



Our reference: s 22

Agency reference: s 22

s 22

By email to: s 22

Your application for Information Commissioner review of s 47E(d) decision

Dear s 22

I refer to your application for Information Commissioner review (IC review) of a decision on charges made by s 47E(d) on s 47E(d) under the *Freedom of Information Act 1982* (Cth) (the FOI Act).

On s 47E(d) s 47E(d) made a revised decision under s 55G of the FOI Act to waive the charges payable in full.

The purpose of this letter is to advise you of my intention to recommend that the delegate of the Information Commissioner exercises the discretion to decide not to undertake an IC review of Comcare's revised decision under s 54W(a)(i) of the FOI Act on the basis that your IC review application is lacking in substance, and to give you an opportunity to provide reasons for me to reconsider making this recommendation.

The reasons for my recommendation follow.

Background

On s 47E(d) s 47E(d) notified you under s 29(1) of the FOI Act that you are liable to pay a charge for the processing of your request and advised that the preliminary assessment of that charge was s 47E(d)

On s 47E(d) you wrote to s 47E(d) contending the charge should not be imposed.

On s 47E(d) s 47E(d) made a decision not to reduce or waive the charge of s 47E(d) imposed in relation to your FOI request (s 29(8)).

On s 47E(d) you sought IC review of s 47E(d) charges decision.

On s 47E(d) the OAIC commenced a review of s 47E(d) charges decision.

On **s 47E(d)** **s 47E(d)** made a revised decision under s 55G of the FOI Act to waive the charges imposed in full. In its revised decision, **s 47E(d)** advised:

Substituted Decision

I have considered the original decision and your submissions and have decided to make a substituted decision under section 55G of the FOI Act.

I have decided to waive the charge in full. This means that you do not need to pay any charge.

In accordance with section 31 of the FOI Act, the processing period now resumes. You should expect a decision from us about your request by **s 47E(d)**

s 47E(d) subsequently made a decision on your access request on **s 47E(d)**. This decision is the subject of a separate IC review application which we will contact you about separately **s 22**

On **s 47E(d)** I wrote to you to ask whether, in light of **s 47E(d)** revised decision to waive the charges in full, you wished to withdraw this IC review application.

On the same day you responded advising:

s 47E(d)

On **s 47E(d)** I advised that we would be happy to await **s 47E(d)** decision on access before you decide how to progress.

On **s 47E(d)** you sent the OAI a copy of **s 47E(d)** decision on access dated **s 47E(d)**, and advised:

s 47E(d)

On **s 47E(d)** **s 47E(d)** and advised the following in respect to this review concerning charges:

In relation to **s 47E(d)** previous decision to waive the charges in relation to this request **s 22**, we will not be seeking to proceed with that review, given there are no longer any charges to assess/ review. We will write to you soon to outline our reasons for intending to finalise that review, and you will have an opportunity to respond before we decide to finalise the matter.

In relation to the imposition of charges, the Charges Regulations specify at Schedule 1 that charges may be imposed both in relation to making a decision on a request (including for search and retrieval time and decision-making time), and providing access to a document (including the cost of making copies of a document and cost of delivery of documents).

While there are guiding principles for agencies and ministers relevant to the imposition of charges, which are outlined in the [FOI Guidelines](#) at [4.3]- [4.7], the imposition of a charge does not oblige the agency of minister to provide access to documents where it considers an exemption applies.

Further information about charges that can be imposed can be found in the Commissioner's [FOI Guidelines](#) at [4.22]- [4.24].

IC reviewable decisions

Section 54L(1) of the FOI Act provides that an application may be made to the Information Commissioner for a review of a decision covered by subsection (2), which includes an access refusal decision (s 54L(2)(a)).

Access refusal decisions are defined in s 53A of the FOI Act, and include a decision under s 29 relating to imposition of a charge or the amount of a charge (s 29(e)).

Section 55G(2)(b) of the FOI Act provides that if an agency or minister varies (or sets aside and substitutes) an access refusal decision under s 55G(1), the Information Commissioner must deal with the IC review application for review of the original decision as if it were an IC review application for the review of the varied or substituted decision.

In this case, s 47E(d) original decision of s 47E(d) to impose a charge of s 47E(d) has been substituted under s 55G by its revised decision of s 47E(d) to waive the charges in full.

Given this, there is no longer a reviewable access refusal decision.

The Commissioner's FOI Guidelines further advise at [10.86]:

An IC review application for review of an agency or minister's preliminary costs assessment will be considered to lack substance if the agency or minister waives the charges.¹

In *Knowles v Australian Information Commissioner [2018] FCA 1212 (15 August 2018)*, the Federal Court of Australia considered a decision made by the OAIC to finalise an IC review under s 54W(a)(i) of the FOI Act as lacking in substance, in respect to a revised decision waiving the FOI processing charge in full. The application in relation to the Information Commissioner's decision under s 54W(a)(i) was dismissed by the Hon Justice Tracey J, whose decision stated at [79]- [80]:

¹ *Knowles v Australian Information Commissioner [2018] FCA 1212 (15 August 2018)*

[The applicant] wished to be relieved of the requirement that he pay \$60 by way of a processing fee imposed by the Department. Following the intervention of the Commissioner the Department determined to waive the charge.

There is no ongoing controversy about [the applicant's] legal rights. The Department's decision to waive the charge places [the applicant] in a better position than he would conceivably be as the result of a successful judicial review application. Even if the Court were to set aside the Commissioner's decision to discontinue his review [the applicant]'s legal position would not have improved. Any further review by the Commissioner (should he be minded to conduct one) would be into a decision which is no longer operative.

Discretion not to continue to undertake an IC review

Under s 54W(a)(i) of the FOI Act, the Information Commissioner may decide not to undertake a review, or not to continue to undertake a review, if the Information Commissioner is satisfied that the IC review application is frivolous, vexatious, misconceived, lacking in substance or not made in good faith.

For the reasons outlined above, I intend to recommend that the Information Commissioner exercises the discretion to decide not to continue to undertake this IC review under s 54W(a)(i) because I am of the view that this IC review application is lacking in substance.

In particular, I note that:

- s 47E(d) original decision of s 47E(d) to impose a charge of s 47E(d) has been substituted under s 55G by its revised decision of s 47E(d) to waive the charges in full. As such, there is no longer a reviewable 'access refusal' decision under s 53A of the FOI Act that may be reviewed by the Information Commissioner under s 54L of the FOI Act
- The Federal Court has expressed its view in the matter referred to above, that any further review by the Commissioner in analogous circumstances, would be into a decision which is no longer operative
- You have chosen not to withdraw your IC review application
- Your request for review of s 47E(d) subsequent access refusal decision is being considered separately under IC review s 22, and is outside the scope of this particular review.

The delegate of the Information Commissioner will review all material before the OAIC in deciding whether to exercise the discretion to decide not to continue to undertake a review in this case.

If you disagree with this proposed recommendation, please write to us by [redacted] and advise us of your reasons. Your reasons will be taken into account before a decision is made on whether to finalise this matter under s 54W(a)(i).

It is also open to you to withdraw your IC review application under s 54R of the FOI Act, by advising us of this in writing.

If I do not hear from you by this date your IC review may be finalised under s 54W(a)(i) and you will be notified of your review rights.

If you would like to discuss this matter, please contact me on s 22 or by email at s 22. In all correspondence please quote s 22.

Yours sincerely

s 22

s 22
s 22

s 47E(d)

From: s 22
To: s 22
Subject: Intention to finalise IC review- Hindi- Ref s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Our reference: s 22
 Agency reference: s 22

s 22
 By email to: s 22
 Your IC review application about the s 47E(d)

Dear s 22

I refer to your application s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d) and to our previous email of s 47E(d)

On s 47E(d) the Department provided a decision to you on your FOI request.

On s 47E(d) we wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence we requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d)

Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d) your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me on s 22 or by return email. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



s 22
 Intake and Early Resolution Team
 Freedom of information Regulatory Group
 Office of the Australian Information Commissioner
 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au



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From: FOIDR
To: s 22
Subject: Intention to finalise IC review- Akbari- MR21/01191 [SEC=OFFICIAL]
Date: Friday, 10 December 2021 1:20:00 PM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)
[image007.gif](#)

Our reference: s 22

Agency reference: s 22

s 22
s 47E(d)

By email to: s 22

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application on behalf of s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d) and to our email of s 47E(d)

On s 47E(d) the Department provided a decision to you on your FOI request.

On s 47E(d) we wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence we requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d)

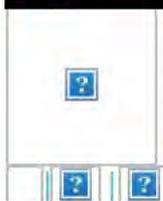
Intention to finalise IC review

Please note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d) your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

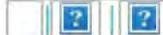
If you have any questions regarding this email please contact us at foidr@oaic.gov.au. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards

s 22



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 Office of the Australian Information Commissioner
 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
 02 9284 9744 foidr@oaic.gov.au



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Please note the OAIC will be closed from 25 December 2021 and will reopen on 4 January 2022.



Our reference: s 22
Agency reference: s 22

s 22

By email to: s 22

Your application for Information Commissioner review of s 47E(d)
[redacted] decision

Dear s 22

I refer to your application for Information Commissioner review (IC review) of a decision on charges made by the s 47E(d) on s 47E [redacted] under the *Freedom of Information Act 1982* (Cth) (the FOI Act).

On s 47E(d) the s 47E(d) made a revised decision under s 55G of the FOI Act to waive the charges payable in full.

The purpose of this letter is to advise you of my intention to recommend that the delegate of the Information Commissioner exercises the discretion to decide not to undertake an IC review of the SRCC's revised decision under s 54W(a)(i) of the FOI Act on the basis that your IC review application is lacking in substance, and to give you an opportunity to provide reasons for me to reconsider making this recommendation.

The reasons for my recommendation follow.

Background

On s 47E(d) the s 47E(d) notified you under s 29(1) of the FOI Act that you are liable to pay a charge for the processing of your request and advised that the preliminary assessment of that charge was s 47E(d)

On the same day, you wrote to the s 47E(d) contending the charge should not be imposed.

On s 47E(d) the s 47E(d) made a decision to impose a charge under of s 47E(d) in respect to your FOI request (s 29(8)).

On s 47E(d) you sought IC review of the s 47E(d) charges decision.

On s 47E(d) the OAIC commenced a review of the s 47E(d) charges decision.



On **s 47E(d)** the **s 47E(d)** made a revised decision under s 55G of the FOI Act to waive the charges imposed in full. In its revised decision, the **s 47E(d)** advised:

s 47E(d)

[The **s 47E(d)** subsequently made a decision on your access request on **s 47E(d)**. This decision is the subject of a separate IC review application which we will contact you about separately **s 22**.

On **s 47E(d)** I wrote to you to ask whether, in light of the **s 47E(d)** revised decision to waive the charges in full, you wished to withdraw this IC review application.

On the same day you responded advising:

s 47E(d)

On **s 47E(d)** I responded advising that the decision under review in this matter is the **s 47E(d)** decision on charges, and not the subsequent access decision of **s 47E(d)** which is being considered separately **s 22**.

With respect to the **s 47E(d)** decision on charges (the subject of this IC review application), I invited you to withdraw the IC review given there appeared to be no merit in continuing with a review of charges that had now been waived in full.

On **s 47E(d)** we discussed your IC review applications, and the IC review process, over the phone, and you indicated that you were disinclined to withdraw your IC review application in relation to the **s 47E(d)** charges decision, as you were dissatisfied with the way in which the **s 47E(d)** had handled your FOI request- in particular, the length of time taken to process your request (which you originally made in **s 47E(d)**), and the fact that charges were imposed on a request that the **s 47E(d)** agreed to process pursuant to a s 55F agreement with yourself in **s 47E(d)** resulting in the finalisation of that IC review (**s 22**) on **s 47E(d)**. Further, you queried how charges could be imposed in relation to a request when the agency had refused access to documents in their entirety, and you considered this a delay mechanism.

