



Our reference: RQ21/01414
Agency reference: FOI 2021/053

M Parkins

Sent by email: foi+request-7197-e3569f7d@righttoknow.org.au

Extension of time under s 15AB

Dear M Parkins

On 2 June 2021, the Department of the Prime Minister and Cabinet (the Department) applied for further time to make a decision on your FOI request of 3 April 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 and voluminous.

The Office of the Australian Information Commissioner has previously granted the Department an extension of time under s 15AB(2) of the FOI Act (OAIC reference: RQ21/01068). This extended the decision period to 2 June 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 4 June 2021**. I am satisfied that the Department's application for an extension of time is justified, because the request is complex and voluminous.

In coming to this decision, I have considered the following factors:

- On 3 April 2021, the Department received your FOI request.
- The Department was due to provide you with a decision on your FOI request on 2 June 2021.
- The Department considers the request to be complex as the Department is waiting for the noting of the request by the Office of the Prime Minister. A delay occurred as the relevant staff members were managing competing priorities in relation to the Parliamentary sitting on 2 and 3 June 2021. The Department has advised that once this has concluded, the staff member will have capacity to note the request.

- The Department has also advised that it considers your request to be voluminous as 80 documents were initially identified, however during assessment of documents, a number of iterations were discovered and required further analysis to determine if they fell within the public domain.
- The Department further advised that a number of internal stakeholders required consultations on the documents.
- In order to make a proper and fully informed decision, the Department has advised that additional time was required to enable the Department to receive the noting of the request by the Office of the Prime Minister and finalise the decision.

If you do not receive a decision by 4 June 2021 or you disagree with the Department's decision, you may wish to seek Information Commissioner review [here](#). Further information on [applying for IC review](#) is available on the OAIC [website](#).

Contact

If you have any questions, please contact me on (02) 9284 9721 or via email shelley.napper@oaic.gov.au. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely



Shelley Napper
Assistant Director
Freedom of Information

4 June 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/>.