



By email: foi+request-5194-95f59680@righttoknow.org.au

Dear Posty

1. I refer to your request received by the Department of Education and Training (the department) on 1 January 2019, for access under the *Freedom of Information Act 1982* (FOI Act) to:

"All documents as is (that is, redacted or unredacted) from all previously made decisions on your department's FOI log that are currently not available for download direct from the website".

2. On 24 January 2019, I advised you that processing your FOI request would amount to a substantial and unreasonable diversion of the department's resources, and I initiated a consultation period with you in accordance with section 24AB of the FOI Act.

3. On 1 February 2019, you revised your FOI request to:

"All documents as is (that is, redacted or unredacted) from previously made decisions on your department's FOI log that are currently not available for download from the website for the years 2018/2019".

4. Part 2 of the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act states that *"the right of access applies to documents that exist at the time the FOI request was made"* and does not cover *"documents created after the request is received"*. As your FOI request was made on 1 January 2019, I have interpreted your request to be for all documents on the department's disclosure log from 1 January 2018 to 1 January 2019 that are not available for download from the website.

Decision on access

5. I am authorised to make decisions under subsection 23(1) of the FOI Act.
6. There were 41 publications on the department's disclosure log (compiling a total of 1883 pages) during the period 1 January 2018 to 1 January 2019 that are not available for download from the website. I have decided that all pages are appropriate for release and copies of these pages are **enclosed**. On this occasion, I have decided not to impose a charge for the processing of your FOI request.

Rights of review

7. I have enclosed information about your rights of review under the FOI Act at **Attachment A**.
8. Should you have any questions, please do not hesitate to contact me via email at foi@education.gov.au.

Yours sincerely

Rushil
Senior Government Lawyer
Schools, Child Care and Corporate Legal Branch
6 February 2019

Attachment A

Internal Review

Section 54 of the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision you must apply for the review, in writing, within 30 days of receipt of this letter.

No particular form is required for an application for internal review, but to assist the decision-maker you should clearly outline the grounds upon which you consider the decision should be reviewed. Applications for internal review can be lodged in one of the following ways:

Email: foi@education.gov.au

Post: The FOI Coordinator
Schools, Child Care and Corporate Legal Branch
Department of Education and Training
Location code: C50MA10
GPO BOX 9880
CANBERRA ACT 2601

External Review by the Australian Information Commissioner

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC, you must apply for the review, in writing or by using the online merits review form available at www.oaic.gov.au, within 60 days of receipt of this letter. To assist the AIC, your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the AIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act. The AIC advises that, before making a complaint to it, you should raise your concerns directly with the relevant agency.

Applications for review or complaint can be lodged in one of the following ways:

Online: www.oaic.gov.au

Post: GPO Box 5218 Sydney NSW 2001

Fax: +61 2 9284 9666

Email: enquiries@oaic.gov.au

For general enquiries, please call 1300 363 992 or +61 2 9284 9749 for international.