



JS

Email: [foi+request-5529-bbf38ba3@righttoknow.org.au](mailto:foi+request-5529-bbf38ba3@righttoknow.org.au)

Dear JS

**Freedom of Information Request No. 190717**  
**Internal Review**

On 17 September 2019, the Department of the Environment and Energy (the **Department**) made a decision on FOI 190717, a request for access to documents under the *Freedom of Information Act 1982* (the **FOI Act**). This decision is at **ATTACHMENT B**.

On 8 October 2019, you sought an internal review of FOI 190717. I am writing to inform you of my decision on your internal review request.

**Authority**

I am authorised by the Secretary of the Department under section 23 of the FOI Act to make a decision in relation to your request.

**Decision**

I have decided to set aside the primary decision on FOI 190717 (to refuse access, on the basis that due to the number of documents, excessive page count and our then current efforts towards working through the backlog, processing the request would substantially and unreasonably divert resources of the agency from its other operations).

I have decided to **grant access** to the documents in full.

**ATTACHMENT A** contains information regarding your review rights, should you wish to seek review of my decision.

**Material considered in making my decision**

I had regard to:

- the request for internal review;
- the primary decision on FOI 190717;
- the scope of the FOI request;
- the content of the documents subject to the review;
- the relevant provisions in the FOI Act;
- the *Guidelines issued by the Australian Information Commissioner under s93A of the Freedom of Information Act 1982* (the **FOI Guidelines**).

## Reasons for decision

Your application for internal review submitted that the original decision should be reviewed on the grounds that it was not unreasonable to divert the resources of the Department from its operations.

In the period between the primary decision and this internal review decision, the Department has undertaken the necessary work to update its disclosure log to include all relevant entries. Therefore the basis on which the primary decision was made no longer applies.

The documents you requested can be found at the Department's disclosure log website <https://www.environment.gov.au/about-us/freedom-information/foi-disclosure-log>.

The Department is also taking steps to amend its processes so that it can ensure it complies with disclosure log requirements into the future.

## Further assistance

The FOI Contact Officer in the Department can be contacted by telephone on 02 6274 2098 or by email at [foi@environment.gov.au](mailto:foi@environment.gov.au).

Yours sincerely



Margaret Tregurtha  
A/g First Assistant Secretary  
Legal and Compliance Division  
5 November 2019

## ATTACHMENTS:

- A. Your review rights
- B. FOI 190717 Access decision letter, dated 17 September 2019



## YOUR REVIEW RIGHTS

You may seek review of this internal review decision externally by the Information Commissioner (Information Commissioner review).

### Information Commissioner review

An Information Commissioner review is a review undertaken by the Information Commissioner (IC). The IC will make a decision on the disclosure of the documents, giving regard to any submissions from the Department, yourself as the applicant, and any third parties consulted as part of this decision.

There is no statutory timeframe for a decision on an IC request.

If you wish to request a review by the IC, you must apply to the IC within 60 days after the day you received it. Further details on how to request an Information Commissioner review can be obtained from the Office of the Australian Information Commissioner:

**Online:** <https://www.oaic.gov.au/freedom-of-information/foi-review-process>  
**Post:** GPO Box 5218, Sydney NSW 2001  
**Fax:** 02 9284 9666  
**Phone:** 1300 363 992  
**Email:** [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