In relation to the imposition of charges, the Charges Regulations specify at Schedule 1 that charges may be imposed both in relation to making a decision on a request (including for search and retrieval time and decision-making time), and providing access to a document (including the cost of making copies of a document and cost of delivery of documents).

While there are guiding principles for agencies and ministers relevant to the imposition of charges, which are outlined in the [FOI Guidelines](#) at [4.3]- [4.7], the imposition of a charge does not oblige the agency or minister to provide access to documents where it considers an exemption applies.

Further information about charges that can be imposed can be found in the Commissioner's [FOI Guidelines](#) at [4.22]- [4.24].

As we discussed, and as outlined in my follow up email of **s 47E(d)** I invited you to particularise the complaint that you would like us to consider about the **s 47E(d)** processing of your FOI request, for our further consideration, which we would then attempt to address through your separate ongoing IC review (**s 22**).

In relation to this particular matter, I advised that the OAIC did not intend to continue to undertake this IC review given that the charge has now been waived, as there appeared no grounds for the review to proceed and advised that we would write to you separately to outline our reasoning for this, and give you an opportunity to respond before we consider finalising this matter.

On **s 47E(d)** you responded advising:

s 47E(d)

IC reviewable decisions

Section 54L(1) of the FOI Act provides that an application may be made to the Information Commissioner for a review of a decision covered by subsection (2), which includes an access refusal decision (s 54L(2)(a)).

Access refusal decisions are defined in s 53A of the FOI Act and include a decision under s 29 relating to imposition of a charge or the amount of a charge (s 29(e)).

Section 55G(2)(b) of the FOI Act provides that if an agency or minister varies (or sets asides and substitutes) an access refusal decision under s 55G(1), the Information Commissioner must deal with the IC review application for review of the original decision as if it were an IC review application for the review of the varied or substituted decision.

In this case, the **s 47E(d)** original decision of **s 47E(d)** to impose a charge of \$172 has been substituted under s 55G by its revised decision of **s 47E(d)** waive the charges in full.

Given this, there is no longer a reviewable access refusal decision.

The Commissioner's FOI Guidelines further advise at [10.86]:

An IC review application for review of an agency or minister's preliminary costs assessment will be considered to lack substance if the agency or minister waives the charges.¹

In *Knowles v Australian Information Commissioner [2018] FCA 1212 (15 August 2018)*, the Federal Court of Australia considered a decision made by the OAIC to finalise an IC review under s 54W(a)(i) of the FOI Act as lacking in substance, in respect to a revised decision waiving the FOI processing charge in full. The application in relation to the Information Commissioner's decision under s 54W(a)(i) was dismissed by the Hon Justice Tracey J, whose decision stated at [79]- [80]:

[The applicant] wished to be relieved of the requirement that he pay \$60 by way of a processing fee imposed by the Department. Following the intervention of the Commissioner the Department determined to waive the charge.

There is no ongoing controversy about [the applicant's] legal rights. The Department's decision to waive the charge places [the applicant] in a better position than he would conceivably be as the result of a successful judicial review application. Even if the Court were to set aside the Commissioner's decision to discontinue his review [the applicant]'s legal position would not have improved. Any further review by the Commissioner (should he be minded to conduct one) would be into a decision which is no longer operative.

Discretion not to continue to undertake an IC review

Under s 54W(a)(i) of the FOI Act, the Information Commissioner may decide not to undertake a review, or not to continue to undertake a review, if the Information Commissioner is satisfied that the IC review application is frivolous, vexatious, misconceived, lacking in substance or not made in good faith.

For the reasons outlined above, I intend to recommend that the Information Commissioner exercises the discretion to decide not to continue to undertake this IC review under s 54W(a)(i) because I am of the view that this IC review application is lacking in substance.

In particular, I note that:

- The s 47E(d) original decision of s 47E(d) impose a charge of s 47E(d) has been substituted under s 55G by its revised decision of s 47E(d) waive the charges in full. As such, there is no longer a reviewable 'access refusal' decision under s 53A of the FOI Act that may be reviewed by the Information Commissioner under s 54L of the FOI Act
- The Federal Court has expressed its view in the matter referred to above, that any further review by the Commissioner in analogous circumstances, would be into a decision which is no longer operative

¹ *Knowles v Australian Information Commissioner [2018] FCA 1212 (15 August 2018)*

- You have chosen not to withdraw your IC review application
- Your request for review of the s 47E(d) subsequent access refusal decision is being considered separately, under IC review s 22, which is outside the scope of this particular review

The delegate of the Information Commissioner will review all material before the OAIC in deciding whether to exercise the discretion to decide not to continue to undertake a review in this case.

If you disagree with this proposed recommendation, please write to us by [redacted] and advise us of your reasons. Your reasons will be taken into account before a decision is made on whether to finalise this matter under s 54W(a)(i).

It is also open to you to withdraw your IC review application under s 54R of the FOI Act, by advising us of this in writing.

If I do not hear from you by this date your IC review may be finalised under s 54W(a)(i) and you will be notified of your review rights.

If you would like to discuss this matter, please contact me on s 22 or by email at s 22. In all correspondence please quote s 22.

Yours sincerely

s 22

s 22

s 22

s 47E(d)



Australian Government

Office of the Australian Information Commissioner

Intention to recommend that an IC review not be undertaken under s 54W(b) of the *Freedom of Information Act 1982*

IC review applicant	s 22
Respondent	s 47E(d)
OAIC reference number	s 22
Agency reference number	s 22

Summary

1. I refer to the application made by s 22 (the applicant) for Information Commissioner review (IC review) of a decision made by s 47E(d) (respondent) on s 47E(d) under the *Freedom of Information Act 1982* (Cth) (the FOI Act).
2. The purpose of this letter is to advise the parties of my intention to recommend that a delegate of the Information Commissioner exercise the discretion to decide not to undertake an IC review under s 54W(b) of the FOI Act, which would allow the applicant to seek review at the Administrative Appeals Tribunal (AAT).
3. I am writing to both parties in this IC review to offer you both an opportunity to comment or make submissions on this recommendation.
4. The reasons for my recommendation follow.

Background

5. The Key procedural steps in this IC review are set out at **Attachment A**.

Discretion not to undertake an IC review

6. Under s 54W(b) of the FOI Act, the Information Commissioner may decide not to undertake a review, or not to continue to undertake a review, if the Information

Commissioner is satisfied that the interests of the administration of the FOI Act make it desirable that the IC reviewable decision be considered by the AAT.

7. The effect of such a decision would be to finalise this IC review application and allow the applicant to apply directly to the AAT. The applicant would then have 28 days to lodge an application with the AAT in accordance with ordinary AAT processes. AAT filing fees may apply.¹
8. The discretion in s 54W(b) of the FOI Act may be exercised where the Information Commissioner is satisfied that the interests of the administration of the FOI Act make it desirable that the IC reviewable decision be considered directly by the AAT, rather than initially by the Information Commissioner.
9. The Explanatory Memorandum to the Freedom of Information Amendment (Reform) Bill 2009 which created s 54W(b) states:

One of the reasons for retaining a right of review to the AAT is that, as an experienced review body, the AAT can properly deal with highly contested applications. This provision enables the Information Commissioner to decline to undertake a review if satisfied it would be more appropriate and efficient for the application to be made directly to the AAT.

10. This is also referred to in the Guidelines issued by the Australian Information Commissioner under s 93A (FOI Guidelines) at [10.88] – [10.89], which state:

The Information Commissioner can decline to undertake a review if satisfied ‘that the interests of the administration of the [FOI] Act make it desirable’ that the AAT consider the review application (s 54W(b)). It is intended that the Commissioner will resolve most applications. Circumstances in which the Commissioner may decide that it is desirable for the AAT to consider a matter instead of the Commissioner continuing with the IC review include:

- where the IC review is linked to ongoing proceedings before the AAT or a court
- where there is an apparent inconsistency between earlier IC review decisions and AAT decisions
- where, should the application progress to an IC review decision, the IC review decision is likely to be taken on appeal to the AAT on a disputed issue of fact
- where the FOI request under review is of a level of complexity that would be more appropriately handled through the procedures of the AAT
- where there may be a perceived or actual conflict of interest in the Commissioner undertaking review, including where:
 - the FOI request under review was made to, or decided by, the Information Commissioner or their delegate

¹ See, <https://www.aat.gov.au/apply-for-a-review/freedom-of-information-foi/fees>

- the FOI request or material at issue relate to specific functions exercised by the Information Commissioner under the Privacy Act
- the applicant has active matters in other forums, including the AAT or Federal Court and the Information Commissioner is the respondent
- where consideration by the AAT would further the objects of the FOI Act, particularly in relation to the performance and exercise of functions and powers given by the FOI Act to facilitate and promote public access to information, promptly and at the lowest reasonable cost (s 3(4)).

The OAIIC will consult the parties involved in a matter before making a decision under s 54W(b) to conclude an IC review.

11. The circumstances in which the Information Commissioner may consider it desirable that the AAT consider the IC review application, as outlined in the FOI Guidelines above, are not exhaustive. There will be circumstances that are not listed where the Information Commissioner may deem it desirable to refer the matter to the AAT.
12. The objects of the FOI Act provide that functions and powers under the FOI Act are to be performed and exercised, as far as possible, to facilitate and promote public access to information, promptly and at the lowest reasonable cost.
13. Further, in accordance with these objects, paragraph [10.18] of the FOI Guidelines provides that IC reviews are intended to be a simple, practical and cost-efficient method of external merits review.
14. In this IC review, it is apparent that:

s 47E (d)

- Given the complexity of the IC review and the subject matter of the documents requested, I consider that any IC review decision is likely to be taken on appeal to the AAT on a disputed issue of fact. In my preliminary view, this IC review could more appropriately be handled through the procedures of the AAT.
15. For these reasons, I intend to recommend to a delegate of the Information Commissioner that they exercise the discretion not to undertake an IC review under s 54W(b), as I am of the view that it is in the interests of the administration of the FOI Act that this review be closed and that the applicant be provided the opportunity of applying directly to the AAT for review.
 16. The delegate of the Information Commissioner will review all material before the OAIC in deciding whether to exercise the discretion to decide not to undertake a review in this case.

Next steps

17. If you disagree with this proposed recommendation, please write to us by s 47E(d) [REDACTED] and advise us of your reasons. Your reasons will be taken into account before a decision is made on whether to finalise this matter under s 54W(b).
18. In the absence of a response by this date this IC review application may be finalised under s 54W(b), and the parties will be notified of their review rights.

Yours sincerely

s 22 [REDACTED]

s 22 [REDACTED]

Freedom of information Regulatory Branch

s 47E(d) [REDACTED]

ATTACHMENT A
Key procedural steps

S 47E(d)

s 47E(d)

From: s 22
To: s 47E(d)
Subject: Intention to finalise IC review- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Our reference: s 22
Agency reference: s 22

s 47E(d)
By email: s 47E(d)
Your IC review application about the s 47E(d)

Dear s 47E(d)

I refer to your application s 22 s 22 for IC review of a decision s 47E(d) (the Department) was deemed to have made on s 47E(d) and to my email of s 47E(d). On s 47E(d) the Department provided a decision to you on your FOI request.

