

Our reference: FOI 27\_2016

19 April 2017

Richard Smith

By email: [foi+request-3262-7f649ed7@righttoknow.org.au](mailto:foi+request-3262-7f649ed7@righttoknow.org.au)

Dear Mr Smith

**Freedom of Information Request  
Notice of Decision about access**

1. I refer to your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act) dated 19 March 2017 and received by the Clean Energy Regulator (**the agency**) on 20 March 2017.
2. You seek access to documents containing the following information:
  - a) documents relating to the agency's consideration and decision to apply for ongoing access to telecommunications data as per the *Telecommunications (Interception and Access) Act 1979* (the Telecommunications Act);
  - b) the date of each application made by the agency for access to telecommunications data under the Telecommunications Act;
  - c) documents relating to how the agency deals with the privacy of data obtained through access to ongoing access to telecommunications data as per the Telecommunications Act, including how the data received is obtained, assessed, stored and ultimately destroyed;
  - d) the number of documents containing data obtained by the agency through its ongoing access to telecommunication data; and
  - e) the number of documents containing data obtained by the agency through its ongoing access to telecommunication data that the agency has determined are not likely to be required for a permitted purpose and therefore has destroyed, for the period of time from since the commencement of ongoing access to the data was granted until 17th March 2017.
3. I am an officer of the Clean Energy Regulator authorised under section 23 of the FOI Act to make decisions in relation to:
  - a. a request for access to documents (an FOI request) and
  - b. charges in relation to an FOI request.

### Decision not to impose charges

4. An agency may impose a charge for providing access to a document in accordance with section 29 of the FOI Act.
5. I am aware that the access to, and use of, telecommunication data by government agencies is a matter of public debate. I have decided not to impose a charge on the basis that I am satisfied that there is interest in the documents you seek access to among the general public, or at least a substantial section of it.

### Decision about access

6. This letter sets out my decision in relation to your FOI request. I have identified 16 documents relevant to your request. I have decided to release eight of the documents in full and eight of the documents in part in accordance with the scope of your request.
7. A statement of reasons for my decision in relation to your FOI request is provided at **Attachment A**.
8. A schedule describing the relevant documents and summarising my decision about the release of the documents is included at **Attachment B**.
9. A copy of the relevant provisions of the FOI Act is included at **Attachment C** for your information.

### When will the document be released?

10. The documents will be sent to you by email today.

### Review Rights

11. If you are dissatisfied with this decision, you may request an internal review, or alternatively, make an application for review to the Australian Information Commissioner. For information about your review rights, please refer to **Attachment D**.
12. If you have any questions, please contact the agency's FOI Unit at [foi@cleanenergyregulator.gov.au](mailto:foi@cleanenergyregulator.gov.au).

Yours sincerely,



Geoff Purvis-Smith  
FOI Delegate  
Clean Energy Regulator



## STATEMENT OF REASONS

### Decision

1. This statement of reasons is prepared in support of my decision to grant access to Richard Smith (the applicant) to eight documents in full and eight edited documents.

### Background: Key provisions of the FOI Act

2. The *Freedom of Information Act 1982* (the FOI Act) provides a right of access to agency documents that exist at the date when an FOI request is made, unless the document is an exempt document (section 11 of the FOI Act). It is not a right to information per se. The agency is not required to create a new document in response to a request.
3. Section 11A of the FOI Act authorises me to provide access to agency documents once a request has been made to the agency in accordance with subsection 15(2) of the FOI Act in relation to those documents, unless a relevant exemption applies to a document.
4. Section 22 of the FOI Act permits me to prepare an edited copy of documents removing any irrelevant matter where it is reasonably practicable to do so.

### Findings on material questions of facts

5. I have made findings of fact in connection with the FOI request, as follows:
  - a. On 19 March 2017, the applicant made a valid FOI request to the agency. The request contained five items:
    - A. documents relating to the agency's consideration and decision to apply for ongoing access to telecommunications data as per the *Telecommunications (Interception and Access) Act 1979* (the Telecommunications Act);
    - B. the date of each application made by the agency for access to telecommunications data under the Telecommunications Act;
    - C. documents relating to how the agency deals with the privacy of data obtained through access to ongoing access to telecommunications data as per the Telecommunications Act, including how the data received is obtained, assessed, stored and ultimately destroyed;
    - D. the number of documents containing data obtained by the agency through its ongoing access to telecommunication data; and
    - E. the number of documents containing data obtained by the agency through its ongoing access to telecommunication data that the agency has determined are not likely to be

required for a permitted purpose and therefore has destroyed, for the period of time from since the commencement of ongoing access to the data was granted until 17th March 2017.

