



Our reference: RQ21/02356
Agency reference: LEX3983

Mr Elias Ross

Sent by email: foi+request-7533-b9cc625b@righttoknow.org.au

Extension of time under s 15AB

Dear Mr Ross

On 20 August 2021, the Department of Foreign Affairs and Trade (the Department) applied for further time to make a decision on your FOI request of 13 July 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 FOI request because it is voluminous.

The Department has advised the OAIC that the Department requested an extension of time from you under s 15AA of the FOI Act, but did not receive your response (Department reference LEX3983).

The statutory timeframe was further suspended for a week for consultations under s 24AB of the FOI Act. This extended the decision period to 20 August 2021.

Contact with you

On 24 August 2021, I wrote to you to seek your view on the Department's application. You responded to my inquiries and provided comments that I have taken into consideration.

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 17 September 2021**. I am satisfied that the Department's application for an extension of time is justified, because the request is voluminous. My reasons and considerations follow:

- The Department has advised the OAIC that:
 - the request is voluminous with over 700 pages identified within the scope of the request

- the Department has worked with you to narrow the scope of the request
- COVID-19 has impacted on Department resources including staff remote working arrangements and the reallocation of staff to the Whole of Government response, and
- when consulted by the OAIC, you agreed to this extension of time.

Contact

If you have any questions about this letter, please contact me on (02) 9284 9783 or via email at rochelle.dunlop@oaic.gov.au. In all correspondence, please include the OAIC reference number at the top of this letter.

Yours sincerely



Rochelle Dunlop
Review and Investigation Advisor
FOI Regulatory Group

26 August 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/>.