On s 47E(d) I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d)

Intention to finalise IC review

Please note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d) your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me on s 22 or via email foidr@oaic.gov.au. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



s 22
Intake and Early Resolution Team
Freedom of information Regulatory Group
Office of the Australian Information Commissioner
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Australian Government
Office of the Australian Information Commissioner

Our reference: s 22

Agency reference: s 22

s 22

By email to: s 22

Your application for Information Commissioner review of the s 47E(d)

Dear s 22

I refer to your application for Information Commissioner review (IC review) of a decision made by the s 47E(d) on s 47E(d) under the *Freedom of Information Act 1982* (Cth) (the FOI Act).

The purpose of this letter is to advise you of my intention to recommend that the delegate of the Information Commissioner exercises the discretion to decide not to undertake to a review of your IC review application under s 54W of the FOI Act on the basis that your IC review application is frivolous, vexatious, misconceived, lacking in substance or not made in good faith, and to give you an opportunity to provide reasons for me to reconsider making this recommendation.

The reasons for my recommendation follow.

Background

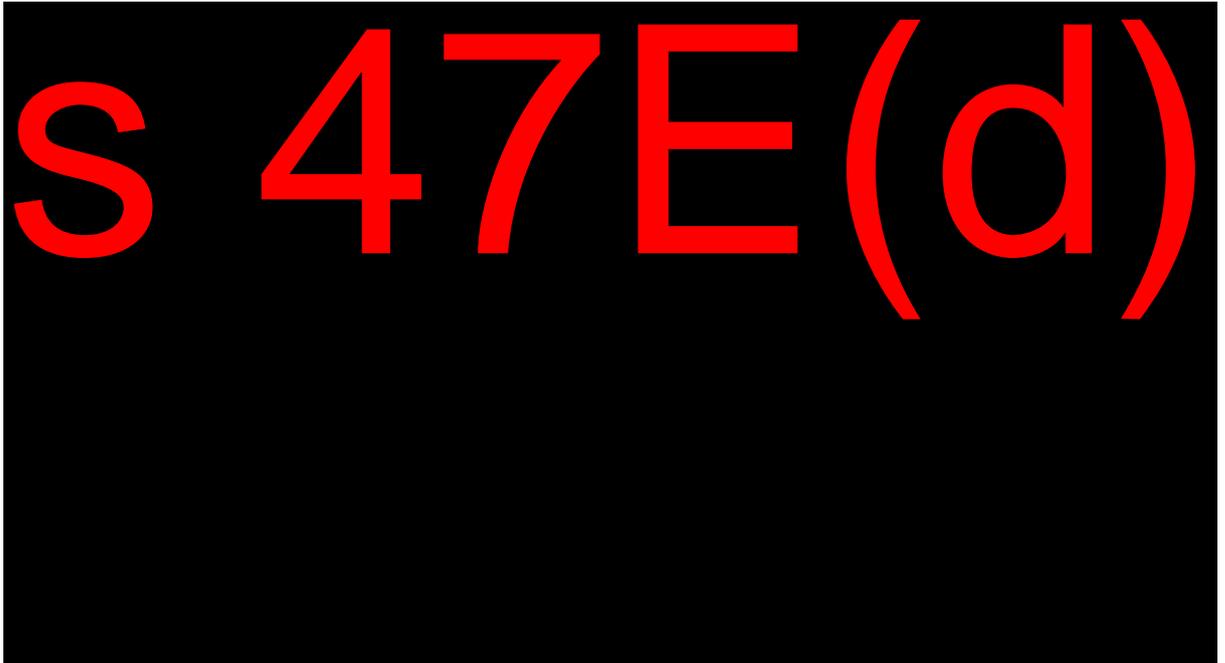
On s 47E(d) you applied to the s 47E(d) (Department) for access to:

s 47E(d)

On s 47E(d) the s 47E(d) made a decision on your request having accepted a transfer of the request from the Department on s 47E(d) s 47E(d) refused the request under s 4(1) of the FOI Act on the basis that the requested documents, if they exist, are not official documents of a Minister.

On **s 47E(d)** you sought IC review of the **s 47E(d)** decision under s 54L of the FOI Act.

On **s 47E(d)** you provided further submissions:



Scope of IC review

The issue in this IC review is whether, in accordance with s 11(1)(b) of the FOI Act, the requested documents are official documents of a Minister.

In forming my view as review officer, I have had regard to the following:

- The Department's decision and reasons for decision
- the FOI Act, in particular ss 4(1), 11, 24A, 54L and 54W(a)(i)
- the Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act to which agencies must have regard in performing a function or exercising a power under the FOI Act (FOI Guidelines), in particular paragraphs [\[2.50\]](#) – [\[2.54\]](#)
- relevant case law, in particular *Joel Fitzgibbon and Prime Minister of Australia* [\[2016\] ALCmr 85](#) and *office of the Premier v Herald and Weekly Times* [\[2013\] VSCA 79](#) and
- your submissions dated **s 47E(d)**

What is an official document of a Minister?

An 'official document of a minister' is a document in a minister's possession that relates to the affairs of an agency.

Section 4 of the FOI Act defines official document of a Minister as:

official document of a Minister or **official document of the Minister** means a document that is in the possession of a Minister, or that is in the possession of the Minister concerned, as the case requires, in his or her capacity as a Minister, being a document that relates to the affairs of an agency or of a Department of State and, for the purposes of this definition, a Minister shall be deemed to be in possession of a document that has passed from his or her possession if he or she is entitled to access to the document and the document is not a document of an agency.

Section 11 of the FOI Act states that:

(1) Subject to this Act, every person has a legally enforceable right to obtain access in accordance with this Act to:

...

(b) an official document of a Minister, other than an exempt document.

The FOI Guidelines state that in order for a document to be an official document of a minister, two elements of the definition must be satisfied. First, the document must be in the possession of a Minister in his or her capacity as a Minister. Secondly, the document in the minister's possession must relate to the affairs of an agency.

The FOI Guidelines state that:

Documents held by a minister that have been found to relate to the affairs of an agency include:

- entries in the Prime Minister's appointments diary relating to meetings with other political leaders to discuss the legislative program
- a letter to the Prime Minister from a former Prime Minister conveying views on issues of national policy
- a reference written by a minister on official letterhead, and
- a work diary of a ministerial adviser (in a Victorian decision)

Documents held by a minister that do not 'relate to the affairs of an agency' include:

- personal documents of a minister or the minister's staff
- documents of a party political nature, and

- documents held in the minister's capacity as a local member of parliament not dealing with the minister's portfolio responsibility.¹

The **s 47E(d)** reason

In relation to the first element set out in the FOI Guidelines, it is my view that the documents sought (if they existed) would not be held by the **s 47E(d)**. It appears any document relating to your FOI request as described (if they existed) do not concern **s 47E(d)** in the capacity of that office.

In relation to the second element, it appears the documents sought (if they existed) would not relate to the affairs of an agency. Based on my assessment of the FOI request and the context in which it was made, it appears, the documents (if they existed) would not satisfy the definition of an official documents of a Minister as defined in s 4 of the FOI Act.

Discretion not to undertake an IC review

Under s 54W of the FOI Act, the Information Commissioner may decide not to undertake a review, or not to continue to undertake a review, if the Information Commissioner is satisfied that the IC review application is frivolous, vexatious, misconceived, lacking in substance or not made in good faith.

On **s 47E(d)** you further submitted:

s 47E(d)

s 47E(d)

¹ [2.50] FOI Guidelines

It is not apparent that the documents (if they exist), that are the subject of your request relate to the affairs of an agency. It appears the documents (if they exist) relate to the private matters and would not fall within the definition of an official document of the **s 47E(d)**

For these reasons, I intend to recommend that the Information Commissioner exercises the discretion to decide not to undertake this IC review under s 54W, because I am of the view that this IC review application is lacking in substance.

The delegate of the Information Commissioner will review all material before the OAIC in deciding whether to exercise the discretion to decide not to undertake a review in this case.

If you disagree with this proposed recommendation, please write to us by **s 47E(d)** and advise us of your reasons. Your reasons will be taken into account before a decision is made on whether to finalise this matter under s 54W.

If I do not hear from you by this date your IC review may be finalised under s 54W and you will be notified of your review rights.

If you would like to discuss this matter, please contact me at foidr@oaic.gov.au In all correspondence please quote **s 22**

Yours sincerely

s 22

s 22

FOI Regulatory Group

s 47E(d)

From: s 22
To: s 22
Subject: Intention to finalise IC review- s 47E(d) s 22 s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.jpg](#)

Our reference: s 22
 Agency reference: s 22

s 22
 By email to: s 22

Your IC review application about the s 47E(d)

Dear s 22
 I refer to your application for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d) and to my email of s 47E(d).

For reference, this matter relates to your request dated s 47E(d) for access to the following:

s 47E(d)

On s 47E(d) the Department provided a decision to you on your FOI request.

On s 47E(d), I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d).

Intention to finalise IC review

Please note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d) your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me on s 22 or via email foidr@oaic.gov.au. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22

s 22
 Intake and Early Resolution Team



Freedom of information Regulatory Group
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au

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Graphical user interface, application Description automatically generated



From: s 22
Sent: s 47E(d)
To: s 22
Subject: IC review- s 47E(d) s 22 [SEC=OFFICIAL]

Our reference: s 22
Agency reference: s 22

s 22
By email to: s 22

Your IC review application about the s 47E(d)

Dear s 22
I refer to your application for IC review of a decision the s 47E(d) (the Department) was deemed to have made on s 47E(d)

On s 47E(d) the Department notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to give you full access to the documents you requested.

Can you please notify us by s 47E(d) if you now wish to:

- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d) your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me on s 22 or by return

email. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22

	Intake and Early Resolution Team Freedom of Information Regulatory Group Office of the Australian Information Commissioner GPO Box 5218 Sydney NSW 2001 oaic.gov.au 1300 363 992 foidr@oaic.gov.au
 	 Subscribe to OAICnet newsletter

Graphical user interface, application Description automatically generated



From: s 22
To: s 22
Subject: Intention to finalise IC review- s 47E(d) s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Our reference: s 22
Agency reference: s 22

s 22
By email to: s 22

Your IC review application about s 47E(d)

Dear s 22

I refer to your application for IC review of a decision s 47E(d) (the Department) was deemed to have refused on s 47E(d) and to my email of s 47E(d)

This matter relates your request dated s 47E(d) for access to:

s 47E(d)

On s 47E(d) the Department provided a decision to you on your FOI request.

On s 47E(d) I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d)

Intention to finalise IC review

Please note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d) your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me on s 22 or via email foidr@oaic.gov.au. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22

s 22



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Freedom of information Regulatory Group
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au

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From: s 22
Sent: s 47E(d)
To: s 22
Subject: IC review- s 47E(d) s 22 [SEC=OFFICIAL]

Our reference: s 22
Agency reference: s 22

s 22
By email to: s 22

Your IC review application about s 47E(d)

Dear s 22

I refer to your application for IC review of a decision s 47E(d) (the Department) was deemed to have refused on s 47E(d)

This matter relates your request dated s 47E(d) for access to:

s 47E(d)

On s 47E(d) the Department notified the Office of the Australian Information Commissioner (the OAIC) it has made a substantive decision to give you full access to one document identified as relevant to your request.

Can you please notify us by s 47E(d) if you now wish to:

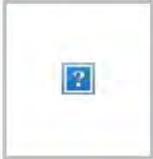
- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d) your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me on s 22 or by return email. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



s 22
Intake and Early Resolution Team
Freedom of information Regulatory Group
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au



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From: s 22
To: s 22
Subject: Intention to finalise IC review- s 47E(d) s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Our reference: s 22
Agency reference: s 22

s 22
By email to: s 22

Your IC review application about s 47E(d)

Dear s 22

I refer to your application for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d), and to my email of s 47E(d)

On s 47E(d) the Department provided a decision to you on your FOI request.

