



Australian Government
**Office of the Australian
Information Commissioner**

Reference code: DFABCVNX

Information Commissioner Review Application form

Getting started

The Office of the Australian Information Commissioner can review a Freedom of Information (FOI) decision made by an Australian Government agency or an Australian Government Minister.

The Office does not review FOI decisions made by State, Territory or local government agencies.

The Office encourages you to apply for an internal review by the agency before lodging a request for review with this Office. Information relating to the internal review process

(<https://www.oaic.gov.au/freedom-of-information/reviews/internal-review/>) is available on our website (<https://www.oaic.gov.au/>).

The Information Commissioner has given a general direction under s 55(2)(e)(i) of the FOI Act which sets out the procedure to be followed by applicants for IC reviews undertaken by the Information Commissioner under the FOI Act. To view the direction

(<https://www.oaic.gov.au/freedom-of-information/reviews/direction-as-to-certain-procedures-to-be-followed-by-applicants-in-information-commissioner-reviews>) and the 'Quick guide'

(<https://www.oaic.gov.au/freedom-of-information/reviews/quick-guide-information-commissioner-review-direction-for-applicants>), please visit our website.

Information relating to the Information Commissioner review process (<https://www.oaic.gov.au/freedom-of-information/reviews/information-commissioner-review-process/>) is available on our website. Part 10 of the FOI Guidelines (<https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-10-review-by-the-information-commissioner/>) (Review by the Information Commissioner) describes the principles that inform the OAIc's approach to Information Commissioner review.

An application for review must be submitted in writing, either via this form, an email, or in a letter. If you have trouble completing this form please send an email to FOIDR@oaic.gov.au.

Your details - IC review applicant

If you have contacted the OAIC previously about this or another matter,
please provide your previous reference number (eg E11/00001, MR18/00001)

Title

Given name *

Family name *

Preferred contact method (you must provide at least one contact method) *

Email	Phone	Post	Other
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Email address *

Phone (daytime)

Mobile

Postal address

Other contact details (eg. fax or international address)

Do you require any assistance to participate in the IC review process?

For example: an interpreter. Please detail below.

Do you have someone you would like to represent you in your review? *

Yes	No
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Review details

Agency or Minister

Please select the Australian Government agency or Minister that made the decision you want reviewed. If you want more than one decision reviewed, you will need to make a separate application for each decision. *

Australian Government Agency
Minister

Agency information

Please select the Australian Government Agency that made the decision you want reviewed *

- Administrative Appeals Tribunal
- Attorney-General's Department
- Australian Federal Police
- Australian Securities and Investments Commission
- Australian Taxation Office
- Australian Transaction Reports and Analysis Centre
- Office of the Commonwealth Ombudsman
- Department of Agriculture, Fisheries and Forestry
- Department of Climate Change, Energy, the Environment and Water
- Department of Defence
- Department of Education
- Department of Employment and Workplace Relations
- Department of Foreign Affairs and Trade
- Department of Health and Aged Care
- Services Australia
- Department of Home Affairs
- Department of Industry, Science and Resources
- Department of Infrastructure, Transport, Regional Development, Communications and the Arts
- Department of the Prime Minister and Cabinet
- Department of Social Services
- Department of the Treasury
- Department of Veterans' Affairs
- Other

Previous contact with agency

If the agency has given you a reference number relevant to your FOI request, please provide it here.

FOI23/469

NOTE: We do not need to know your tax file number, so please do not provide it.

Information Commissioner review details

Have you received a decision *

Yes	No
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There are time limits for lodging a review application. Further information about time limits for applying (<https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/#is-there-a-time-limit-for-applying>) is available on our website.

When did you make the FOI request *

03 Sep 2023

When was the decision due *

03 Oct 2023

Did the agency give you a reference number for your FOI request? *

Yes	No
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Please provide the agency reference *

FOI23/469

Did the OAIC or the agency contact you about an extension of time in relation to your request? *

Yes	No
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Does your Information Commissioner review application relate to other legal proceedings? *

*(for example, Administrative Appeals Tribunal, Federal Court, Federal Circuit Court etc.) **

Yes	No
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What action or result would you like from the Information Commissioner *

I am applying to the OAIC because the AGD failed to process my FOI request within 30 days. A deemed refusal decision is taken to have been made by the Secretary of the AGD.

On 6 October 2023, after the deemed refusal decision is taken to have been made, L Stockwell has stated that a practical refusal decision exists. That view is incorrect and in any event has been communicated after a deemed refusal decision came into effect.

I would like a lawful decision.

Supporting documents

To assist us, please provide the following:

- a copy of your original FOI request to the Agency or Minister
- a copy of the decision made on your request if one has been received, and
- any correspondence you have had with the Agency or Minister.

If you are lodging the review for someone else, you should also attach any documents which indicate you are authorised to act for that person. You can attach these documents electronically or provide them by post.

You may also attach other relevant documents that support your application.

*Files you attach **must**:*

- *be in *.jpg, *.gif, *.png, *.pdf, *.doc, *.docx, *.txt, *.xls, *.xlsx format*
- *be no more than five files*
- *in total be no larger than 20MB.*

correspondence.pdf

3 3 FOI23 469 FOI Notice of intent to Practically Refuse.pdf

Do you have any paper documents you will be posting to the OAIC? *

Yes	No
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Submission

Submitting your application for review

Please review the information you have provided in this form. If you would like to change anything, you can return to the relevant section by using the **Go Back** button.

Once you are ready to submit your form, click the **Submit** button below.

Once you submit your form, you will be taken to a confirmation page. This page will provide a receipt number for your submission, and you will be able to download a copy of your completed form or have a copy sent to an email address of your choice.

Further information about the Information Commissioner review process (<https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-10-review-by-the-information-commissioner/>), including about what happens when an Information Commissioner review application is made (<https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-10-review-by-the-information-commissioner/#steps-in-the-information-commissioner-review-process>), can be found on our website (<https://www.oaic.gov.au/>).