



## Decision to grant an extension of time under s 15AB of the *Freedom of Information Act 1982*

<b>Agency</b>	Department of Health, Disability and Ageing
<b>Applicant</b>	Mr Ben Little
<b>Date of decision</b>	26 November 2025
<b>OAIC reference number</b>	RQ25/07501
<b>Agency reference number</b>	FOI 26-2175

### Decision

1. On 24 November 2025, the Department of Health, Disability and Ageing (the Agency) applied under s 15AB(1) the *Freedom of Information Act 1982* (Cth) (FOI Act) to the Information Commissioner for an extension of 21 days to 15 December 2025 to process Mr Ben Little's (the Applicant) request of 10 September 2025 (the FOI request). This application was made on the basis that the processing period is insufficient to deal adequately with the FOI request because it is complex and/or voluminous.
2. As a delegate of the Information Commissioner, I am authorised to make decisions on extension of time applications under s 15AB(2) of the FOI Act.
3. Under s 15AB(2) of the FOI Act, I have decided to extend the processing period by 11 days to **5 December 2025**. My reasons are outlined below.
4. I note the Agency has requested an extension of time to 15 December 2025, however, based on the information before the OAIC, I have decided to grant an extension to **5 December 2025**. I am not satisfied that a 21 day extension of time is justified in the circumstances based on the steps involved, or processing time required, to finalise the request.

### Background

5. The background to this application is summarised in **Attachment A**.
6. A copy of the Agency's reasons for seeking an extension are included at **Attachment B**.

### Reasons for decision

7. Subsection 15AB(2) of the FOI Act requires that I consider whether the application is justified on the basis that the processing period referred to in s 15(5)(b) is insufficient for dealing with the request, on the basis that the request is complex or voluminous.
8. In making my decision under s 15AB(2), I have considered the information provided by the Agency and the FOI Guidelines issued by the Information Commissioner under s 93A of the FOI Act, in particular paragraphs [3.259] – [3.264].
9. On the information before the OAIC, I am satisfied that an extension to the processing period until 5 December 2025 is justified on the basis of complexity and/or volume, for the following reasons:
  - Based on the Agency’s submissions, I am satisfied that the request is complex, based on the sensitive nature of the documents requested and the requirement to obtain subject matter expertise from relevant business line areas in relation to any potential sensitivities involved.
10. In granting this further time, I have also considered:
  - The work already undertaken by the Agency to finalise the request.
  - Steps taken by the Agency to first request a s 15AA agreement from the Applicant.
  - Steps taken by the Agency to utilise relevant extension of time provisions available under the FOI Act to allow for third party consultation.
11. The Agency must provide the Applicant with a decision by **5 December 2025**.

If the Agency does not provide the Applicant a decision by **5 December 2025** the Applicant may seek review by the Information Commissioner of the Agency’s deemed access refusal decision of **5 December 2025**. Further information on applying for IC review is available on the OAIC website. Any application for IC review would need to be made within 60 days of the Agency’s decision or deemed decision. It also remains open to the Agency to apply for a further extension of time from the Information Commissioner if considered appropriate.
12. For further information, the OAIC website provides a resource containing information on [applying for an extensions of time to process freedom of information requests](#).
13. This extension of time matter is now closed. Your review rights are set out below.
14. If you would like to discuss this matter, please contact our office by email at FOIDR@oaic.gov.au, quoting reference number RQ25/07501.

Yours sincerely,

*A De Ieso*

Andriana De Ieso  
Review Advisor  
Freedom of Information Case Management Branch  
Office of the Australian Information Commissioner

26 November 2025

**Background to processing period**

<b>Background</b>	<b>Processing period</b>	<b>Due date</b>
FOI request made on 10 September 2025	30 days	10 October 2025
Third party consultation undertaken under ss 26A, 27 or 27A	Extended by 30 days, under s 15(6)	9 November 2025
Applicant's agreement to extend the processing period under s 15AA	Extended by 14 days	24 November 2025

## The Agency's reasons for requesting an extension of time, as included in the extension of time request form.

Please provide a timeline setting out the work already completed in order to process this request. Where an extension of time has previously been granted, describe the work that was undertaken during that extended period. \*