On s 47E(d) I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d)

Intention to finalise IC review

Please note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d) your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me on s 22 or via email foidr@oaic.gov.au. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

Tania



s 22
Intake and Early Resolution Team
Freedom of information Regulatory Group
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au

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s 22

From: Tania Strathearn
Sent: s 47E(d)
To: s 47E(d)
Subject: Intention to finalise IC review- s 22 - s 22 [SEC=OFFICIAL]

Our reference: s 22

s 22

s 47E(d)

By email to: s 47E(d)

Your IC review application about s 47E(d)

Dear s 22

I refer to your application s 22 for IC review of a decision s 47E(d) (the Department) was deemed to have refused on s 47E(d) and to my email of s 47E(d)

On s 47E(d) the Department provided a decision to you on your FOI request.

On s 47E(d) I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d)

Intention to finalise IC review

Please note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me on s 22 or via email foidr@oaic.gov.au. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



s 22

Intake and Early Resolution Team
 Freedom of information Regulatory Group
 Office of the Australian Information Commissioner
 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au

s 22

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Australian Government
Office of the Australian Information Commissioner

Our reference: s 22

Agency reference: s 22

s 22

By email to: s 22

Your application for Information Commissioner review of s 47E(d)
decision

Dear s 22

I refer to your application for Information Commissioner review (IC review) of a decision made by the s 47E(d) decision on s 47E(d) under the *Freedom of Information Act 1982* (Cth) (the FOI Act).

The purpose of this letter is to advise you of my intention to recommend that the delegate of the Information Commissioner exercises the discretion to decide not to undertake a review of your IC review application under s 54W of the FOI Act on the basis that your IC review application is lacking in substance and to give you an opportunity to provide reasons for me to reconsider making this recommendation.

The reasons for my recommendation follow.

Background

On s 47E(d) you applied to the s 47E(d) for access to:

s 47E(d)

On s 47E(d) s 47E(d) was granted a 30-day extension of time pursuant to section 15AB of the Act by the Office of the Australian Information Commissioner (OAIC).

On s 47E(d) s 47E(d) made a decision, granting partial access to s 47E(d)

s 47E(d)

On s 47E(d) you sought IC review of the s 47E(d) decision under s 54L of the FOI Act. This was registered under s 22 [Agency reference number s 22 and

formally acknowledged by the Office of the Australian Information Commissioner (OAIC) on s 47E(d)

On s 47E(d) the OAIC advised you that Information Commissioner has decided to commence review. Since that time, a review officer has also contacted to you to share submissions and provided an update.

On s 47E(d) you wrote to the OAIC seeking review of the decision s 22. At that time, you also attached a copy of your FOI decision in s 22 and a further IC review was mistakenly registered under s 22

On s 47E(d) s 22 of the OAIC wrote to you to advise that s 47E(d)

On the same day you responded that you did not wish to withdraw the further application made on s 47E(d)

Discretion not to undertake an IC review

Under s 54W of the FOI Act, the Information Commissioner may decide not to undertake a review, or not to continue to undertake a review, if the Information Commissioner is satisfied that the IC review application is frivolous, vexatious, misconceived, lacking in substance, or not made in good faith.

The FOI decision that you wish to seek review of is already under review and progressing under s 22. To pursue a further application for the same FOI decision will not promote the objects of the FOI Act.

For these reasons, I intend to recommend that the Information Commissioner exercises the discretion to decide not to undertake this IC review under s 54W, because I am of the view that this IC review application is lacking in substance as the matters you seek review of are already being reviewed under s 22

The delegate of the Information Commissioner will review all material before the OAIC in deciding whether to exercise the discretion to decide not to undertake a review in this case.

If you disagree with this proposed recommendation, please write to us by s 47E(d) and advise us of your reasons. Your reasons will be taken into account before a decision is made on whether to finalise this matter under s 54W.

If I do not hear from you by this date your IC review may be finalised under s 54W and you will be notified of your review rights.

If you would like to discuss this matter, please contact me at foidr@oaic.gov.au. In all correspondence, please quote s 22.

Yours sincerely

s 22

s 22

s 22

s 47E(d)



Australian Government

Office of the Australian Information Commissioner

Intention to recommend that IC reviews not be undertaken under s 54W(b) of the Freedom of Information Act 1982

IC review applicant	s 22
Respondent	s 47E(d)
OAIC reference numbers	s 22
Agency reference numbers	s 22

Summary

1. I refer to the applications made by s 22 (the applicant) for Information Commissioner review (IC review) of the following decisions made by the s 47E(d) under the *Freedom of Information Act 1982* (Cth) (the FOI Act):

s 47E(d)

2. The purpose of this letter is to advise the parties of my intention to recommend that a delegate of the Information Commissioner exercise the discretion to decide not to undertake IC reviews of these decisions under s 54W(b) of the FOI Act, which would allow the applicant to seek reviews at the Administrative Appeals Tribunal (AAT).
3. I am writing to both parties in this IC review to offer you both an opportunity to comment or make submissions on this recommendation.

4. The reasons for my recommendation follow.

Background

5. The Key procedural steps in this IC review are set out at **Attachment A**.

Discretion not to undertake an IC review

6. Under s 54W(b) of the FOI Act, the Information Commissioner may decide not to undertake a review, or not to continue to undertake a review, if the Information Commissioner is satisfied that the interests of the administration of the FOI Act make it desirable that the IC reviewable decision be considered by the AAT.
7. The effect of such a decision would be to finalise this IC review applications and allow the applicant to apply directly to the AAT. The applicant would then have 28 days to lodge applications with the AAT in accordance with ordinary AAT processes. AAT filing fees may apply.¹
8. The discretion in s 54W(b) of the FOI Act may be exercised where the Information Commissioner is satisfied that the interests of the administration of the FOI Act make it desirable that the IC reviewable decision be considered directly by the AAT, rather than initially by the Information Commissioner.
9. The Explanatory Memorandum to the Freedom of Information Amendment (Reform) Bill 2009 which created s 54W(b) states:

One of the reasons for retaining a right of review to the AAT is that, as an experienced review body, the AAT can properly deal with highly contested applications. This provision enables the Information Commissioner to decline to undertake a review if satisfied it would be more appropriate and efficient for the application to be made directly to the AAT.

10. This is also referred to in the Guidelines issued by the Australian Information Commissioner under s 93A (FOI Guidelines) at [10.88] – [10.89], which state:

The Information Commissioner can decline to undertake a review if satisfied 'that the interests of the administration of the [FOI] Act make it desirable' that the AAT consider the review application (s 54W(b)). It is intended that the Commissioner will resolve most applications. Circumstances in which the Commissioner may decide that it is desirable for the AAT to consider a matter instead of the Commissioner continuing with the IC review include:

- where the IC review is linked to ongoing proceedings before the AAT or a court
- where there is an apparent inconsistency between earlier IC review decisions and AAT decisions

¹ See, <https://www.aat.gov.au/apply-for-a-review/freedom-of-information-foi/fees>

- where, should the application progress to an IC review decision, the IC review decision is likely to be taken on appeal to the AAT on a disputed issue of fact
- where the FOI request under review is of a level of complexity that would be more appropriately handled through the procedures of the AAT
- where there may be a perceived or actual conflict of interest in the Commissioner undertaking review, including where:
 - the FOI request under review was made to, or decided by, the Information Commissioner or their delegate
 - the FOI request or material at issue relate to specific functions exercised by the Information Commissioner under the Privacy Act
 - the applicant has active matters in other forums, including the AAT or Federal Court and the Information Commissioner is the respondent
- where consideration by the AAT would further the objects of the FOI Act, particularly in relation to the performance and exercise of functions and powers given by the FOI Act to facilitate and promote public access to information, promptly and at the lowest reasonable cost (s 3(4)).

The OAIIC will consult the parties involved in a matter before making a decision under s 54W(b) to conclude an IC review.

11. The circumstances in which the Information Commissioner may consider it desirable that the AAT consider the IC review application, as outlined in the FOI Guidelines above, are not exhaustive. There will be circumstances that are not listed where the Information Commissioner may deem it desirable to refer the matter to the AAT.
12. The objects of the FOI Act provide that functions and powers under the FOI Act are to be performed and exercised, as far as possible, to facilitate and promote public access to information, promptly and at the lowest reasonable cost.
13. Further, in accordance with these objects, paragraph [10.18] of the FOI Guidelines provides that IC reviews are intended to be a simple, practical and cost-efficient method of external merits review.
14. In this IC review, it is apparent that:

s 47E (d)

s 47E(d)

15. For these reasons, I intend to recommend to a delegate of the Information Commissioner that they exercise the discretion not to undertake IC reviews under s 54W(b), as I am of the view that it is in the interests of the administration of the FOI Act that this reviews be closed and that the applicant be provided the opportunity of applying directly to the AAT for reviews.
16. The delegate of the Information Commissioner will review all material before the OAIC in deciding whether to exercise the discretion to decide not to undertake IC reviews in this case.

Next steps

17. If you disagree with this proposed recommendation, please write to us **s 47E(d)** and advise us of your reasons. Your reasons will be taken into account before a decision is made on whether to finalise this matter under s 54W(b).
18. In the absence of a response by this date this IC review application may be finalised under s 54W(b), and the parties will be notified of their review rights.

Yours sincerely

s 22

s 22
s 22

Freedom of information Regulatory Branch

s 47E(d)

ATTACHMENT A
Key procedural steps

S 47E (d)

S 47E (d)

S 47E (d)

S 47E (d)

From: s 22
To: s 22
Subject: Intention to finalise IC review- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Our reference: s 22
 Agency reference: s 22

s 22
 By email: s 22

Dear s 22

I refer to your application s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d), and to my email of s 47E(d)

On s 47E(d) the Department provided a decision to you on your FOI request.

On s 47E(d) I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC has not received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d)

Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d) your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

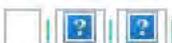
If you have any questions regarding this email please contact me on s 22 or by return email. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



s 22
 Intake and Early Resolution Team
 Freedom of information Regulatory Group
 Office of the Australian Information Commissioner
 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au



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From: s 22
To: s 22
Subject: Intention to finalise IC review- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Our reference: s 22
Agency reference: s 22

s 22
By email to: s 22

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application s 22 s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d) and to my email of s 47E(d)

On s 47E(d) the Department provided a decision to you on your FOI request.

On s 47E(d) I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d) The OAIC has not received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d)

Intention to finalise IC review

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Yours sincerely

s 22



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Australian Government
Office of the Australian Information Commissioner

Our reference: s 22
Agency reference: s 22

s 22

By email to: s 22

Your applications for Information Commissioner review of s 47E(d) FOI decisions

Dear s 22

I refer to your applications for Information Commissioner review (IC review) of the two internal review decisions made by the s 47E(d) on s 47E(d) under the *Freedom of Information Act 1982* (Cth) (the FOI Act).

The purpose of this letter is to advise you of my intention to recommend that a delegate of the Information Commissioner exercise the discretion to decide not to undertake the IC reviews under s 54W(b) of the FOI Act, which would allow you to seek review at the Administrative Appeals Tribunal (AAT).

I am writing to both parties in this IC review to offer you both an opportunity to comment or make submissions on this recommendation.

The reasons for my recommendation follow.

Background

s 22

On s 47E(d) you applied to s 47E(d) for access to:

s 47E(d)



s 47E(d)

On s 47E(d) s 47E(d) made a decision to grant access to one document and refuse access to s 47E(d) documents on the basis of s 47E(d) of the FOI Act (the original FOI decision).

On s 47E(d) you applied for internal review of s 47E(d) decision.