- b. The FOI request was received by the agency on 20 March 2017.
- c. Receipt of the FOI request was confirmed by a reply email on 22 March 2017 and the applicant was notified of similar documents available to them under a previous FOI request (FOI 20\_2016).
- d. There are 15 documents that are relevant to the request that were in existence and in the possession of the agency at the time the request was made. Those documents relate to the first and third items of the request.
- e. There is one document that the agency has created in response to the request. That document relates to the second and fourth items of the request.
- f. There are third parties whose information is contained in the documents to be released. In making my decision on the FOI request, I have decided not to consult those parties for the reasons set out below.

### Material relied on

- 6. In making my decision, I have taken into account and relied on the following material:
  - a. The terms of the FOI request dated 19 March 2017.
  - b. The FOI Act, in particular the objects provision and section 22.
  - c. FOI Guidelines issued by the Australian Information Commissioner.

### Reasons for decision

- 7. Targeted searches for relevant documents identified 15 documents that fall within the scope of the FOI request, specifically, items A and C of the request. I have decided to release to the FOI applicant seven of these documents in full and eight in part, in accordance with the FOI request (Documents 1 – 10 and 12-16, as listed in the Schedule at **Attachment B**).
- 8. Items B and D of the request relate to information rather than documents. The FOI Act provides a right to access documents rather than information, and the agency is not required to create documents in response to a request. However, I am satisfied that it is reasonably practicable to do so in this instance. The agency has created one new document setting out the requested information. I have decided to release this document to the FOI applicant in full (Document 11).
- 9. Document 5 does not strictly fall within the scope of the FOI request, however I have decided to release this document to the applicant. Document 5 illustrates that notwithstanding the agency's request to the Attorney-General's Department (AGD) that the agency be listed as an enforcement agency, the agency



can no longer request telecommunications data under the Telecommunications Act since it was amended by the *Telecommunications (interception and Access) Data Retention Act 2015*.

10. Document 12 relates to item C of the FOI request, specifically how the agency requested and stored the telecommunications data obtained under the Telecommunications Act. No documents exist that relate solely to how the agency assesses and destroys telecommunications data obtained under the Telecommunications Act. However, there are four generic documents that set out how the agency meets its information management (and related) obligations under various laws, such as the *Privacy Act 1988* and the *Archives Act 1983*. I have decided to release these four documents to the applicant (Documents 13-16). The agency also follows the recommended practices in the Australian Government Investigations Standards.<sup>1</sup>
11. Documents 1, 2, 5 and 7-11 contain irrelevant matters not within the scope of the FOI request. In accordance with section 22 of the FOI Act, I have prepared an edited copy of those documents removing this material.
12. Documents 2, 4 and 5 contain identifying information about two third parties - the then Chair of the Clean Energy Regulator and the Deputy Secretary of the Attorney-General's Department. The fact that the third parties identified occupied these positions at the relevant time is a matter of public record and, as such, I do not consider this to be personal information within the meaning of the FOI Act. As such, I decided not to consult with these third parties on the release of this information. I have decided not to redact this information from the documents.
13. Documents 1, and 4-11 contain information that relates to the enforcement and investigatory functions of the agency. However, I am satisfied that documents 1, and 4 – 11, in the form that are to be released contain information that is a matter of public record or that would be ascertainable by a person with access to information that is publicly available. For that reason, I am satisfied that the exemptions in sections 37 (relating to enforcement of the law) and 47E (relating to the adverse effect on proper and efficient conduct of the operations of an agency) of the FOI Act do not apply to this material.
14. The agency has no documents that relate to item E of the FOI request.

## Review rights

15. If the applicant is dissatisfied with this decision, they may make an application to the Regulator for internal review or they may apply to the Australian Information Commissioner for an independent review of the decision.

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<sup>1</sup> This document is available at <https://www.ag.gov.au/RightsAndProtections/FOI/Pages/FreedomOfInformationDisclosureLog/AustralianGovernmentInvestigationStandards2011andAustralianGovernmentInvestigationsStandards2003.aspx> (accessed 19 April 2017).

16. Should the applicant choose to make an application for internal review, they have 30 days after being notified of this decision to apply for an internal review of the decision. For further information about review rights, please refer to **Attachment D**.

