



# FOI rights of review

## person requesting access to documents

### YOU HAVE SEVERAL OPTIONS FOR MERITS REVIEW OF A DECISION ON YOUR REQUEST FOR DOCUMENTS ('PRIMARY DECISION'):

- you can ask IP Australia to conduct an internal review of the primary decision ('internal review')
- you can ask the Australian Information Commissioner to review the primary decision *directly*—that is, without seeking internal review
- you can seek internal review first, and *then if you wish*, you can ask the Information Commissioner to review the internal review decision—if you don't agree with the internal review decision.

All of these options are *free*. You just have to make your request in writing, in the relevant time (see below). When you receive a decision on an *internal review*, you will have further time to ask the Information Commissioner to review that decision (see below).

### Internal review of primary decision

If you disagree with the primary decision on your request, you can apply for internal review of that decision. Internal review is free.

You can apply for internal review within **30** days after being notified of the primary decision, unless IP Australia agrees to extend that time. If you need more time, please contact the FOI Co-ordinator as soon as you can (see below).

Please send your application for internal review to the FOI Co-ordinator, Information Access Unit:

- by email to [FOI@ipaustralia.gov.au](mailto:FOI@ipaustralia.gov.au)
- by fax to 02 6283 7999
- by post to Information Access Unit  
IP Australia  
PO Box 200  
WODEN ACT 2606.

If you want further information about applying for internal review, please contact the FOI Co-ordinator on 1300 65 1010 or at [xxx@xxxxxxxxxxx.xxv.au](mailto:xxx@xxxxxxxxxxx.xxv.au).

The internal review decision will be a fresh decision, replacing the primary decision. The internal review decision-maker is senior to the primary decision-maker. IP Australia must notify you of the decision on the internal review within **30** days of your applying for internal review. IP Australia can—if necessary—ask the Information Commissioner to extend that time.

PATENTS

TRADE MARKS

DESIGNS

PLANT BREEDER'S RIGHTS

# ATTACHMENT B

## Merits review by the Australian Information Commissioner (IC review)

You can apply to the Information Commissioner for IC review of IP Australia's *primary decision* on your request. You can do this within **60** days after IP Australia gives you notice of the primary decision.

If you seek *internal review* first, you can apply to the Information Commissioner for IC review of the *internal review decision*. You can do this within **60** days after IP Australia gives you notice of the internal review decision on your request.

In either case, you can ask the Information Commissioner for more time to apply for IC review.

You can request IC review in writing (see contact details below), or by using the online [merits review form](#), available on the [website](#) of the Office of the Australian Information Commissioner (OAIC). IC review is free.

If you seek IC review, IP Australia must advise any affected third party (e.g. the trade mark applicant): see subsection 54P(2) of the *Freedom of Information Act 1982* (FOI Act). That third party can take part in the IC review: see paragraph 55A(1)(c) of the FOI Act.

Most IC reviews will be on the basis of the submissions and papers provided by the parties, rather than by formal hearings. The Information Commissioner can affirm or vary IP Australia's decision, or substitute a new decision. The Information Commissioner may decide not to conduct a review in certain circumstances.

Contact details for the OAIC are set out below, and further information is available on the [OAIC's website \(www.oaic.gov.au\)](#).

Telephone—in Australia	1300 363 992
Telephone—from overseas	+ 61 2 9284 9749
TTY	1800 620 241
Translating and interpreting service	131 450
Email	<a href="mailto:xxxxxxxx@xxxx.xxv.au">xxxxxxxx@xxxx.xxv.au</a>
Fax	02 9284 9666
Post	GPO Box 2999 CANBERRA ACT 2601

## Making a complaint to the Australian Information Commissioner

At any time, you can make a complaint to the Australian Information Commissioner about how IP Australia handles your request. You can make your complaint in writing, or by using the online [FOI complaint form](#). You can make a complaint for no cost.

Contact details for the OAIC are set out above, and further information is available on the [OAIC's website \(www.oaic.gov.au\)](#).