On s 47E(d) you also applied for IC review of s 47E(d) decision under s 54L of the FOI Act.

On s 47E(d) s 47E(d) affirmed its original decision to refuse you access to s 47E(d) under s 47E(d) of the FOI Act.

On s 47E(d) you advised the OAIC that you wished to proceed with an IC review of s 47E(d) internal review decision.

s 47E(d)

On s 47E(d) you made a separate FOI request to s 47E(d) for access to:

s 47E(d)

s 47E(d)

On **s 47E(d)** **s 47E(d)** made a decision to refuse you access to **s 47E(d)** documents on the basis of **s 47E(d)** of the FOI Act (the original FOI decision).

On **s 47E(d)** you applied for internal review of **s 47E(d)** decision.

On **s 47E(d)** you also applied for IC review of **s 47E(d)** decision under s 54L of the FOI Act.

On **s 47E(d)** **s 47E(d)** affirmed its original decision to refuse you access to **s 47E(d)** documents under **s 47E(d)** of the FOI Act. **s 47E(d)** additionally relied on **s 47E(d)** **s 47E(d)** in refusing access under its internal review decision.

On **s 47E(d)** you advised the OAIC that you wished to proceed with an IC review of **s 47E(d)** internal review decision.

Request for expedition or s 54W(b) referral

In your IC review applications of **s 47E(d)** you made the following request to the OAIC:

s 47E(d)

On **s 47E(d)** you further advised the OAIC of the following:

s 47E(d)

You have advised the OAIC that these matters are directly related to your applications for IC review of the following decisions, and that you would prefer that these matters be dealt with simultaneously:

s 47E(d)

On **s 47E(d)** the OAIC wrote to **s 47E(d)** to advise of your request and invited its views in relation to a potential decision to finalise these IC review applications under s 54W(b) of the FOI Act, which would enable you to seek review at the AAT.

On **s 47E(d)** **s 47E(d)** responded objecting to a potential s 54W(b) decision in these matters. A copy of **s 47E(d)** submission is attached.

Discretion not to undertake an IC review

Under s 54W(b) of the FOI Act, the Information Commissioner may decide not to undertake a review, or not to continue to undertake a review, if the Information Commissioner is satisfied that the interests of the administration of the FOI Act make it desirable that the IC reviewable decision be considered by the AAT.

The effect of such a decision would be to finalise your IC review application and allow you to apply directly to the AAT. You would then have 28 days to lodge an application with the AAT in accordance with ordinary AAT processes. AAT filing fees may apply.¹ Please note that you may not be required to pay an application fee or may be eligible for a reduced application fee of \$100.

The discretion in s 54W(b) of the FOI Act may be exercised where the Information Commissioner is satisfied that the interests of the administration of the FOI Act make it desirable that the IC reviewable decision be considered directly by the AAT, rather than initially by the Information Commissioner.

The Explanatory Memorandum to the Freedom of Information Amendment (Reform) Bill 2009 which created s 54W(b) states:

¹ See, <https://www.aat.gov.au/apply-for-a-review/freedom-of-information-foi/fees>

One of the reasons for retaining a right of review to the AAT is that, as an experienced review body, the AAT can properly deal with highly contested applications. This provision enables the Information Commissioner to decline to undertake a review if satisfied it would be more appropriate and efficient for the application to be made directly to the AAT.

This is also referred to in the Guidelines issued by the Australian Information Commissioner under s 93A (FOI Guidelines) at [10.88] – [10.89], which state:

The Information Commissioner can decline to undertake a review if satisfied ‘that the interests of the administration of the [FOI] Act make it desirable’ that the AAT consider the review application (s 54W(b)). It is intended that the Commissioner will resolve most applications. Circumstances in which the Commissioner may decide that it is desirable for the AAT to consider a matter instead of the Commissioner continuing with the IC review include:

- where the IC review is linked to ongoing proceedings before the AAT or a court
- where there is an apparent inconsistency between earlier IC review decisions and AAT decisions
- where, should the application progress to an IC review decision, the IC review decision is likely to be taken on appeal to the AAT on a disputed issue of fact
- where the FOI request under review is of a level of complexity that would be more appropriately handled through the procedures of the AAT
- where there may be a perceived or actual conflict of interest in the Commissioner undertaking review, including where:
 - the FOI request under review was made to, or decided by, the Information Commissioner or their delegate
 - the FOI request or material at issue relate to specific functions exercised by the Information Commissioner under the Privacy Act
 - the applicant has active matters in other forums, including the AAT or Federal Court and the Information Commissioner is the respondent
- where consideration by the AAT would further the objects of the FOI Act, particularly in relation to the performance and exercise of functions and powers given by the FOI Act to facilitate and promote public access to information, promptly and at the lowest reasonable cost (s 3(4)).

The OAIIC will consult the parties involved in a matter before making a decision under s 54W(b) to conclude an IC review.

The circumstances in which the Information Commissioner may consider it desirable that the AAT consider the IC review application, as outlined in the FOI Guidelines above, are not exhaustive. There will be circumstances that are not listed where the Information Commissioner may deem it desirable to refer the matter to the AAT.

The objects of the FOI Act provide that functions and powers under the FOI Act are to be performed and exercised, as far as possible, to facilitate and promote public access to information, promptly and at the lowest reasonable cost.

Further, in accordance with these objects, paragraph [10.18] of the FOI Guidelines provides that IC reviews are intended to be a simple, practical and cost-efficient method of external merits review.

I have considered the parties submissions in this matter, and I note that **s 47E(d)** has objected to a potential s 54W(b) decision in these matters for reasons including that:

- your request for an AAT referral is based on seeking expediency rather than any complexity involved in undertaking the reviews
- **s 47E(d)** disputes your contention that the application of **s 47E(d)** as relevant to the exemptions applied to documents by **s 47E(d)**
- the relevant FOI decisions are not connected to any ongoing proceedings in the AAT or a court.

In my preliminary view, I consider that this IC review could more appropriately be handled through the procedures of the AAT, because it is apparent that:

1. The IC review is linked to ongoing or anticipated proceedings before the AAT, following your recent s 54W(b) decision in relation to IC review **s 22**
2. You have advised that the documents under review are critical and time sensitive, and you seek an expedited review, advising:

s 47E(d)

3.

s 47E(d)

4. Given the interrelationship between your IC review applications, it would be more efficient for the matters to be dealt with together. This would create complexity for the OAIC in undertaking the reviews given the combined volume of documents and exemptions under review, and would involve a substantial allocation of OAIC resources. In my preliminary view, this IC review could more appropriately be handled through the procedures of the AAT in the first instance.

For these reasons, I intend to recommend to a delegate of the Information Commissioner that they exercise the discretion not to undertake these IC reviews under s 54W(b), as I am of the view that it is in the interests of the administration of the FOI Act that these reviews be closed and you be provided the opportunity of applying directly to the AAT for review.

The delegate of the Information Commissioner will review all material before the OAIC in deciding whether to exercise the discretion to decide not to undertake reviews in this case.

Next steps

If you disagree with this proposed recommendation, or wish to provide any further submissions in relation to this issue, please write to us by [REDACTED] and advise us of your reasons. Your reasons will be taken into account before a decision is made on whether to finalise this matter under s 54W(b).

If I do not hear from you by this date your IC review application may be finalised under s 54W(b) and you will be notified of your review rights.

If you would like to discuss this matter, please contact me on s 22 [REDACTED] or on s 22 [REDACTED]. In all correspondence please quote s 22 [REDACTED] and s 22 [REDACTED].

Yours sincerely

s 22 [REDACTED]

s 22 [REDACTED]

Freedom of information Regulatory Group

s 47E(d) [REDACTED]

From: FOIDR
To: s 22
Subject: Intention to finalise IC review- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)

Our reference: s 22
 Agency reference: s 22
 s 22
 By email: s 22

Your IC review application about s 47E(d)

Dear s 22

I refer to your application for IC review of a decision s 47E(d) (the Department) was deemed to have refused on s 47E(d) and to my email of s 47E(d)

On s 47E(d) the Department provided a decision to you on your FOI request.

On s 47E(d) I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d)

Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d) your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22

	<p> Intake and Early Resolution Team Freedom of Information Regulatory Group Office of the Australian Information Commissioner GPO Box 5218 Sydney NSW 2001 oaic.gov.au s 22 Subscribe to OAICnet newsletter </p>
---	--

From: s 22

Sent: s 47E(d)

To: s 22

Subject: Your IC review application about the s 47E(d) - s 22

[SEC=OFFICIAL]

Our reference: s 22

Agency reference: s 22

s 22

By email: s 22

Your IC review application about s 47E(d)

Dear s 22

I refer to your application for IC review of a decision s 47E(d) (the Department) was deemed to have refused on s 47E(d)

On s 47E(d) the Department notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to give you full access to the documents you requested.

Can you please notify us by s 47E(d) if you now wish to:

- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d) your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me on s 22 or via return email. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



s 22

Intake and Early Resolution Team
Freedom of information Regulatory Group
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au



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From: FOIDR
To: s 22
Subject: Intention to finalise IC review- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: image001.jpg
image002.png
image003.png
image004.png
image005.png
image006.jpg

Our reference: s 22
Agency reference: s 22

s 22
By email: s 22

Your IC review application about s 47E(d)

Dear s 22

I refer to your application on behalf of s 22 for IC review of a decision s 47E(d) (the Department) was deemed to have refused or s 47E(d) and to my email of s 47E(d)

On s 47E(d) the Department provided a decision to you on your FOI request.

On s 47E(d) I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d)

Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d) your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22

 **Intake and Early Resolution Team**
Freedom of Information Regulatory Group
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
s 22
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From: s 22
Sent: s 47E(d)
To: s 22

Subject: IC review- s 22 [SEC=OFFICIAL]

Our reference: s 22

Agency reference: s 22

s 22

By email: s 22

Your IC review application about s 47E(d)

Dear s 22

I refer to your application on behalf of s 22 for IC review of a decision s 47E(d) (the Department) was deemed to have refused on s 47E(d)

On s 47E(d) the Department notified the Office of the Australian Information Commissioner (the Oaic) it had made a substantive decision to give you partial access to the documents you requested. Please note the Department's advice that as the s 47E(d) it could not be emailed to you, and this portion of the documents has instead been posted to your PO Box address.

Can you please notify us by s 47E(d) once you have received the remaining documents, if you now wish to:

- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

If you have not received the documents by this time please let us know, we can of course provide you additional time to respond.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d) your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me on s 22 or via return email. Please quote Oaic reference number at the top of this email in all correspondence.

Yours sincerely

s 22



s 22

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Freedom of information Regulatory Group
Office of the Australian Information Commissioner
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Australian Government

Office of the Australian Information Commissioner

Intention to recommend that an IC review not be undertaken under s 54W(b) of the *Freedom of Information Act 1982*

IC review applicant	s 22
Respondent	s 47E(d)
OAIC reference number	s 22
Agency reference number	s 22

Summary

1. I refer to applications made by s 22 (the applicant) for Information Commissioner review (IC review) of two decisions made by the s 47E(d) (respondent) on s 47E(d) and s 47E(d) under the *Freedom of Information Act 1982* (Cth) (the FOI Act).
2. The purpose of this letter is to advise the parties of my intention to recommend that a delegate of the Information Commissioner exercise the discretion to decide not to undertake an IC review under s 54W(b) of the FOI Act, which would allow the applicant to seek review at the Administrative Appeals Tribunal (AAT).
3. I am writing to both parties in these IC reviews to offer you both an opportunity to comment or make submissions on this recommendation.
4. The reasons for my recommendation follow.

