

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

Be careful with this message

External email. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Me July 26, 2023
Delivered

Dear Finance,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Finance's handling of my FOI request 'ASIC CDDA scheme'.

I feel cheated. I amended the scope of my request on Finance's advice, with Finance expressly stating that the documents I sought had decision reasoning.

Providing incorrect advice, even if unintentional, then failing to correct that advice, and failing to allow me to make further submissions on the new advice, denied a fair hearing. Making the decision without a fair hearing is a jurisdictional error, and therefore no decision at all.

As part of this internal review, I expect:

- 1) To be given updated advice
- 2) To be given the opportunity to make further submissions
- 3) For the decision to be re-made according to law.

For the avoidance of doubt, the scope of my request is functionally the same, except instead of 'final decision letters' of the 10 matters it would be something like 'documents with the reasoning for decision' or 'with a summary of the reasoning for decision'.

Further, the decision did not consider that there is currently a Senate inquiry into ASIC enforcement. The public interest in disclosing the anonymised information is very high. It directly and immediately assists all the objects of the Act, such as participation in democracy etc.

As to s 47F, it does not arise. I have excluded personal information from the scope - it should be redacted under s 22. The remaining anonymous information is not personal information because anonymous information is outside the definition of personal information.

I appreciate your careful attention to the OAIC guideline; I believe it was read and applied (most entities mention it in their decision template but their decision makers don't seem to have ever read it). In the internal review, please again pay careful attention to, and reference, the OAIC guideline re: s 47F. The guideline makes clear that entities can anonymise personal information, that anonymous information is not personal information, and the threshold for deciding that anonymous information is nonetheless identifiable is very high.

A full history of my FOI request and all correspondence is available on the Internet at this address: <https://www.righttoknow.org.au/request/a...>

Yours faithfully,

Me



Australian Government

Department of Finance

Freedom of Information – Your Review Rights

If you disagree with a decision made by the Department of Finance (Finance) or the Minister for Finance (Minister) under the *Freedom of Information Act 1982* (the FOI Act) you can have the decision reviewed. You may want to seek review if you sought certain documents and were not given full access, if you have been informed that there will be a charge for processing your request, if you have made a contention against the release of the documents that has not been agreed to by Finance or the Minister, or if your application to have your personal information amended was not accepted. There are two ways you can seek a review of our decision: an internal review (IR) by Finance or the Minister, or an external review (ER) by the Australian Information Commissioner (IC).

Internal Review (IR)

If, Finance or the Minister (we/our), makes a Freedom of Information (FOI) decision that you disagree with, you can seek a review of the original decision. The review will be carried out by a different decision maker, usually someone at a more senior level.

You must apply for an IR within 30 calendar days of being notified of the decision or charge, unless we agree to extend your time. You should contact us if you wish to seek an extension.

We are required to make an IR decision within 30 calendar days of receiving your application. If we do not make an IR decision within this timeframe, then the original decision stands.

Review by the Australian Information Commissioner (IC)

The Office of the Australian Information Commissioner (OAIC) is an independent office who can undertake an ER of our decision under the FOI Act. The IC can review access refusal decisions, access grant decisions, refusals to extend the period for applying for an IR, and IR decisions.

If you are objecting to a decision to refuse access to a document, impose a charge, or a refusal to amend personal information, you must apply in writing to the IC within 60 calendar days of receiving our decision.

Third parties

If you are a third party objecting to a decision to grant someone else access to your information, you must apply to the IC within 30 calendar days of being notified of our decision to release your information. Further assistance is located [here](#).

Do I have to go through the internal review process?

No. You may apply directly to the OAIC for an ER by the IC.

If I apply for an internal review, do I lose the opportunity to apply for an external review?

No. You have the same ER rights of our IR decision as you do with our original decision. This means you can apply for an ER of the original decision or of the IR decision.

Do I have to pay for an internal review or external review?

No. Both the IR and ER are free.

How do I apply?

Internal review

To apply for an IR of the decision of either Finance or the Minister, you must send your review in writing. We both use the same contact details, and you must send your review request in writing.

In your written correspondence, please include the following:

- a statement that you are seeking a review of our decision;
- attach a copy of the decision you are seeking a review of; and
- state the reasons why you consider the original decision maker made the wrong decision.

Email: foi@finance.gov.au

Post: The FOI Coordinator
Legal and Assurance Branch
Department of Finance
One Canberra Avenue
FORREST ACT 2603

External review (Information Commissioner Review)

For an ER, you must apply to the OAIC in writing. The OAIC ask that you commence a review by completing their online form [here](#).

Your application must include a copy of the notice of our decision that you are objecting to, and your contact details. You should also set out why you are objecting to the decision.

Email: FOIDR@oaic.gov.au

Post: Office of the Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001

The IC's enquiries phone line is 1300 363 992.

Can I appeal the Information Commissioner's external review decision?

Yes. You can appeal the Information Commissioner's ER decision to the Administrative Appeals Tribunal (AAT).

There is a fee for lodging an AAT application (as at 17 February 2023 it is \$1,011).

Further information is accessible [here](#).

The AAT's number is 1800 228 333.

Complaints

Making a complaint to the Office of the Australian Information Commissioner

You may make a written complaint to the OAIC about actions taken by us in relation to your application.

Further information on lodging a complaint is accessible [here](#).

Investigation by the Commonwealth Ombudsman

The Ombudsman can also investigate complaints about action taken by agencies under the FOI Act. However, if the issue complained about either could be, or has been, investigated by the IC, the Ombudsman will consult with the IC to avoid the same matter being investigated twice. If the Ombudsman decides not to investigate the complaint, then they are to transfer all relevant documents and information to the IC.

The IC can also transfer a complaint to the Ombudsman where appropriate. This could occur where the FOI complaint is only one part of a wider grievance about an agency's actions. You will be notified in writing if your complaint is transferred.

Complaints to the Ombudsman should be made online [here](#).

The Ombudsman's number is 1300 362 072.