



Our reference: RQ21/03256

Agency reference: FOI 21/22-0296

Ms Shirley Humphris

By email: foi+request-7877-b9638ca5@righttoknow.org.au

Extension of time under s 15AB

Dear Ms Humphris

On 14 October 2021, the National Disability Insurance Agency (NDIA) applied for further time to make a decision on your FOI request of 19 September 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 complex.

The NDIA attempted to obtain an agreement under s 15AA of the FOI Act for an extension of time from you. The NDIA did not receive a response from you.

Contact with you

On 21 October 2021, the OAIC wrote to you to seek your view on the NDIA's application. You responded to those 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 NDIA an extension of time under s 15AB(2) of the FOI Act **to 5 November 2021**. I am satisfied that the NDIA's application for an extension of time is justified, because the request is complex. My reasons and considerations follow:

- On 19 September 2021, the NDIA received your FOI request.
- The NDIA considers this request is complex as it relates to internal documents held by NDIA Staff and line areas.
- This request for information was received by the NDIA along with a large number of other significant requests within a short timeframe

- A number of consultations about documents and sensitivities are still ongoing in order to formulate a robust decision on access.
- The processing of this request has been impacted by the stay at home orders and the NDIA require additional time to finalise the decision.
- When consulted by the Oaic, you agreed to the extension of time.

Contact

If you have any questions about this letter, please contact me on (02) 9284 9847 or via email to jasmin.clarke@oaic.gov.au. In all correspondence please include Oaic reference: RQ21/03256.

Yours sincerely



Jasmin Clarke

Assistant Review and Investigation Advisor
FOI Regulatory Group

28 October 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/>.