Background

5. The Background to the IC review applications is set out at Annexure A.

Discretion not to undertake an IC review

6. The effect of such a decision would be to finalise this IC review application and allow the applicant to apply directly to the AAT. The applicant would then have 28 days to

lodge an application with the AAT in accordance with ordinary AAT processes. AAT filing fees may apply.¹

7. The discretion in s 54W(b) of the FOI Act may be exercised where the Information Commissioner is satisfied that the interests of the administration of the FOI Act make it desirable that the IC reviewable decision be considered directly by the AAT, rather than initially by the Information Commissioner.
8. The Explanatory Memorandum to the Freedom of Information Amendment (Reform) Bill 2009 which created s 54W(b) states:

One of the reasons for retaining a right of review to the AAT is that, as an experienced review body, the AAT can properly deal with highly contested applications. This provision enables the Information Commissioner to decline to undertake a review if satisfied it would be more appropriate and efficient for the application to be made directly to the AAT.

9. This is also referred to in the Guidelines issued by the Australian Information Commissioner under s 93A (FOI Guidelines) at [10.88] – [10.89], which state:

The Information Commissioner can decline to undertake a review if satisfied ‘that the interests of the administration of the [FOI] Act make it desirable’ that the AAT consider the review application (s 54W(b)). It is intended that the Commissioner will resolve most applications. Circumstances in which the Commissioner may decide that it is desirable for the AAT to consider a matter instead of the Commissioner continuing with the IC review include:

- where the IC review is linked to ongoing proceedings before the AAT or a court
- where there is an apparent inconsistency between earlier IC review decisions and AAT decisions
- where, should the application progress to an IC review decision, the IC review decision is likely to be taken on appeal to the AAT on a disputed issue of fact
- where the FOI request under review is of a level of complexity that would be more appropriately handled through the procedures of the AAT
- where there may be a perceived or actual conflict of interest in the Commissioner undertaking review, including where:
 - the FOI request under review was made to, or decided by, the Information Commissioner or their delegate
 - the FOI request or material at issue relate to specific functions exercised by the Information Commissioner under the Privacy Act
 - the applicant has active matters in other forums, including the AAT or Federal Court and the Information Commissioner is the respondent
- where consideration by the AAT would further the objects of the FOI Act, particularly in relation to the performance and exercise of functions and powers given by the FOI Act to

¹ See, <https://www.aat.gov.au/apply-for-a-review/freedom-of-information-foi/fees>

facilitate and promote public access to information, promptly and at the lowest reasonable cost (s 3(4)).

The OAI will consult the parties involved in a matter before making a decision under s 54W(b) to conclude an IC review.

10. The circumstances in which the Information Commissioner may consider it desirable that the AAT consider the IC review application, as outlined in the FOI Guidelines above, are not exhaustive. There will be circumstances that are not listed where the Information Commissioner may deem it desirable to refer the matter to the AAT.
11. The objects of the FOI Act provide that functions and powers under the FOI Act are to be performed and exercised, as far as possible, to facilitate and promote public access to information, promptly and at the lowest reasonable cost.
12. Further, in accordance with these objects, paragraph [10.18] of the FOI Guidelines provides that IC reviews are intended to be a simple, practical and cost-efficient method of external merits review.
 - It is apparent that the IC Review **s 22** relates to the Department's **s 47E(d)**. In order to review this decision, a reasonable investigation and assessment of the available evidence is required. In their Decision the Department states:

s 47E(d)

- Based on this, it is apparent that the FOI decision under review is complex and it will be necessary to interrogate legislation and evidence relevant to the **s 47E(d)**.
- Given the complexity of the IC review and the subject matter of the documents requested, I consider that, this IC review could more appropriately be handled through the procedures of the AAT.
- It is apparent from the applicant's submissions, and the Department's decision letters, that the IC Review **s 22** is related to **s 22** and as such I consider it reasonable to refer them together.

13. For these reasons, I intend to recommend to a delegate of the Information Commissioner that they exercise the discretion not to undertake an IC review under s 54W(b), as I am of the view that it is in the interests of the administration of the FOI Act that this review be closed and that the applicant be provided the opportunity of applying directly to the AAT for review.
14. The delegate of the Information Commissioner will review all material before the OAIC in deciding whether to exercise the discretion to decide not to undertake a review in this case.

Next steps

15. If you disagree with this proposed recommendation, please write to us by **s 47E(d)** and advise us of your reasons. Your reasons will be taken into account before a decision is made on whether to finalise this matter under s 54W(b).
16. In the absence of a response by this date this IC review application may be finalised under s 54W(b), and the parties will be notified of their review rights.

Yours sincerely

s 22

s 22

Freedom of information Regulatory Branch

s 47E(d)

ATTACHMENT A
Background

S 47E (d)

S 47E (d)

From: FOIDR
To: s 22
Subject: Intention to finalise IC review- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)

Our reference: s 22
 Agency reference: s 22

s 22
 By email: s 22

Your IC review application about s 47E(d)

Dear s 22

I refer to your application for IC review of a decision s 47E(d) (the Department) was deemed to have refused on s 47E(d) and to my email of s 47E(d)

On s 47E(d) the Department provided a decision to you on your FOI request.

On s 47E(d) I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response s 47E(d)

Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email s 47E(d) your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22

	<p> Intake and Early Resolution Team Freedom of Information Regulatory Group Office of the Australian Information Commissioner GPO Box 5218 Sydney NSW 2001 oaic.gov.au 02 9284 9744 foidr@oaic.gov.au Subscribe to OAICnet newsletter </p>
---	---

From: s 22
Sent: s 47E(d)

To: s 22

Subject: Your IC review application about s 47E(d) s 22

[SEC=OFFICIAL]

Our reference: s 22

Agency reference: s 22

s 22

By email: s 22

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Can you please notify us by s 47E(d) if you now wish to:

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I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d) your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me on s 22 or via return email. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards

s 22



s 22
Intake and Early Resolution Team
Freedom of information Regulatory Group
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au



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From: FOIDR
To: s 22
Subject: Intention to finalise IC review- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)
[image007.gif](#)

Our reference: s 22

Agency reference: s 22

s 22

s 47E(d)

By email to: s 22

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Intention to finalise IC review

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If you have any questions regarding this email please contact us at foidr@oaic.gov.au. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards

s 22



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 Freedom of Information Regulatory Group
 Office of the Australian Information Commissioner
 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
 02 9284 9744 foidr@oaic.gov.au



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Please note the OAIC will be closed from 25 December 2021 and will reopen on 4 January 2022.

s 22

From: FOIDR
Sent: s 47E(d)
To: s 22
Subject: Intention to finalise IC review- s 22 [SEC=OFFICIAL]

Our reference: s 22

Agency reference: s 22

s 22

By email to: s 22

Your IC review application about the s 47E(d)

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If you have any questions regarding this email please contact us at foidr@oaic.gov.au. Please quote OAIC reference number at the top of this email in all correspondence.

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02 9284 9744 foidr@oaic.gov.au

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s 22

From: FOIDR
Sent: s 47E(d)
To: s 22
Subject: Intention to finalise IC review- s 22 s 22 [SEC=OFFICIAL]

Our reference: s 22

Agency reference: s 22

s 22

By email: s 22

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d) and to my email of s 47E(d)

On s 47E(d) the Department provided a decision to you on your FOI request.

On s 47E(d) I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d)

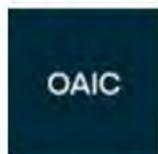
Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d) your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22
 Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



Intake and Early Resolution Team

Freedom of Information Regulatory Group
 Office of the Australian Information Commissioner
 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
 02 9284 9744 foidr@oaic.gov.au

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s 22

From: FOIDR
Sent: s 47E(d)
To: s 22
Subject: Intention to finalise IC review- s 22 - s 22 [SEC=OFFICIAL]

Our reference: s 22

Agency reference: s 22

s 22

s 47E(d)

By email to: s 22

Dear s 22

I refer to your application on s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d) and to our previous correspondence.

On s 47E(d) the Department provided a decision to you on your FOI request.

On s 47E(d) at your request this decision was re-sent to you at s 22

On s 47E(d) we wrote to you requesting you respond by s 47E(d) to advise whether you wished to proceed with or withdraw your IC review. The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d)

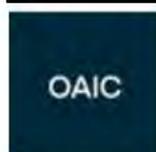
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If you have any questions regarding this email please contact us at foidr@oaic.gov.au. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards

s 22



Intake and Early Resolution Team

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 02 9284 9744 foidr@oaic.gov.au

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Please note the OAIC will be closed from 25 December 2021 and will reopen on 4 January 2022.

s 22

From: FOIDR
Sent: s 47E(d)
To: s 22
Subject: Intention to finalise IC review- s 22 - s 22 [SEC=OFFICIAL]

Our reference: s 22

Agency reference: s 22

s 22

s 47E(d)

By email: s 22

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d) and to my email of s 47E(d)

On s 47E(d) the Department provided a decision to you on your FOI request.

On s 47E(d) I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response s 47E(d)

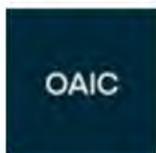
Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d) your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



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 Office of the Australian Information Commissioner
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 02 9284 9744 foidr@oaic.gov.au

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s 22

From: s 22
Sent: s 47E(d)
To: s 22
Subject: Intention to finalise IC review- s 22 - s 22 [SEC=OFFICIAL]

Our reference: s 22

Agency reference: s 22

s 22

s 47E(d)

By email: s 22

Your IC review application about the s 47E(d)

Dear s 22

I refer to the s 47E(d) application on behalf of s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d), and to my email of s 47E(d).

On s 47E(d), the Department provided a decision to the s 47E(d) in response to its FOI request.

On s 47E(d), I wrote to the s 47E(d) seeking its advice on whether it wished to proceed or withdraw this IC review. In that correspondence I requested the s 47E(d) response by s 47E(d). We provided the s 47E(d) an extension of time to s 47E(d) to provide a response, but we do not appear to have received a response from the s 47E(d) to date.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d).

Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



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 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
 s 22 foidr@oaic.gov.au

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Please note the OAIC will be closed from 25 December 2021 and will reopen on 4 January 2022.



From: FOIDR
Sent: s 47E(d) [REDACTED]
To: s 22 [REDACTED]
Cc: s 22 [REDACTED]
Subject: IC review- s 22 - s 22 [REDACTED] [SEC=OFFICIAL]

Hi s 22 [REDACTED]

That will be fine, thank you for the update.

We will await your response by s 47E(d) [REDACTED].

Kind regards

s 22 [REDACTED]



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Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
s 22 [REDACTED] foidr@oaic.gov.au

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From: s 22 [REDACTED]
Sent: s 47E(d) [REDACTED]
To: FOIDR <foxxx@xxxx.xxx.xx>
Cc: s 22 [REDACTED]
Subject: Re: Intention to finalise IC review- s 22 - s 22 [REDACTED] [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.

Dear OAIC,

s 47E(d)

s 22

s 47E(d)

On Mon, Nov 22, 2021 at 5:11 PM FOIDR <foidr@oaic.gov.au> wrote:

Our reference: s 22

Agency reference: s 22

s 22

s 47E(d)

By email: s 22

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application on behalf of s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d), and to my email of s 47E(d).

On s 47E(d), the Department provided a decision to you on your FOI request.

On s 47E(d), I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d).

Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at xxxxx@xxxx.xxx.xx or on s 22 .
Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



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Freedom of Information Regulatory Group

Office of the Australian Information Commissioner

GPO Box 5218 Sydney NSW 2001 | oaic.gov.au

s 22 foidr@oaic.gov.au

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Sent: s 22
To: s 47E(d)
Subject: IC review- s 22 - s 22 [SEC=OFFICIAL]

Our reference: s 22
Agency reference: s 22

s 22

s 47E(d)
By email: s 22

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application on behalf of s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d).