17. If you have any questions, please contact the agency's FOI team at [foi@cleanenergyregulator.gov.au](mailto:foi@cleanenergyregulator.gov.au).

Yours sincerely



Geoff Purvis-Smith  
FOI Delegate  
Clean Energy Regulator

## Documents the subject of FOI Request 27 2016

### Schedule

Doc #	Date	Pages	Author	Document Description	Comments
1	December 2012	13	Clean Energy Regulator	Request to become an Enforcement Agency for the purposes of the <i>Telecommunications (Interception and Access) Act 1979</i> (before it was amended by the <i>Telecommunications (Interception and Access) Data Retention Act 2015</i> ).	Released in edited form; redacting irrelevant material under section 22 of the FOI Act (information about agency officials, and obsolete information).
2	22 May 2015	1	Attorney-General's Department	Notice of changes to <i>Telecommunications (Interception and Access) Act 1979</i> and that CER not included in amended Act	Released in edited form; redacting irrelevant material under section 22 of the FOI Act (information about agency officials and other information not related to the agency's intended use of telecommunications data).
3	Provided to CER 22 May 2015	8	Attorney-General's Department	Guide to Enforcement Agency Status	Released in full.
4	12 June 2015	2	Clean Energy Regulator	Request to be declared an enforcement agency under section 176A of the <i>Telecommunications (Interception and Access) Act 1979</i> (as	Released in edited form; redacting irrelevant material under section 22 of the FOI Act (information about agency officials).



Doc #	Date	Pages	Author	Document Description	Comments
				amended by the <i>Telecommunications (Interception and Access) Data Retention Act 2015</i> ).	
5	16 March 2016	1	Attorney-General's Department	Response to Clean Energy Regulator's request to be declared an enforcement agency under section 176A of the <i>Telecommunications (Interception and Access) Act 1979</i> .	Released in edited form; redacting irrelevant material under section 22 of the FOI Act (information about agency officials).
6	11 October 2016	1	Clean Energy Regulator	Additional Estimates Briefing – October 2016 – Access to telecommunications data by the Clean Energy Regulator	Released in full. Attachment A has not been reproduced; it is document 7 in this schedule of documents.
7	2 February 2016	3	Clean Energy Regulator	Additional Estimates Briefing – February 2016 – Access to telecommunications data by the Clean Energy Regulator	Released in full. Attachments A and B have not been reproduced; they are documents 2 and 4 in this schedule of documents.
8	7 October 2015	3	Clean Energy Regulator	Supplementary Budget Estimates Briefing – October 2015 – The CER as an enforcement agency under the <i>Telecommunications (Interception and Access) Act 1979</i>	Released in edited form (removing telephone number only on the grounds of personal privacy and/or relevance). Attachments A and B have not been reproduced; they are documents 2 and 4 in this schedule of documents.
9	February 2015	8	Clean Energy Regulator	Additional Estimates Briefing – February 2015 – Use of telecommunications metadata	Released in edited form (removing telephone number and journalist's name on the grounds of personal privacy and/or relevance).



Doc #	Date	Pages	Author	Document Description	Comments
10	October 2014	7	Clean Energy Regulator	Supplementary Budget Estimates Briefing – October 2014 – Use of telecommunications metadata	Released in edited form (removing telephone number and journalist's name on the grounds of personal privacy and/or relevance).
11	11 April 2017	1	Clean Energy Regulator	Summary document showing requests for access to telecommunications data made by the Clean Energy Regulator	Released in full. (Created in response to the FOI request.)
12	11 August 2014	22	Clean Energy Regulator	Standard operating procedure: Access to telecommunication data under the <i>Telecommunications (interception and Access) Act 1979</i>	Released in edited form; redacting irrelevant material under section 22 of the FOI Act (information about agency officials).
13	12 March 2014	11	Clean Energy Regulator	Privacy policy	Released in full. (Available on CER's website at <a href="http://www.cleanenergyregulator.gov.au/About/Policies-and-publications/Condensed-privacy-policy/Full-privacy-policy">http://www.cleanenergyregulator.gov.au/About/Policies-and-publications/Condensed-privacy-policy/Full-privacy-policy</a> )
14	4 May 2015	18	Clean Energy Regulator	CER Information Management Policy	Released in full
15	4 May 2015	16	Clean Energy Regulator	CER Information Management Strategy	Released in full
16	4 May 2015	9	Clean Energy Regulator	CER Normal Administrative Practice	Released in full

## *Freedom of Information Act 1982*

### Extract of relevant provisions

#### 11A Access to documents on request

##### *Scope*

(1) This section applies if:

- (a) a request is made by a person, in accordance with subsection 15(2), to an agency or Minister for access to:
  - (i) a document of the agency; or
  - (ii) an official document of the Minister; and
- (b) any charge that, under the regulations, is required to be paid before access is given has been paid.

