



# Administrative Appeals Tribunal

FOI ref: 2023/0172

11 September 2019

Caitlin

Via email: [foi+request-10596-782f8016@righttoknow.org.au](mailto:foi+request-10596-782f8016@righttoknow.org.au)

Dear Caitlin,

## Notice of Decision for Freedom of Information Request no. 2023/0172

The purpose of this letter is to give you a decision about access to documents that you have requested under the *Freedom of Information Act 1982 (FOI Act)*.

### Summary

I am an officer authorised under s 23(1) of the FOI Act to make decisions in relation to FOI requests.

You lodged an FOI request on 20 August 2023 for access to:

*“This application is made bearing in mind that the word ‘document’ in sections 11(1)(a) and (b) of the FOI Act are defined in section 4 (paragraph (a)(vi)) as including ‘any record of information’ (emphasis added). In other words, the FOI Act contemplates the provision of information even if it is not placed in a physical or electronic document, in the natural sense of the word ‘document’.*

1. *At what point in time (day/month/year) did the email address [mrdivision@aat.gov.au](mailto:mrdivision@aat.gov.au) become inactive?*

2. *At what point in time (day/month/year) did it cease to be possible to lodge review applications through*

*<https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.tribunonline.mrt-rrt.gov.au%2F&data=05%7C01%7C%7C164c39b798b24813907b08dba16e5a8e%7C1862f316d06041a3b8769e846c464c57%7C1%7C0%7C638281267576173834%7CUnknown%7CTWFpbGZsb3d8eyJljojMC4wLjAwMDAiLCJQljojV2luMzliLCJBTiI6Ik1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=4M9k7wofvGQuKtAxBX4O4PC5qRobcVDEqPe%2FUjSfKVw%3D&reserved=0?>*

3. *What was/were the Tribunal's complete physical address/es in the Norfolk Island from 1 January 2021 to 31 December 2021?*

4. *What was/were the Tribunal's complete physical address/es in the Northern Territory from 1 January 2021 to 31 December 2021?”*

In regard to question 1, I liaised directly with the Tribunal's Information Technology section, who advised me that the email address [MRDivision@aat.gov.au](mailto:MRDivision@aat.gov.au) is not inactive and remains an operative means of communicating with the Tribunal's Registry.

On 8 September 2023 I sent you an email advising that the [MRDivision@aat.gov.au](mailto:MRDivision@aat.gov.au) email address is not inactive and asked you to review the information you requested to ensure that this was the email address you intend to request information for. You responded and advised that this email address was noted in error and amended the scope of this part of the request to the email address [registry@mrt-rrt.gov.au](mailto:registry@mrt-rrt.gov.au).

As noted within your request, the definition of document in section 4 of the FOI Act is broadly drafted to include "any other record of information". However, this does not require the Tribunal to create a document at the request of an FOI applicant. Therefore, I am reading the scope of your request to include documents already in existence at the time of writing this decision which contain the requested information.

To investigate the existence of any such document(s) within scope of your request I have liaised with various sections of the Tribunal. As a result of this exercise, I have located a document which was created for the purpose of a similar enquiry made to the Tribunal outside of FOI. I am satisfied that this document is within scope of your request and contains the information you seek.

The document I have located within scope includes:

- Response to L&P (Legal & Policy) enquiry
- Supplementary email providing more information on request

## **Decision**

I have decided to grant you full access to the information contained within this document which is within scope of your request.

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

- the content of the documents that fall within the scope of your request;
- the FOI Act, specifically sections 4 and 22;
- the guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act (**FOI Guidelines**)

### Editing of document to remove irrelevant matter – Section 22 of the FOI Act

Section 22 of the FOI Act applies where an agency decides that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request and it is possible to edit the document to ensure that all irrelevant information is removed.

As previously noted, the information you seek was the subject of a recent enquiry made to the L&P section and I have identified this document as containing information within

scope of your request. However, this document also contains information which I consider to be irrelevant to your request because it relates to the administration of the enquiry, and this is reasonably considered to be outside the scope of your request. Therefore, I have decided that section 22 applies, and I have edited the document to remove all irrelevant information.

### **Your review rights**

Information about how you can apply for a review of this decision or complain about how we have dealt with this matter is set out in the attached fact sheet, FOI 2.

If you have any questions about this decision, please contact me at [foi@aat.gov.au](mailto:foi@aat.gov.au).

Yours sincerely,

**Marta M**

Authorised FOI Officer (APS 6)

### **Attachments**

FOI 2 – Information about reviews and complaints under the Freedom of Information Act

# **Information about reviews and complaints under the Freedom of Information Act**

## **What should I do prior to applying for internal review or contacting the Office of the Australian Information Commissioner?**

Before you apply for an internal review or contact the Office of the Australian Information Commissioner, we recommend that you telephone the officer who made the FOI decision. It is often possible to resolve concerns or answer your questions using this approach and, if not, the officer will be able to assist you in applying for review.

## **How do I apply for internal review to the AAT?**

You can apply to us for an internal review of the FOI decision. The application for internal review must be made within 30 days or such further period as we allow, after the day the decision is notified to you. To apply for an internal review you must do so in writing. You may also wish to explain why you are not satisfied with the decision. A different and more senior officer authorised under the *Freedom of Information Act 1982* (the FOI Act) will conduct the internal review and make a new decision within 30 days after receipt of your application.

If you have already applied for internal review and want to seek a further review of that decision, you will need to apply to the Australian Information Commissioner.

## **How do I apply for review to the Australian Information Commissioner?**

You may also apply directly to the Australian Information Commissioner for review of the FOI decision. The application for review must be made within 60 days after the day notice of the decision was given. An application for review must be in writing, include details of how notices in relation to the review are to be sent to you and include a copy of the decision. You may also wish to explain why you are not satisfied with the decision. An online application form is available on the Office of the Australian Information Commissioner's website, details of which are provided below.

## **What if I want to make a complaint about the handling of a Freedom of Information request?**

If you have a complaint about the way in which we have processed your request for access under the FOI Act you can ask the Australian Information Commissioner to investigate. An online complaint form is available on the Office of the Australian Information Commissioner's website, details of which are provided below.

## **Where can I find further information or contact details for the Office of the Australian Information Commissioner?**

Further information is available on the Office of the Australian Information Commissioner's website at [www.oaic.gov.au](http://www.oaic.gov.au) and you can contact the office on 1300 363 992 or by email at [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au).