On s 47E(d), the Department notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to provide you with partial access to the documents requested.

Can you please notify us by s 47E(d), if you now wish to:

- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me on s 22 or via return email. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards

s 22



s 22

Intake and Early Resolution Team

Freedom of information Regulatory Group

Office of the Australian Information Commissioner

GPO Box 5218 Sydney NSW 2001 | oaic.gov.au

s 22

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If you are not the intended recipient, any use or copying of any part of this information is unauthorised. If you have received this email in error, we apologise for any inconvenience and request that you notify the sender immediately and delete all copies of this email, together with any attachments.

I acknowledge the Traditional Owners, the Wurundjeri people of the Kulin nation as the custodians of the land the s 47E(d) operates on. I pay my respects to their Elders past and present and emerging leaders. I recognise that sovereignty has never been ceded. By including recognition of Aboriginal and Torres Strait Islander peoples in this email, the s 47E(d) supports ending the exclusion that has been so damaging.



If you receive this email by mistake, please notify us immediately and do not make any use of the email. We do not waive any privilege, confidentiality or copyright associated with it.

s 22

From: FOIDR
Sent: s 47E(d)
To: s 22
Subject: Intention to finalise IC review- s 22 [SEC=OFFICIAL]

Our reference: s 22

Agency reference: s 22

s 22

By email: s 22

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application on behalf of s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d) and to our email of s 47E(d).

On s 47E(d), the Department provided a decision to you on your FOI request.

On s 47E(d), I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d).

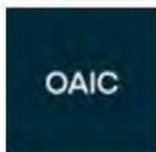
Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



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

s 22 foidr@oaic.gov.au

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From: s 22

Sent: s 47E(d)

To: s 22
Subject: IC review- s 22 [SEC=OFFICIAL]

Our reference: s 22
Agency reference: s 22

s 22
By email: s 22

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application on behalf of s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d).

On s 47E(d), the Department notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to refuse access to the requested documents on the basis that they cannot be found or do not exist (s 24A).

Can you please notify us by s 47E(d), if you now wish to:

- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed. Should you wish to proceed, please include a signed representative authority from Ms Tuilau to enable you to proceed with the review on her behalf.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me by email at xxxxx@xxxx.xxx.xx. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22

 s 22
Intake and Early Resolution Team
Freedom of information Regulatory Group
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
s 22 | s 22

f | in | t |  [Subscribe to Information Matters](#)

s 22

From: FOIDR
Sent: s 47E(d)
To: s 22
Subject: RE: s 22 - IC Review - Confirmation of Intention to Proceed
[SEC=OFFICIAL]

OAIC reference: s 22

Agency reference: s 22

s 22

By email: s 22

Your IC review application about the s 47E(d)

Dear s 22

Please note that we have already registered two complaints about the handling of your FOI requests with the s 47E(d) (reference numbers: s 22 and s 22) and our Compliance & Investigation team will be in contact with you about those complaints in due course.

As it does not appear that you are seeking review of the exemptions applied by the s 47E(d) in the decision, the OAIC is not inclined to proceed with this IC review application because there are no issues that could be considered in the IC review process.

If you do wish to proceed with the IC review application, please provide the following information to the OAIC by s 22:

- Identify the aspects of the s 47E(d) decision about which you are seeking to have reviewed.
- Provide submissions about why you disagree with the s 47E(d) decision.
- Identify the documents that you consider were wrongly refused, or to which exemptions have been incorrectly applied.

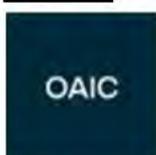
Intention to finalise IC review

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If you have any questions regarding this email, please contact me at foidr@oaic.gov.au. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards

s 22



Intake and Early Resolution Team
Freedom of Information Regulatory Group
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au

From: s 22
Sent: s 47E(d)
To: FOIDR <foidr@oaic.gov.au>
Cc: s 22
Subject: Re: s 22 | s 22 - IC Review - Confirmation of Intention to Proceed [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.

s 47E(d)

Thank you,
s 22

Sent from my iPhone

On s 47E(d), FOIDR <foidr@oaic.gov.au> wrote:

OAIC reference: s 22
Agency reference: s 22

s 22

By email: s 22

Your IC review application about the s 47E(d)

Dear s 22

I write to you regarding your application for Information Commissioner review (IC review) of a decision the s 47E(d) was deemed to have made on s 47E

On **s 47E(d)**, the **s 47E(d)** notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to give you partial access to the documents you requested.

Can you please notify us by **s 47E(d)**, if you now wish to:

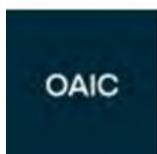
- Withdraw the IC review application, or
- Proceed with the IC review application, including submissions about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by **s 47E(d)**, your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions, please contact me via email at foidr@oaic.gov.au. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



Intake and Early Resolution Team

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Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
1300 363 992 | foidr@oaic.gov.au

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From: FOIDR
To: s 22
Subject: IC review- Department of Home Affairs- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Our reference: s 22
 Agency reference: s 22

s 22
 By email to: s 22
 Your IC review application about the s 47E(d)

Dear s 22

I refer to your application for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d), and to my email of s 47E(d)

On s 47E(d), the Department provided a decision to you on your FOI request.

On s 47E(d), I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d).

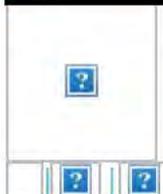
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If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



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 Office of the Australian Information Commissioner
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 s 22 foidr@oaic.gov.au
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From: FOIDR

Sent: s 47E(d)

To: s 22

Subject: IC review- Department of Home Affairs- s 22 [SEC=OFFICIAL]

Our reference: s 22
Agency reference: s 22

s 22

By email to: s 22

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d).

On s 47E(d), the Department notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to provide you with access to the documents you requested.

Can you please notify us by s 47E(d), once you have received the documents, if you now wish to:

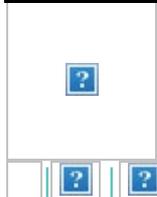
- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me on s 22 or via email xxxxx@xxxx.xxx.xx. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



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1300 363 992 | xxxxx@xxxx.xxx.xx
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s 22

From: FOIDR
Sent: s 47E(d)
To: s 22
Subject: s 22 - IC Review - Notice of Intention to Finalise [SEC=OFFICIAL]

Our reference: s 22
 Agency reference: s 22

Dear s 22

I refer to your application for Information Commissioner review (IC review) of a decision by the s 47E(d) (the Department) of s 47E(d) and to our email of s 47E(d).

On s 47E(d), the Department advised that it had provided a decision to you on your FOI request.

On s 47E(d), we wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC has not received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d).

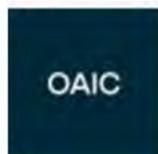
Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email, please contact me at foidr@oaic.gov.au. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards,

s 22



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 1300 363 992 | foidr@oaic.gov.au

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From: FOIDR
Sent: s 47E(d)
To: s 22
Subject: FW: IC review- s 47E(d) s 22 [SEC=OFFICIAL]

Our reference: s 22
 Agency reference: s 22

Dear s 22

I refer to your application for IC review and to our previous correspondence.

We do not appear to have received a response from you to confirm whether you wish to proceed with a review of the Department's decision dated s 47E(d)

To assist us in progressing this matter, can you please respond by s 47E(d) to confirm the following:

1. Whether you wish to proceed with a review, and if yes:
 - a. Please confirm whether you are only seeking a review of the searches undertaken by the Department to identify all documents relevant to your request, or whether you are also seeking a review of the exemptions applied by the Department under s 47F (personal privacy) of the FOI Act?
2. Whether you wish to withdraw your IC review application?

In response to your question, it is possible that an IC review could result in you being provided access to missing documents, for example, if we consider the Department's searches inadequate and request it undertake additional searches which uncovers those documents, but there is no guarantee of this.

If the Department has lost those documents as you have advised, they may be unrecoverable. It is open to you to make a separate [privacy complaint](#) to our office under the *Privacy Act 1988* if you believe your personal information has been mishandled or lost by the Department.

We look forward to receiving your response by s 47E(d).

Please note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any further questions in the interim, please let us know.

Kind regards

s 22



Intake and Early Resolution Team

Freedom of Information Regulatory Group
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au

s 22 foidr@oaic.gov.au

f | in | t | [Subscribe to OAICnet newsletter](#)

From: FOIDR

Sent: s 47E(d)

To: s 22

Subject: RE: IC review- s 47E(d) s 22 [SEC=OFFICIAL]

Our reference: s 22

Agency reference: s 22

Dear **s 22**

Thank you for your email of **s 47E(d)**. Please accept our apologies for the delay in responding to you.

In response to your email, I can advise the following:

s 47E(d)

To assist us in progressing your IC review, could you please advise us which particular documents have been excluded from the Department’s decision? I have copied your FOI request below for reference.

s 47E(d)



We will then undertake further inquiries with the Department about this issue.

In your response, please advise whether you are also seeking a review of the exemptions applied to two pages under s 47F of the FOI Act (personal privacy exemption)?

We would appreciate your response by **s 47E(d)** if possible please.

If you have any questions in the interim, or require any additional time to respond, please don’t hesitate to contact me.

Kind regards

s 22



Intake and Early Resolution Team

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Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
s 22 foidr@oaic.gov.au

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Please note the OAIC will be closed from 25 December 2021 and will reopen on 4 January 2022.



From: s 22
Sent: s 47E(d)
To: FOIDR <foidr@oaic.gov.au>
Subject: Re: IC review- s 47E(d) s 22 [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.

s 47E(d)

s 47E(d)

s 47E(d)

[Redacted]

s 47E(d)

s 22

On 22 Nov 2021, 16:50 +1100, FOIDR <foxxx@xxxx.xxx.xx>, wrote:

Our reference: s 22 Agency reference: s 22 By email to:

Your IC review application about the s 47E(d)

s 47E(d) Dear s 22 I refer to your application for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d), and to my email of s 47E(d). On s 47E(d), the Department provided a decision to you on your FOI request. On s 47E(d), I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC does not appear to have received a response from you. In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d). **Intention to finalise IC review** note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii). If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22. Please quote OAIC reference number at the top of this email in all correspondence. Yours sincerely

s 22



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

s 22 foidr@oaic.gov.au

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From: FOIDR
Sent: s 47E(d)
To: s 22
Subject: IC review- s 47E(d) s 22 [SEC=OFFICIAL]

Our reference: s 22 Agency reference: s 22 By email to:

Your IC review application about the Department of Home

Affairs Dear **s 22** refer to your application for IC review of a decision the **s 47E(d)** (the Department) was deemed to have refused on **s 47E(d)**. On **s 47E(d)**, the Department notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to provide you with access to the documents you requested. Can you please notify us by **s 47E(d)**, once you have received the documents, if you now wish to: • Withdraw the IC review application, or • Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed. I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by **s 47E(d)**, your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii). If you have any questions regarding this email please contact me on **s 22** or via email xxxxx@xxx.xxx.xx. Please quote OAIC reference number at the top of this email in all correspondence. Yours sincerely **s 22**



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Freedom of Information Regulatory Group

Office of the Australian Information Commissioner

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From: FOIDR
To: s 22
Subject: Intention to finalise IC review- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image001.jpg](#)

Our reference: s 22
 Agency reference: s 22

s 22
 s 47E(d)
 By email to: s 22
 Dear s 22

I refer to your application on behalf of s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d), and to our previous correspondence.

On s 47E(d), the Department provided a decision to you on your FOI request.

On s 47E(d), we wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence we requested you respond by s 47E(d). On s 47E(d) you responded advising that you had not received the released documents. The OAIC has not received a further response from you.