(2) This section applies subject to this Act.

Note: Other provisions of this Act are relevant to decisions about access to documents, for example the following:

- (a) section 12 (documents otherwise available);
- (b) section 13 (documents in national institutions);
- (c) section 15A (personnel records);
- (d) section 22 (access to edited copies with exempt or irrelevant matter deleted).

##### *Mandatory access—general rule*

(3) The agency or Minister must give the person access to the document in accordance with this Act, subject to this section.

##### *Exemptions and conditional exemptions*

(4) The agency or Minister is not required by this Act to give the person access to the document at a particular time if, at that time, the document is an exempt document.

Note: Access may be given to an exempt document apart from under this Act, whether or not in response to a request (see section 3A (objects—information or documents otherwise accessible)).

(5) The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

Note 1: Division 3 of Part IV provides for when a document is conditionally exempt.

Note 2: A conditionally exempt document is an exempt document if access to the document would, on balance, be contrary to the public interest (see section 31B (exempt documents for the purposes of Part IV)).

Note 3: Section 11B deals with when it is contrary to the public interest to give a person access to the document.

(6) Despite subsection (5), the agency or Minister is not required to give access to the document at a particular time if, at that time, the document is both:

- (a) a conditionally exempt document; and
- (b) an exempt document:
  - (i) under Division 2 of Part IV (exemptions); or
  - (ii) within the meaning of paragraph (b) or (c) of the definition of **exempt document** in subsection 4(1).



## **15 Requests for access**

### *Persons may request access*

(1) Subject to section 15A, a person who wishes to obtain access to a document of an agency or an official document of a Minister may request access to the document.

### *Requirements for request*

(2) The request must:

(a) be in writing; and

(aa) state that the request is an application for the purposes of this Act; and

(b) provide such information concerning the document as is reasonably necessary to enable a responsible officer of the agency, or the Minister, to identify it; and

(c) give details of how notices under this Act may be sent to the applicant (for example, by providing an electronic address to which notices may be sent by electronic communication).

(2A) The request must be sent to the agency or Minister. The request may be sent in any of the following ways:

(a) delivery to an officer of the agency, or a member of the staff of the Minister, at the address of any central or regional office of the agency or Minister specified in a current telephone directory;

(b) postage by pre-paid post to an address mentioned in paragraph (a);

(c) sending by electronic communication to an electronic address specified by the agency or Minister.

### *Agency required to assist*

(3) Where a person:

(a) wishes to make a request to an agency; or

(b) has made to an agency a request that does not comply with this section;

it is the duty of the agency to take reasonable steps to assist the person to make the request in a manner that complies with this section.

Note: An agency or Minister may refuse to deal with a request if satisfied that a practical refusal reason exists, after undertaking the request consultation process (see section 24).

(4) Where a person has directed to an agency a request that should have been directed to another agency or to a Minister, it is the duty of the first-mentioned agency to take reasonable steps to assist the person to direct the request to the appropriate agency or Minister.

### *Timeframes for dealing with request*

(5) On receiving a request, the agency or Minister must:

(a) as soon as practicable but in any case not later than 14 days after the day on which the request is received by or on behalf of the agency or Minister, take all reasonable steps to enable the applicant to be notified that the request has been received; and

(b) as soon as practicable but in any case not later than the end of the period of 30 days after the day on which the request is received by or on behalf of the agency or Minister, take all reasonable steps to enable the

applicant to be notified of a decision on the request (including a decision under section 21 to defer the provision of access to a document).

(5A) In making a decision on a request, the agency or Minister must have regard to any guidelines issued by the Information Commissioner for the purposes of section 93A.

*Extension of processing period to comply with requirements of section 26A, 26AA, 27 or 27A*

(6) Where, in relation to a request, the agency or Minister determines in writing that the requirements of section 26A, 26AA, 27 or 27A make it appropriate to extend the period referred to in paragraph (5)(b):

(a) the period is extended by a further period of 30 days; and

(b) the agency or Minister must, as soon as practicable, inform the applicant that the period has been so extended.