10.09.25 – FOI received a request for transfer under s 16 of the FOI Act from the Department of Social Services. 11.09.25 – FOI accepted transfer of the request. 12.09.25 – FOI notified applicant it had accepted transfer of the request and acknowledged receipt. 12.09.25 to 15.09.25 – Decision maker (DM) and action officer identified by FOI. 15.09.25 – FOI provided instructions to the business area (BA) to review the scope of the request and undertake search and retrieval. 15.09.25 – FOI issued executive notification to advise of request received. 29.09.25 – FOI case officer followed up search & retrieval and offered to meet with BA to discuss further. 29.09.25 – BA confirmed that search & retrieval had been completed. 30.09.25 – FOI identified third party consultation (TPC) was required and sought instructions from the DM to proceed. 30.09.25 – DM authorised proceeding with TPC. 3.10.25 – FOI notified applicant of need for TPC, and extension of processing period by 30-calendar days in accordance with s 15(6) of the FOI Act. 3.10.25 – Due to internal staffing changes, request reallocated to new FOI case officer. 3.10.25 – FOI prepared consultation pack and sought approval from the DM. 8.10.25 – DM approved consultation pack. 8.10.25 – FOI issued consultation pack to third party. 8.10.25 – FOI received submissions from third party. 9.10.25 – FOI provided third party submissions to DM for consideration and instructions. 13.10.25 – DM sought advice in relation to related FOI requests the department had received. 15.10.25 – FOI provided advice to DM in relation to related FOI requests and noting the department was processing two requests which captured the same document, suggested a meeting with both decision makers to discuss the approach. 15.10.25 – DM agreed to FOI proposal to schedule a meeting. 15.10.25 to 24.10.25 – BA discussed internally with other BA that had carriage of the related request and decided a meeting was not necessary. 24.10.25 – FOI sought instructions from the DM in relation to any sensitivities associated with the document noting the meeting was not proceeding. 31.10.25 – FOI followed up instructions from the DM. 4.11.25 – FOI sent further follow up for instructions from the DM. 5.11.25 – FOI met with DM and discussed next steps in relation to the request, including approaching the applicant for an extension in accordance with s 15AA of the FOI Act. 5.11.25 – FOI requested the applicant's agreement to a 14-day extension under s 15AA of the FOI Act. 5.11.25 – Applicant agreed to the extension. 5.11.25 – FOI registered the extension with the OAIC and notified the applicant and the DM of the new statutory due date. 13.11.25 – FOI followed up instructions from the DM noting the document within scope of the request had been published online and was now publicly available. 13.11.25 – DM provided instructions to seek the applicant's agreement to withdraw the request on the basis the document is publicly available. 13.11.25 – FOI wrote to the applicant, provided a link to the document which had been published online and publicly available and sought the applicant's agreement to withdraw the request. 18.11.25 – FOI followed up email to the applicant. 19.11.25 – Applicant responded to FOI and agreed to withdraw the request provided the "full" document had been made available online. 19.11.25 – FOI emailed the DM and sought confirmation that the document published online was the full version. 20.11.25 – FOI followed up the DM for instructions. 21.11.25 – Due to staff unavailability, FOI spoke with related BA who advised that the document published online was an iteration of the full document noting some information had been removed in the published version on a confidentiality basis. FOI advised the BA that the applicant would need to be made aware of this, and if the applicant did not confirm their agreement to withdraw the request, the department would have to process the request in accordance with statutory obligations. BA provided instructions to seek extension from the applicant, and failing agreement, from the OAIC under s 15AB of the FOI Act. 21.11.25 – FOI wrote to the applicant, explained the published version was an iteration of the full document which had some material removed on a confidentiality basis, and sought confirmation of agreement to withdraw or in the alternative, agreement to a further extension under s 15AA of the FOI Act. 24.11.25 – FOI followed up applicant for response. As no response was received, the department is applying for an extension of time under s 15AB.

What work is required to finalise the request? \*

The department requires additional time to: 1. Mark up the relevant document. 2. Finalise the decision pack for review and signature by the decision maker. 3. Notify the applicant of the decision.

