



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

Reference code: GNPKTZH6

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)

(<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

Other Australian Government Agency *

Federal Court of Australia

Previous contact with agency

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

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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To make a valid application for IC review you must send us a copy of the decision you want reviewed. If a decision is not provided, your application may not be valid. *

Files you attach **must**:

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

2024 04 15 FOI Internal Review FOIBLES.pdf

2024 03 15 Response FOIBLES.pdf

Is the decision that you are seeking review of an original decision or an internal review decision? *

Original decision
Internal review decision

When was the decision made? *

15 Apr 2024

In most cases you must apply for IC review (<https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-10-review-by-the-information-commissioner/#application-for-ic-review>) within 60 days of being notified of the Minister's or agency's decision to refuse access to documents (<https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-10-review-by-the-information-commissioner/#access-refusal-decisions>). You must apply within 30 days if you are requesting review of a decision to grant access to documents to another person (<https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-10-review-by-the-information-commissioner/#access-grant-decisions>).

You can also ask the Information Commissioner to grant you more time to apply for IC review.

Is your application for IC review being made within the above timeframes? *

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Yes	No
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I am seeking IC review because the Agency or Minister (*more than one option can be selected if appropriate*): *

refused access to documents or parts of documents I requested

Advise scope of review. *

Please provide a summary of which exemption/s you disagree with and provide reasons why you disagree.

Are there any particular documents (noting document or folio number) that you would like reviewed?

I find it hard to believe that there are 248 documents within scope (see original decision of B Henderson) and not a single document has been released because conditional exemptions apply to each and every document and all aspects of the documents in scope.

The internal review decision maker, Registrar R Muscat, has stated that conditional exemptions ss 47C, 47E and 47F apply but has not satisfactorily explained why they apply. The claims that the conditional exemptions apply are little more than, if not nothing but, unsupported claims.

I would like an independent review of the decision by somebody who is at arm's length.

- refused access because a practical refusal reason exists
- refused access because documents cannot be found
- deferred access to documents I requested
- refused to make corrections to my personal information
- decided to release information about me or my business.
- charged me incorrectly
- granted access to documents but I have not received them
- granted access to a qualified person and not directly to me
- refused to extend the time for me to seek an internal review
- granted access to documents that I was consulted about
- granted access to documents that my business was consulted about

Please provide a summary of why you think the decision is wrong *

see above.

Original FOI request: https://www.righttoknow.org.au/request/access_to_files_pa_2023_0130_pa#outgoing-22243

If you would like review of the personal privacy exemption (s 47F), do you have consent of the third party/ies whose information you seek

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/>).