*Extension of processing period to consult foreign entity*

(7) Subsection (8) applies if, in relation to a request, the agency or Minister determines in writing that it is appropriate to extend the period referred to in paragraph (5)(b) so that the agency or Minister can:

(a) consult one of the following:

(i) a foreign government;

(ii) an authority of a foreign government;

(iii) an international organisation; and

(b) determine whether the document that is the subject of the request is an exempt document under subparagraph 33(a)(iii) or paragraph 33(b).

(8) If this subsection applies:

(a) the period referred to in paragraph (5)(b) is extended by a period of 30 days; and

(b) the agency or Minister must, as soon as practicable, inform the applicant that the period has been extended.

**22 Access to edited copies with exempt or irrelevant matter deleted**

*Scope*

(1) This section applies if:

(a) an agency or Minister decides:

(i) to refuse to give access to an exempt document; or

(ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and

(b) it is possible for the agency or Minister to prepare a copy (an **edited copy**) of the document, modified by deletions, ensuring that:

(i) access to the edited copy would be required to be given under section 11A (access to documents on request); and

(ii) the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and



(c) it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:

- (i) the nature and extent of the modification; and
- (ii) the resources available to modify the document; and

(d) it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.

*Access to edited copy*

(2) The agency or Minister must:

- (a) prepare the edited copy as mentioned in paragraph (1)(b); and
- (b) give the applicant access to the edited copy.

*Notice to applicant*

(3) The agency or Minister must give the applicant notice in writing:

- (a) that the edited copy has been prepared; and
- (b) of the grounds for the deletions; and
- (c) if any matter deleted is exempt matter—that the matter deleted is exempt matter because of a specified provision of this Act.

(4) Section 26 (reasons for decision) does not apply to the decision to refuse access to the whole document unless the applicant requests the agency or Minister to give the applicant a notice in writing in accordance with that section.

**37 Documents affecting enforcement of law and protection of public safety**

(1) A document is an exempt document if its disclosure under this Act would, or could reasonably be expected to:

- (a) prejudice the conduct of an investigation of a breach, or possible breach, of the law, or a failure, or possible failure, to comply with a law relating to taxation or prejudice the enforcement or proper administration of the law in a particular instance;
- (b) disclose, or enable a person to ascertain, the existence or identity of a confidential source of information, or the non-existence of a confidential source of information, in relation to the enforcement or administration of the law; or
- (c) endanger the life or physical safety of any person.

(2) A document is an exempt document if its disclosure under this Act would, or could reasonably be expected to:

- (a) prejudice the fair trial of a person or the impartial adjudication of a particular case;
- (b) disclose lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures; or
- (c) prejudice the maintenance or enforcement of lawful methods for the protection of public safety.

(2A) For the purposes of paragraph (1)(b), a person is taken to be a confidential source of information in relation to the enforcement or administration of the law if the person is receiving, or has received, protection under a program conducted under the auspices of the Australian Federal Police, or the police force of a State or Territory, for the protection of:

- (a) witnesses; or

(b) people who, because of their relationship to, or association with, a witness need, or may need, such protection; or

(c) any other people who, for any other reason, need or may need, such protection.

(3) In this section, *law* means law of the Commonwealth or of a State or Territory.

#### **47E Public interest conditional exemptions—certain operations of agencies**

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

(a) prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by an agency;

(b) prejudice the attainment of the objects of particular tests, examinations or audits conducted or to be conducted by an agency;

(c) have a substantial adverse effect on the management or assessment of personnel by the Commonwealth or by an agency;

(d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).



## **YOUR RIGHTS TO SEEK REVIEW OF A DECISION MADE UNDER THE FREEDOM OF INFORMATION ACT 1982**

If you do not agree with this decision, you may choose to exercise your review rights in the following ways:

1. request the Clean Energy Regulator to conduct an internal review of the decision. If you disagree with the Regulator's internal review decision, you may then apply to the Office of the Australian Information Commissioner (OAIC) for a review of that decision; or
2. apply directly to the OAIC for a review of the decision. In other words, it is not necessary for an internal review to be conducted first. If you are dissatisfied with the Australian Information Commissioner's (AIC) decision, you may apply to the Administrative Appeals Tribunal (AAT) for a review of the AIC's decision.

