



Our reference: RQ21/01115  
Agency reference: 68410

**Mr Denis Jakota**

Sent by email: [foi+request-7157-9c0630ff@righttoknow.org.au](mailto:foi+request-7157-9c0630ff@righttoknow.org.au)

## Extension of time under s 15AB

Dear Mr Jakota

On 29 April 2021, the Department of Industry, Science, Energy and Resources (the Department) applied for further time to make a decision on your FOI request of 17 March 2021 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 Office of the Australian Information Commissioner (OAIC) has previously granted the Department an extension of time under s 15AB(2) of the FOI Act (OAIC reference: RQ21/00936). This extended the decision period to 30 April 2021.

## 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 7 May 2021**. I am satisfied that the Department's application for an extension of time is justified, because the request is complex.

In coming to my decision, I have considered the Department's advice that:

- Your FOI request is complex, and relates to subject matter of which the Department has received an unusually large volume of requests. This has required the Department to devote a significant amount of resources to processing these requests, which has created unavoidable delays in respect to the search and retrieval of relevant documents, engaging in consultations and commencing document review.
- The Department has completed document searches in relation to your request and is in the final stages of finalising your request.

- The granting of an extension of time to 7 May 2021 will allow the Department sufficient time to finalise the processing of your FOI request and notify you of its decision.

## Contact

If you have any questions, please contact me on (02) 9284 9847 or via email [jasmin.clarke@oaic.gov.au](mailto:jasmin.clarke@oaic.gov.au). Please quote OAIC reference number at the top of this page in all correspondence.

Yours sincerely



**Jasmin Clarke**

Assistant Review and Investigation Advisor  
Freedom of Information

30 April 2021

## 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/>.