Why is the request considered complex or voluminous? \*

The department considers that the request is complex on the following basis: • This request (which overlaps with other requests processed by the department) involves one document, being a report produced in accordance with a milestone of a Commonwealth Contract. • Whilst processing the request, it became apparent that the Report was going to be published online and made publicly available. • The department provided a link to the publicly available Report and sought the applicant's agreement to withdraw their request. • The applicant responded to the department and agreed to withdraw the request provided the full report had been published. • After meeting with a related BA, the department advised that the published report was an iteration of the full report, as direct quotations obtained during consultation processes had been removed from the published report on a confidentiality basis. • As soon as this was identified, the department wrote to the applicant, explained that the published version was not the full report produced for the department, and sought confirmation that the applicant agreed to withdraw the request or in the alternative, agreement to an extension of time under s 15AA of the FOI Act to ensure the department has adequate time to prepare the decision pack.

Do other agencies or parties have an interest in the request? \*

Yes, another agency and third-party have an interest in the request.

Please describe the measures that would be taken to ensure a decision is made within the period of the requested extension and to keep the applicant informed of the progress of the request \*

As demonstrated by the timeline above, the department has made every effort to consistently work on this request since registration. The FOI team's Director will supervise further processing of the request to ensure that the steps outlined above are completed by the requested 15AB period. The department will continue to work on the tasks outlined while it awaits on a decision from the IC in relation to this 15AB request. The FOI decision will be released at the earliest possible date, once an extension of time has been granted.

## Review rights

If you disagree with the Office of the Australian Information Commissioner's (OAIC) decision you can apply to the Federal Court of Australia or the Federal Circuit Court for a review of a decision of the Information Commissioner, if you think that a decision by the Information Commissioner to grant an extension of time is not legally correct. You can make this application under the *Administrative Decisions (Judicial Review) Act 1977*.

The Court will not review the merits of your case, but it may refer the matter back to the Information Commissioner for further consideration if it finds the decision was wrong in law or the Information Commissioner's powers were not exercised properly.

An application for review must be made to the Court within 28 days of the OAIC sending the decision to you. You may wish to seek legal advice as the process can involve fees and costs. Please contact the Federal Court registry in your state or territory for more information or visit the Federal Court website at <http://www.fedcourt.gov.au/>.

## Further information

Further information about how applications to extend the timeframe to process an FOI request are handled by the OAIC can be found published on our website:

**For Applicants:** [How to make an FOI request: Extensions of time](#)

**For agencies and Ministers:** [Guidance and advice: Extension of time for processing requests](#)

The OAIC has the power to investigate complaints about an agency's actions under the *Freedom of Information Act 1982* (FOI Act). This is a separate process from asking for an Information Commissioner review following a decision made under the FOI Act. Complaints usually focus on how an agency has handled your FOI request or complied with other obligations under the FOI Act, rather than the decision itself.

In some cases, the Information Commissioner's investigation of a complaint may lead to the agency addressing the issues that you have complained about. In other cases, the Information Commissioner may make suggestions or recommendations that the agency should implement. The Information Commissioner can only make non-binding recommendations as a result of a complaint. You and the agency will be notified of the outcome of the investigation.

FOI complaints to the OAIC must be made in writing. Our preference is for you to use the **[online FOI complaint form](#)** if at all possible.

Further information about how to make a complaint can be found published on our website: <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints/make-an-foi-complaint> .

## Making a complaint to the Commonwealth Ombudsman

If you believe you have been treated unfairly by the OAIC, you can make a complaint to the Commonwealth Ombudsman (the Ombudsman). The Ombudsman's services are free. The Ombudsman can investigate complaints about the administrative actions of Australian Government agencies to see if you have been treated unfairly.

If the Ombudsman finds your complaint is justified, the Ombudsman can recommend that the OAIC reconsider or change its action or decision or take any other action that the Ombudsman considers is appropriate. You can contact the Ombudsman's office for more information on 1300 362 072 or visit the Commonwealth Ombudsman's website at <http://www.ombudsman.gov.au> .