



Australian Government

Office of the Australian Information Commissioner

IC Request Form – Agency extension of
time for processing an FOI request

Reference Code: FZS8RYMF

Getting started

About this form

The Office of the Australian Information Commissioner (OAIC) can grant extensions of time to agencies who are processing Freedom of Information requests.

This form can be used by agencies to request an extension of time to process an FOI request or to notify an agreed extension of time.

Please note that if an agency does not provide the Information Commissioner with adequate reasons, the extension of time request may be refused.

Further guidance and advice for agencies about extension of time for processing requests (<https://www.oaic.gov.au/freedom-of-information/guidance-and-advice/extension-of-time-for-processing-requests/>), including the details to be included in a request, is available on our website (<https://www.oaic.gov.au/>).

An agency may apply to vary the extension if an earlier extension granted by the OAIC is insufficient, however the agency must explain what has changed since the initial extension of time request and provide reasons for why a variation to the extension is justified.

You can save this form at any point and return to complete it within 3 days. If you do not submit your saved form within 3 days it will be permanently erased from the secure server.

PLEASE NOTE:

- To save your form, click on the **Save and Close** button at the top of this form.
- Refreshing your browser will clear any information that you have not saved. If you need to refresh your browser while completing this form and wish to keep your changes please save the form first.

This request may be subject to the *Freedom of Information Act 1982*.

If you have any questions about making an extension of time request or have trouble completing this form please send an email to foidr@oaic.gov.au or call our enquiries line on 1300 363 992.

Your personal information

We will handle your personal information in accordance with the Australian Privacy Principles.

If you have any questions about the personal information we collect and how we will handle your information, please contact the OAIC or see our privacy policy (<http://www.oaic.gov.au/privacy-policy-summary>) available on our website.

Before you start

To ensure you are using the correct form, please select one of the following options. *

- ☒ I am notifying of or requesting an extension of time
- ☐ I am requesting a review of an FOI decision
- ☐ I want to complain about the handling of my FOI request

I am submitting this notification or request on behalf of: *

- ☒ Australian Government Agency
- ☐ Minister

Agency details

- ☐ Administrative Appeals Tribunal
- ☐ Attorney-General's Department
- ☐ Australian Federal Police
- ☐ Australian Securities and Investments Commission
- ☐ Australian Taxation Office
- ☐ Australian Transaction Reports and Analysis Centre (AUSTRAC)
- ☐ Comcare
- ☐ Department of Defence
- ☐ Department of the Environment and Energy
- ☐ Department of Health
- ☐ Department of Home Affairs
- ☐ DHS - Services Australia
- ☒ Department of Veterans' Affairs
- ☐ Immigration Assessment Authority
- ☐ National Disability Insurance Agency
- ☐ Other

FOI reference number

Please provide your internal FOI reference number for this notification or request: *

LEX 47367

Your details

Please note that we are unable to accept anonymous requests. You must provide an email or postal address so that we can send you

notices.

Title

Given name *

Family name *

Preferred contact method (you must provide at least one contact method) *

Email	Phone	Post	Other
-------	-------	------	-------

Email address *

Phone (daytime)

Mobile

Postal address

Other contact details (eg. fax or international address)

FOI applicant details

Is the FOI applicant

an Individual	an Organisation
---------------	-----------------

Title

Given name *

Family name *

Preferred contact method *(you must provide at least one contact method)* *☒ Email☐ Phone☐ Post☐ Other

Email address *

Phone (daytime)

Mobile

Postal address

Other contact details *(eg. fax or international address)*

Is the FOI applicant represented *

☐ Yes☒ No

Extension details

Please select the type of extension you are seeking *

- ☐ Extension of time notification with the agreement of the applicant (s 15AA)
- ☒ Extension of time to process complex or voluminous requests (s 15AB)
- ☐ Extension where decision not made within time (s 15AC)
- ☐ Extension where internal review decision not made within time (s 54D)
- ☐ Extension where amendment/annotation request not made in time (s 51DA)

Has the statutory time period for processing already run out? That is, has a deemed decision already been made? *

Yes

No

Date you received the FOI request *

03 Jan 2022

Current date the decision is due *

02 Feb 2022

Requested length of extension (*number of days*) *

30

New decision due date if extension granted *

04 Mar 2022

Did you approach the applicant for an extension of time under s 15AA

Yes

No

Please provide your internal reference, and/or the OAIC reference for this notification or request? *

LEX 47367

What was the outcome? Did the applicant raise any concerns? *

No response received.

Has the processing period been extended as a result of other statutory provisions, or are you considering such an extension? *
(For example, through consultation provisions or provisions about charges that impact on the statutory due date)

Yes

No

Has the applicant raised any concerns about delays? *

Yes

No

Please provide a timeline setting out the work already completed in order to process this request, the work undertaken on this request following any earlier extension granted and the expected timeline for completing the FOI request. *

FOI request received 3 January 2022
 Acknowledgment sent 11 January 2022
 Search enquiries sent to and discussions had with relevant business areas between 13 January 2022 and 19 January 2022

Please also explain the reasons for the request and why an extension would be justified. Requests for longer extensions of time (more than 30 days) will require greater justification.

