

FOIREQ21/00067

Pages 1 to 66 refused in full – s 47E(d) (certain operations of agencies)

Pages 67 to 184 refused in full – s 42 (legal professional privilege)

Pages 185 to 186 refused in full – s 47E(d) (certain operations of agencies)

Pages 187 to 191 refused in full – s 42 (legal professional privilege)

Page 192 refused in full – s 47E(d) (certain operations of agencies)

Pages 194 to 213 refused in full – s 42 (legal professional privilege)

Subject: 8AM Parliament House/ Call [REDACTED] on her mobile [REDACTED] [SEC=OFFICIAL]

Start: Wed 28/04/2021 8:00 AM

End: Wed 28/04/2021 9:00 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: [REDACTED]

Required Attendees: [REDACTED]

From: [Elizabeth Hampton](#)
To: [REDACTED]
Subject: Fwd: Request for a meeting [SEC=OFFICIAL]
Date: Wednesday, 21 April 2021 1:51:04 PM
Attachments: [image001.png](#)
[image002.jpg](#)

Hi - will you pls put this in my calendar? I'll get back to you with plans for Tuesday - ta
Get [Outlook for iOS](#)

From: [REDACTED]
Sent: Wednesday, April 21, 2021 12:49:03 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Request for a meeting [SEC=OFFICIAL]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Thank you [REDACTED]

8am is perfect.

Our suite number at Parliament House is [REDACTED]

If you need to be signed into Parliament House you will need to enter either via Point One Basement Entrance or via the Senate Entrance The main front doors of Parliament House do not open to the public until 9am.

Please call [REDACTED] on the suite phone number [REDACTED] and he can meet you at either entrance and sign you in if needed. He will then need to escort you whilst in the building for security purposes.

[REDACTED] will also be attending the meeting.

Regards

[REDACTED]
Executive Assistant/Diary Manager
Office of Rex Patrick | Senator for South Australia

[REDACTED]
www.rexpatrick.com.au



From: [REDACTED]
Sent: Wednesday, 21 April 2021 12:12 PM
To: [REDACTED]

Subject: RE: Request for a meeting [SEC=OFFICIAL]

Hi [REDACTED]

How about 8am? Would that give him a bit of time to get through some other matters before he has to go to the airport?

I'm happy to meet the Senator at your suite in Parliament House. Will you let me know the number of the suite? Ta

Will you let me know if that suits?

Thanks very much

Cheers

[REDACTED]



[REDACTED] | Deputy Commissioner
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au

From: [REDACTED]
Sent: Wednesday, 21 April 2021 10:20 AM
To: [REDACTED]
Subject: re: Request for a meeting

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Hi [REDACTED]

If a meeting on Wednesday 28/4 works for you, any time prior to 10.30am, that would work well with an 11.55am flight back to Adelaide for Senator Patrick i.e I would have to get him in a taxi to the airport by 10.30am.

Let me know what time works best for you and I'll lock that in his diary. Could you please also advise if you would like him to come to your office or if you would prefer to meet with him at Parliament House in our suite.

Regards

[REDACTED]

Executive Assistant/Diary Manager
Office of Rex Patrick | Senator for South Australia

[REDACTED]
www.rexpatrick.com.au



From: [REDACTED]
Sent: Wednesday, 21 April 2021 9:38 AM
To: [REDACTED]
Subject: Request for a meeting

Good morning [REDACTED]

Senator Rex Patrick would like to meet with the Information Commissioner either early on Tuesday morning 27/4/2021 (prior to 8.30am), later that afternoon (after 4pm) or alternatively on Wednesday morning 28/4/21.

Senator will be in Canberra to attend a Senate Committee hearing which commences at 8.30am to 3.30pm on Tuesday 27/4 so would be very appreciative of a meeting time to fit in with the Committee hearing timing.

Please advise if this would be possible.

Regards.

[REDACTED]
Executive Assistant/Diary Manager
Office of Rex Patrick | Senator for South Australia
[REDACTED]
www.rexpatrick.com.au



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with any attachments.

