



Our reference: RQ19/03564
Agency reference: FOI19/283

Chris H

Sent by email: foi+request-5911-3774a8e0@righttoknow.org.au

Extension of time under s 15AB

Dear Chris H

On 18 December 2019, the Attorney-General's Department (the Department) applied for further time to make a decision on your FOI request of 8 December 2019 under the *Freedom of Information Act 1982* (Cth) (the FOI Act).

This application is on the basis that the processing period is insufficient to deal adequately with your request, because it is complex.

Decision

As a delegate of the Information Commissioner, I am authorised to make decisions on applications for extensions of time under s 15AB of the FOI Act.

I have decided to grant the Department an extension of time under s 15AB(2) of the FOI Act **to 24 January 2020**. I am satisfied that the Department's application for an extension of time is justified, because the request is complex. In coming to this decision, I have considered factors including the Department's advice that:

- the Department's ability to process the request will be impacted by the Christmas shutdown period
- the FOI and Parliamentary (FOIP) Section, which has responsibility for managing and processing all FOI requests on behalf of the Department, has limited or no available staff for the processing of FOI requests; and
- other staff required to be involved in the processing of FOI requests at the Department, including subject-matter experts in various line-areas and delegated decision makers are not available or have limited capacity to depart from their ordinary duties to assist FOIP with the processing of FOI requests.

By granting an extension of time it is anticipated that the Department will provide a well-reasoned and better managed decision.

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 FOI applicants: [How to make an FOI request: Extensions of time](#)

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

Contact

If you have any questions, please contact me via email irene.nicolaou@oaic.gov.au. In all correspondence please include the OAIC reference RQ19/03564.

Yours sincerely

Irene Nicolaou

Director (A/g)

Freedom of Information

23 December 2019

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/>.

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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/reviews-and-complaints/make-an-foi-complaint/>.