### **Internal review of decision by the Clean Energy Regulator**

Pursuant to section 53A of the *Freedom of Information Act 1982* (FOI Act), you have the right to apply to the Clean Energy Regulator for an internal review of the decision. The review will be conducted by a different decision maker, and a fresh decision will be made.

If the decision has been made by the agency head, you do not have the option to request an internal review under the FOI Act. You will need to apply for a review of the decision by the AIC (see below).

You do not have to complete a special form in order to request an internal review. However, your application for an internal review must be made in writing and lodged within 30 days after the day on which you are notified of the decision. It is desirable (but not essential) that you outline the reasons why you are dissatisfied with the decision when making your application for internal review. There is no cost attached to an application for internal review.

An application for internal review should be directed to one of the following addresses:

<b>By email</b>	<b>By post</b>
<a href="mailto:foi@cleanenergyregulator.gov.au">foi@cleanenergyregulator.gov.au</a>	FOI Coordinator Office of General Counsel Clean Energy Regulator GPO Box 621 CANBERRA ACT 2601

### **Review of decision by the AIC**

The AIC is an independent office holder who is authorised to review decisions of agencies and Ministers made under the FOI Act.

You do not have to request an internal review of a decision made under the FOI Act before making an application for review to the AIC (but you may do so if you wish). You have the right to apply directly to the AIC for a review of the decision. There is no cost associated with making an application for review by the AIC.

If you are requesting a review of a decision to refuse access to documents, to impose a charge or to refuse to amend a document, you must make an application in writing to the AIC, within 60 days of being notified of the decision.

If you are objecting to a decision to grant access to a document, or are dissatisfied with the decision for other reasons, you must make an application in writing, to the AIC, within 30 days of being notified of the decision.

An application for review by the AIC can be lodged via email, post or in person. An application for review by the AIC should be directed to:

By email	By post	In person
<a href="mailto:enquiries@oaic.gov.au">enquiries@oaic.gov.au</a>	Office of the Australian Information Commissioner  GPO Box 5218 SYDNEY ACT 26001  Fax: +61 2 9284 9666	Office of the Australian Information Commissioner  Level 3, 175 Pitt Street, SYDNEY NSW 2000

An application form for a review by the AIC is available from the OAIC website ([www.oaic.gov.au](http://www.oaic.gov.au)). Your application should include a copy of the decision to which your application relates. You should also set out the reasons why you disagree with the decision.

After reviewing a decision, the AIC must do one of the following:

- set the decision aside and substitute his own decision for that of the decision under review;
- affirm the decision, or
- vary the decision.

Please advise the Clean Energy Regulator's FOI Coordinator if you make an application for review by the AIC, preferably by email ([foi@cleanenergyregulator.gov.au](mailto:foi@cleanenergyregulator.gov.au)).

Further information about the AIC's review is available from the OAIC website ([www.oaic.gov.au](http://www.oaic.gov.au)).

## Review of decision by the AAT

The AAT is an independent body authorised to review certain decisions on their merits and, where the AAT decides it is appropriate, to substitute its own decision for the decision under review.

If you are not satisfied with the decision of the AIC, you are entitled to make an application to the AAT for a review of that decision. An application for review must be in writing and lodged within 28 days of being notified of the Commissioner's decision. If you have good reason for not meeting this timeframe, you can write to the AAT and request an extension of time in which to lodge your application. Your request for an extension should set out the reasons why the application was not made within the 28 day period.

As at July 2016, an application to the AAT attracts a fee of \$884. In certain circumstances that fee may be reduced to \$100. Information about making an application to the AAT is available from the AAT's website ([www.aat.gov.au](http://www.aat.gov.au)).



An application to the AAT for a review of the AIC's decision should be directed to:

Administrative Appeals Tribunal  
GPO Box 9955  
(in your capital city)

### Complaints to the AIC or the Ombudsman

You can also make a complaint to the AIC or the Commonwealth Ombudsman, if you have concerns about action taken by the Clean Energy Regulator in relation to a request under the FOI Act. Any correspondence or enquiries should be directed to:

Office of the Australian Information Commissioner	Commonwealth Ombudsman
GPO Box 5218 SYDNEY NSW 2001  Fax: +61 2 9284 9666  Email: <a href="mailto:enquiries@oaic.gov.au">enquiries@oaic.gov.au</a>	GPO Box 442 CANBERRA ACT 2601

### Further Questions

If you have any questions about your review rights, please contact the FOI Unit at [foi@cleanenergyregulator.gov.au](mailto:foi@cleanenergyregulator.gov.au).