FOIREQ21/00067

Pages 218 to 222 refused in full – s 47E(d) (certain operations of agencies)

Pages 223 to 232 refused in full – s 42 (legal professional privilege)

From: [Angelene Falk](#)
To: [REDACTED]
Cc: [Media OAIC](#); [REDACTED]
Subject: RE: Mandarin story on Senator Patrick FOI - Attention last paragraph [SEC=OFFICIAL]
Date: Monday, 26 April 2021 6:13:00 PM
Attachments: [image001.jpg](#)

Noted thanks. The discussions are not with me, but are with my office.

From: [REDACTED]
Sent: Monday, 26 April 2021 5:56 PM
To: Angelene Falk [REDACTED]
[REDACTED]
[REDACTED]
Cc: Media OAIC <xxxxx@xxxx.xxx.xx>; [REDACTED]
Subject: Mandarin story on Senator Patrick FOI - Attention last paragraph [SEC=OFFICIAL]

Good evening

The last paragraph says discussions are taking place.

HOME [JURISDICTION FEDERAL](#)

Rex Patrick threatens to take information commissioner to court over FOI speed

FOI



Independent senator Rex Patrick has threatened to take information commissioner Angelene Falk to court over “significant delays” in Freedom of Information (FOI) reviews.

Over the weekend Patrick said he hoped Federal Court action would force the Office of the Australian Information Commissioner to deal with what he has described as a “train

smash” within the Australian FOI review regime.

“I have a number of FOI matters before the information commissioner due to bad decision making at the departmental Level. Four of them have been with the information commissioner for more than a year and another three for more than two years,” he said in a statement.

“To expedite my matters, which are all related to my role as a senator, I have written to the information commissioner foreshadowing the initiation of Federal Court Proceedings. It is my hope that whatever remedy I am able to achieve will benefit all who utilise the services of the information commissioner.”

The senator — who last year launched proceedings in the Administrative Appeals Tribunal after his FOI requests relating to national cabinet meetings were denied — noted that at least 300 applicants have waited more than a year for decisions to be made in relation to FOI reviews. As at last October, 55 journalist FOIs had been outstanding for more than one year, and 31 more than two years.

An OAIC spokesperson told *The Mandarin* that while the agency has “significantly increased” the number of information commissioner reviews it finalises each year, to more than 80%, improvements to review processes “are not able to keep pace with the continuing rise in the number of applications”.

The number of review applications lodged each year increased by almost 109% between 2015-16 and 2019-20. Meanwhile, the number finalised each year only increased by 83%.

“Last year, we finalised 72% of IC reviews (829) within 12 months,” the spokesperson said.

“In the first 8 months of 2020-21 (to 1 March 2021) we received 803 IC review applications, a 25% increase on the same period in 2019-20. During this period, the average time to complete an IC review was 8.2 months.”

Citizens can ask the information commissioner to review decisions that have been made in regard to FOI requests. While the FOI Act does require the commissioner to make decisions as a result of those reviews, it does not mandate a time frame for those decisions,

Patrick noted.

The agency spokesperson told *The Mandarin* that the portfolio budget statement for the OAIC sets a target of 80% of information commissioner reviews to be finalised within 12 months.

Patrick has argued that by the time Falk grants people access to information, the opportunity to engage in policy discussion and debate has passed.

“The late release of information does not allow people to participate in democracy, it only provides a means to write the history. That’s not how it’s supposed to be,” he said.

He noted that individuals [can go through the Federal Court](#) where decisions have been delayed for an unreasonable amount of time.

The OAIC spokesperson said the agency seeks to resolve all review applications “as efficiently and effectively as possible”. However, the review process is often “complex”, due to many documents subject to review being sensitive, and many matters involving consideration of multiple exemptions and large volumes of material, they said.

“There are often affected third parties whose interests and rights need to be considered,” they added.

Patrick has accused the government of “encouraging opaqueness and obfuscation” and under-funding the OAIC.

“Officials who have sensed the government’s goal are making reckless FOI decisions that deny access to information, often across the board. They are setting aside their fiduciary duty to the public in preference to pleasing their minister,” the senator said.

“Whilst court proceedings will force resolution of my own matters, the government has to address the significant under resourcing of the Office of the Australian Information Commissioner, otherwise others may also have to adopt this approach.”

Patrick is currently in discussions with Falk.