You will need to address:

- why the request is considered complex or voluminous
- any consultation with the applicant concerning length of time
- whether other agencies or parties have an interest in the request
- measures that will be taken to ensure a decision will be made with the period of extension granted and to keep the applicant informed about progress.

Generally the OAIC will consult the applicant where the extension sought is for a period longer than 30 days or where the agency is seeking to vary (further extend) an earlier extension granted by the OAIC. During consultation, the OAIC will often send the applicant a copy of the EOT application, so please advise if it contains anything sensitive that should not be passed on.

Reasons *

In response to the Applicant's request the Department has undertaken a series of searches to locate the reports requested by Ms Pane. Specifically we have consulted with the following business areas of the Department:

- Contract Advisory Services
- Secretary
- Records Management

As a result of these searches to date only references to documents have been located. It appears due to the age of the requested material (2008/2009) that further time will be required to search and assess historical records and electronic storage locations to properly satisfy the decision maker that sufficient searches have been undertaken.

Please provide a copy of the FOI applicant's original FOI request and any revisions to the scope of the FOI request. *

Files you attach **must**:

- be in *.pdf, *.docx, *.doc, *.txt, *.jpg, *.gif, *.png format
- be no more than five files
- in total be no larger than 20MB.

Original email LEX 47367.PNG



If you have documents to attach to this form, please do so here:

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- be in *.jpg, *.gif, *.png, *.pdf, *.doc, *.docx, *.txt, *.xls, *.xlsx format
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Submission

Submitting your request

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Please review the information that you have provided in your request. If you would like to change anything, you can return to the relevant section using the Go Back button.

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A decision on your request will usually be provided within five working days. In certain circumstances the OAIC may need to consult with the FOI applicant or other affected parties. If this is the case, the extension may take longer to process.

The OAIC's processing of an EOT application may also take longer than five days if further information is required. It is important that agencies provide a complete application in the first instance. Incomplete EOT applications may result in an extension being denied.



Australian Government
Office of the Australian
Information Commissioner

Reference code: 2AT8FBXN

IC Request Form

– Agency

extension of time

for processing an

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Agency details

- ☐ Administrative Appeals Tribunal
- ☐ Attorney-General's Department
- ☐ Australian Broadcasting Corporation
- ☐ Australian Federal Police
- ☐ Australian Prudential Regulation Authority
- ☐ Australian Securities and Investments Commission
- ☐ Australian Taxation Office
- ☐ Australian Transaction Reports and Analysis Centre (AUSTRAC)
- ☐ Comcare
- ☐ Commonwealth Ombudsman
- ☐ Department of Agriculture, Water and the Environment
- ☐ Department of Defence
- ☐ Department of Foreign Affairs and Trade
- ☐ Department of Health
- ☐ Department of Home Affairs
- ☐ Department of Industry, Science, Energy and Resources
- ☐ Department of the Prime Minister and Cabinet
- ☐ Department of Social Services
- ☐ Department of the Treasury
- ☒ Department of Veterans' Affairs
- ☐ Immigration Assessment Authority
- ☐ National Disability Insurance Agency
- ☐ Norfolk Island Regional Council
- ☐ Services Australia
- ☐ The Australian National University
- ☐ Other

FOI reference number

Please provide your internal FOI reference number for this notification or request: *

LEX 47367

Your details

Please note that we are unable to accept anonymous requests. You must provide an email or postal address so that we can send you notices.

Title

Given name *

Family name *

Preferred contact method (you must provide at least one contact method) *

Email	Phone	Post	Other
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Email address *

information.access@dva.gov.au

Phone (daytime)

Include area code

Mobile

Postal address

Start typing full address here..

Other contact details (eg. fax or international address)

FOI applicant details

Is the FOI applicant

an Individual	an Organisation
---------------	-----------------

Title

Given name *

Family name *

Preferred contact method *(you must provide at least one contact method)* *

Email	Phone	Post	Other
-------	-------	------	-------

Email address *

Phone (daytime)

Mobile

Postal address

Other contact details *(eg. fax or international address)*

Is the FOI applicant represented *

Yes	No
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Extension details

Please select the type of extension you are seeking *

- ☐ Extension of time notification with the agreement of the applicant (s 15AA)
- ☒ Extension of time to process complex or voluminous requests (s 15AB)
- ☐ Extension where decision not made within time (s 15AC)
- ☐ Extension where internal review decision not made within time (s 54D)
- ☐ Extension where amendment/annotation request not made in time (s 51DA)

Has the statutory time period for processing already run out? That is, has a deemed decision already been made? *

Yes	No
-----	----

Date you received the FOI request *

Current date the decision is due *

Requested length of extension (*number of days*) *

New decision due date if extension granted *

Did you approach the applicant for an extension of time under s 15AA

Yes	No
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Why did you decide not to approach the applicant for an extension of time under s 15AA *

On 20 January 2022, the Department sought a 15AA extension of time from the applicant, to which no response was received. Accordingly, an extension was granted by the OAIC on 2 February 2022 for 14 days under section 15AB. After this extension was granted, the Department identified several third parties to be consulted prior to the release of any documents. We are seeking an additional 16 day extension from the OAIC to their ability to extend up to 30 days.

