



Our reference: RQ20/00116
Agency reference: LEX1066

Mr Christopher Wilson

Sent by email: foi+request-5980-8e23c7b5@righttoknow.org.au

Extension of time under s 15AB

Dear Mr Wilson

On 8 January 2020, the Department of Foreign Affairs and Trade (the Department) applied for further time to make a decision on your FOI request of 10 December 2019 under the *Freedom of Information Act 1982* (Cth) (the FOI Act).

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

The Department attempted to obtain an agreement under s 15AA of the FOI Act for an extension of time from you. The Department did not receive a response from you.

Contact with you

On 9 January 2020, my colleague Ms Tahnee De Souza wrote to you to seek your view on the Department's application. She invited you to provide any comments by 13 January 2020. You have not responded to those inquiries.

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 of 32 days under s 15AB(2) of the FOI Act **to 10 February 2020**. I am satisfied that the Department's application for an extension of time is justified, because the request is complex. My reasons follow:

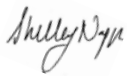
- the Department has advised that the FOI request is complex in nature and requires extensive internal consultation
- the Department was also required to conduct consultations with other agencies in relation to the document requested
- the Department experienced a period of reduced activity over the Christmas and New Year and staff were unavailable to conduct searches and process FOI requests

- some of the processing time for your FOI request included this reduced activity period, and
- when consulted by the OAIC, you did not provide your view on the Department's application.

Contact

If you have any questions, please contact me on (02) 9284 9721 or via email shelley.napper@oaic.gov.au. In all correspondence please include the OAIC reference RQ20/00116.

Yours sincerely



Shelley Napper

Assistant Director (A/g)
Freedom of Information

14 January 2020

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