



Our reference: RQ20/03105
Agency reference: FOI 21-3

Mr John Smith

Sent by email: foi+request-6515-be025e15@righttoknow.org.au

Extension of time under s 15AB

Dear Mr Smith

On 21 August 2020, the Australian Prudential Regulation Authority (APRA) applied for further time to make a decision on your FOI request of 23 July 2020 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.

Contact with you

On 26 August 2020, I wrote to you to seek your view on APRA's application. You responded to my inquiries and advised that you did not object to APRA's application.

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 APRA an extension of time under s 15AB(2) of the FOI Act **to 21 September 2020**. I am satisfied that APRA's application for an extension of time is justified, because the request is complex. My reasons follow:

- Part of the request requires APRA to collate information about labour hire staff performing functionally equivalent roles to actual APS employees. Because APRA is a non-APS agency such information is not readily available.
- The request requires significant sourcing and collating of information from a variety of areas and the FOI team is currently waiting on results from these internal consultations in order to review the documents.

Contact

If you would like to discuss this matter you may contact me on 02 9284 9745 or via email Carl.English@oaic.gov.au. In all correspondence please include the reference number at the top of this letter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'C. English', is positioned above the typed name.

Carl English
Review Adviser (Legal)
Freedom of Information Dispute Resolution

27 August 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/>.