Has the processing period been extended as a result of other statutory provisions, or are you considering such an extension? *
(For example, through consultation provisions or provisions about charges that impact on the statutory due date)

Yes	No
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Please list these and how they have impacted on the due date for the FOI application *

We have undertaken a series of third party consultations but are still awaiting numerous responses. Responses we have received from third parties have indicated a lack of consent to disclose some or all of the material concerning the third parties.
The reports have potentially sensitive commercial information of third parties and the department wishes to receive a response from all third parties prior to making a decision. This will ensure the department is in a position to make a full and proper decision on access, in consideration of the sensitivities raised by these third parties and the possible applicable exemption provisions that may be available to the FOI decision maker.

Has the applicant raised any concerns about delays? *

Yes	No
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Please provide a timeline setting out the work already completed in order to process this request, the work undertaken on this request following any earlier extension granted and the expected timeline for completing the FOI request. *

On 20 January 2022 the Department sought a 15AA extension of time from the applicant, to which no response was received. An extension was granted by the OAIC on 2 February 2022 for 14 days under section 15AB. After this extension was granted, the Department identified several third parties to be consulted prior to the release of any documents.

Following initial difficulties locating the request report which were outlined in our extension of time application (RQ22/00357). Internal business area consultations were undertaken on the nature of the report and it was decided that a series of third party consultations would be appropriate. On 16 February 2022 the applicant was notified of the requirement to undertake consultations and the subsequent 30 day extension of time.

We have undertaken consultations but are still awaiting a response from a several third parties. Due to the historical nature of the report, the department also encountered some difficulties obtaining current contact information for some of these third parties.

Please also explain the reasons for the request and why an extension would be justified. Requests for longer extensions of time (more than 30 days) will require greater justification. *

You will need to address:

- why the request is considered complex or voluminous
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Reasons *

The request is complex as it is for reports from 2008/2009. Due to the historic nature of the reports, the Department initially had difficulty locating the reports. There are several third parties which have an interest in the reports and consultations are ongoing. We hope to receive responses from third parties in the coming week and will endeavour to have our decision made in a timely matter once responses have been received.

Please provide a copy of the FOI applicant's original FOI request and any revisions to the scope of the FOI request. *

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[47367 original request.pdf](#)

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Australian Government

Office of the Australian Information Commissioner

Our reference: RQ22/00357
Agency reference: LEX 47367

Ms Verity Pane

By email: foi+request-8240-a666a3a2@righttoknow.org.au

Notification to: Information.Law@dva.gov.au

Extension of time under s 15AB

Dear Ms Pane

On 25 January 2022, the Department of Veterans' Affairs (Department) applied for further time to make a decision on your FOI request of 3 January 2022 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 Department attempted to obtain an agreement under s 15AA of the FOI Act for an extension of time from you. The Department advised that it did not receive a response from you.

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.

Whilst the Department has requested an extension of time until 4 March 2022 to provide a decision, I have decided to grant the Department an extension of time under s 15AB(2) of the FOI Act **to 16 February 2022**. I am satisfied that an extension of time is justified, because the request is complex. My reasons and considerations follow:

- the Department has advised that it has undertaken a series of searches to locate the reports you have requested
- the Department's FOI team has consulted with three business areas: Contract Advisory Services, Secretary and Records Management, and

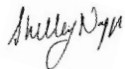
- the Department has further advised that searches to date have only located references to documents. As such, it appears that due to the age of the requested material (2008/2009), further time will be search and assess historical records and electronic storage locations to properly satisfy the decision maker that sufficient searches have been undertaken.

I consider an extension of time of 14 days under s 15AB of the FOI Act to be appropriate in this circumstance, particularly in consideration of the age of the documents requested and to allow the Department further opportunity to take all reasonable steps to find documents within the scope of the request given the results of searches conducted to date.

Contact

If you have any questions about this letter, please contact me on (02) 9284 9721 or via email to shelley.napper@oaic.gov.au. In all correspondence please include OAIC reference: RQ22/00357.

Yours sincerely



Shelley Napper

Assistant Director Investigations and Compliance
FOI Regulatory Group

2 February 2022

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/>.