In light of the above and in order to progress your IC review, can you please confirm whether you have now received the documents, and if so please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d).

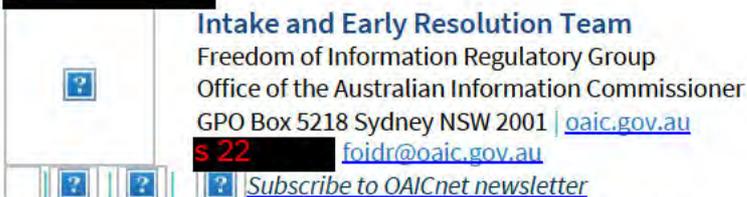
Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



From: s 22
Sent: s 47E(d)
To: s 22
Subject: Re: s 22 - IC review- s 22 [SEC=OFFICIAL]

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Dear s 22

s 22

Regards

s 22

Liability limited by a scheme approved under Professional Standards Legislation

This email, including any attachments, may contain confidential and/or legally privileged information. If you are not the intended recipient you must not copy, forward or otherwise distribute it in any way and you must not use or disclose any information contained in it. Should you receive this email by mistake, please contact me. In this event, legal professional privilege (or client legal privilege) is not waived.

On s 47E(d) s 22 wrote:

Our reference: s 22

Agency reference: s 22

s 22
s 47E(d)

By email to: s 22

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application on behalf of s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on

On s 47E(d), the Department notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to provide partial access to the document/s requested, and administrative access to documents previously released under FOI.

Can you please notify us by s 47E(d), if you now wish to:

- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from

you to this email by s 47E(d), your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email, please contact me on s 22 or s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards



s 22 | s 22

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Office of the Australian Information Commissioner
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[Redacted signature]



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From: FOIDR
To: s 22
Subject: Intention to finalise IC review- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)

Our reference: s 22
 Agency reference: s 22

s 22
 By email: s 22

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d), and to my email of s 47E(d).

On s 47E(d), the Department provided a decision to you on your FOI request.

On s 47E(d), I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d).

Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22


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 Freedom of Information Regulatory Group
 Office of the Australian Information Commissioner
 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
 s 22 foidr@oaic.gov.au
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From: s 22
Sent: s 47E(d)

To: s 22
Subject: Your IC review application about the s 47E(d) s 22
[SEC=OFFICIAL]
Our reference: s 22
Agency reference: s 22

s 22
By email: s 22

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d).

On s 47E(d), the Department notified the Office of the Australian Information Commissioner (the Oaic) it had made a substantive decision to provide you with full access to the documents you requested.

Can you please notify us by s 47E(d), if you now wish to:

- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me on s 22 or via return email. Please quote Oaic reference number at the top of this email in all correspondence.

Kind regards

s 22



s 22 s 22
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Freedom of information Regulatory Group
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au

s 22 | s 22



From: FOIDR
To: s 47E(d)
Subject: Intention to finalise IC review- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)
[image007.gif](#)

Our reference: s 22

Agency reference: s 22

Dear s 22

I refer to your application on behalf of s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d), and to our previous correspondence.

On s 47E(d), the Department provided a decision in response to the applicant's FOI request.

We understand from your previous email that s 22 posted the documents to RACS in the week commencing s 47E(d).

In light of the above and in order to progress your IC review, can you please confirm whether you have now received the documents, and if so, please advise if you would like to proceed or withdraw your request for IC review? We would appreciate your response by s 47E(d).

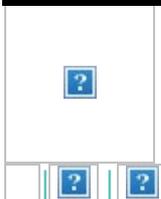
Intention to finalise IC review

Please note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at xxxxx@xxxx.xxx.xx or on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards

s 22



Intake and Early Resolution Team

Freedom of Information Regulatory Group
 Office of the Australian Information Commissioner
 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
 s 22 xxxxx@xxxx.xxx.xx

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Please note the OAIC will be closed from 25 December 2021 and will reopen on 4 January 2022.

Happy holidays from the OAIC card showing twinkling lights on red background

From: s 22
Sent: s 47E(d)
To: s 47E(d)
Subject: RE: s 22 - IC review - s 22 [SEC=OFFICIAL]

Our reference: s 22
Agency reference: s 22

Dear s 22

Thank you for your email. On the basis that you s 47E(d) we are minded to provide an extension of time. As such, we would be grateful if you could provide a response by s 47E(d)

Please don't hesitate to contact me if you have any questions.

Kind regards

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s 47E(d)



This communication and any attachments are confidential and may be privileged between s 22 and the addressee only. [Click here](#) for our email disclaimer and advice on what to do if you received this email in error.

We acknowledge the Traditional Owners, Custodians and Elders of the Gadigal People of the Eora Nation, past, present and future, on whose traditional land we work.

Please consider the environment before printing this e-mail.

From: s 22
 Sent: s 22
 To: s 47E(d)
 Subject: s 22 - IC review - s 22 [SEC=OFFICIAL]
 Our reference: s 22
 Agency reference: s 22
 s 22
 s 47E(d)
 By email to: s 22

Your IC review application about the s 47E(d)

Dear s 22

I write to you as the authorised representative of s 22. I refer to your application for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d).

On s 47E(d), the Department notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to provide Mr Nakulesvaran full access to the document/s in the department's possession requested under FOI.

Can you please notify us by s 47E(d), if you now wish to:

- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email, please contact me on s 22 or s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards

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error, we apologise for any inconvenience and request that you notify
the sender immediately and delete all copies of this email, together
with any attachments.

From: FOIDR
To: s 22
Subject: Intention to finalise IC review- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)
[image007.gif](#)

Our reference: s 22
 Agency reference: s 22
 s 22
 By email to: s 22

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d), and to our email of s 47E(d).

On s 47E(d), the Department provided a decision to you on your FOI request.

On s 47E(d), we wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence we requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d).

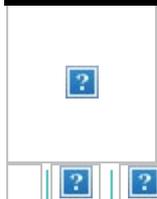
Intention to finalise IC review

Please note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact us at xxxxx@xxxx.xxx.xx. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards

s 22



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Office of the Australian Information Commissioner
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s 22 xxxxx@xxxx.xxx.xx

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Happy holidays from the OAIC card showing twinkling lights on red background



From: s 22
Sent: s 47E(d)
To: s 22
Subject: s 22 - IC review - s 22 [SEC=OFFICIAL]
Our reference: s 22
Agency reference: s 22
s 22
By email to: s 22

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d)

On s 47E(d), the Department notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to release, in part, documents within the scope of your request under FOI.

Can you please notify us by s 47E(d), if you now wish to:

- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email, please contact me on s 22 or s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards

s 22
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From: FOIDR
To: s 22
Subject: Intention to finalise IC review- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)

Our reference: s 22
 Agency reference: s 22
 s 22
 By email to: s 22

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d), and to our email of s 47E(d)

On s 47E(d), the Department provided a decision to you on your FOI request.

On s 47E(d), we wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence we requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d).

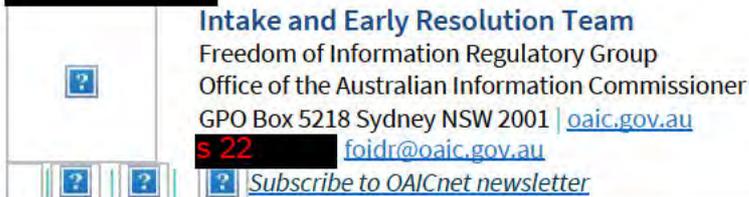
Intention to finalise IC review

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If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



From: s 22
Sent: s 47E(d)
To: s 22
Subject: s 22 - IC review- s 22 [SEC=OFFICIAL]

Our reference: s 22
Agency reference: s 22
s 22
By email to: s 22

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d).

On s 47E(d), the Department notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to provide access to the document/s requested under FOI.

Can you please notify us by s 47E(d), if you now wish to:

- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

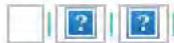
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If you have any questions regarding this email, please contact me on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards



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From: FOIDR
To: s 22
Subject: Intention to finalise IC review- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)
[image007.gif](#)

Our reference: s 22
 Agency reference: s 22
 s 22
 By email to: s 22
Your IC review application about the s 47E(d)

Dear s 22

I refer to your application for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d), and to our email of s 47E(d).

On s 47E(d), the Department provided a decision to you on your FOI request.

On s 47E(d), we wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence we requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d).

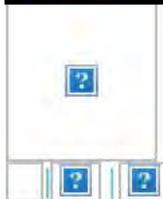
Intention to finalise IC review

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If you have any questions regarding this email please contact us at foidr@oaic.gov.au. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards

s 22



Intake and Early Resolution Team

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 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
 s 22 foidr@oaic.gov.au

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Please note the OAIC will be closed from 25 December 2021 and will reopen on 4 January 2022.

Happy holidays from the OAIC card showing twinkling lights on red background



From: s 22
 Sent: s 47E(d)
 To: s 22
 Subject: s 22 - IC review - s 22 [SEC=OFFICIAL]
 Our reference: s 22
 Agency reference: s 22
 s 22
 By email to: s 22

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d).

On s 47E(d), the Department notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to release, in full, documents within the scope of your request under FOI.

Can you please notify us by s 47E(d), if you now wish to:

- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email, please contact me on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards

s 22

Freedom of information Regulatory Group
 Office of the Australian Information Commissioner
 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au



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From: [FOIDR](#)
To: s 22
Subject: Intention to finalise IC review- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)

Our reference: s 22

Agency reference: s 22

s 22

By email: s 22

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d), and to my email of 29 s 47E(d)

On s 47E(d), the Department provided a decision to you on your FOI request.

On s 47E(d), I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d).

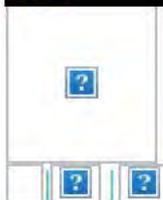
Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



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 Freedom of Information Regulatory Group
 Office of the Australian Information Commissioner
 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
 s 22 foidr@oaic.gov.au
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From: s 22

Sent: s 47E(d)

To: s 22

Subject: Your IC review application about the **s 47E(d)** - **s 22**

[SEC=OFFICIAL]

Our reference: **s 22**

Agency reference: **s 22**

s 22

By email: **s 22**

Your IC review application about the **s 47E(d)**

Dear **s 22**

I refer to your application for IC review of a decision the **s 47E(d)** (the Department) was deemed to have refused on **s 47E(d)**.

On **s 47E(d)**, the Department notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to provide you with full access to the documents you requested.

Can you please notify us by **s 47E(d)**, if you now wish to:

- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by **s 47E(d)**, your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me on **s 22** or via email foidr@oaic.gov.au. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

Tania



s 22

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Freedom of information Regulatory Group
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au



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From: FOIDR
To: s 22
Subject: Intention to finalise IC review- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)

Our reference: s 22
 Agency reference: s 22
 s 22
 By email: s 22
 Your IC review application about the s 47E(d)

Dear s 22

I refer to your application for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d), and to my email of s 47E(d)

On s 47E(d), the Department provided a decision to you on your FOI request.

On s 47E(d), I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d).

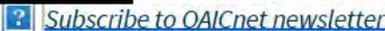
Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22


Intake and Early Resolution Team
 Freedom of Information Regulatory Group
 Office of the Australian Information Commissioner
 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
 s 22 foidr@oaic.gov.au


From: s 22
Sent: s 47E(d)
To: s 22
Subject: Your IC review application about the s 47E(d) - s 22
 [SEC=OFFICIAL]

Our reference: s 22
Agency reference: s 22
s 22
By email: s 22
Your IC review application about the s 47E(d)

Dear s 22

I refer to your application for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d)

On s 47E(d), the Department notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to give you partial access to the documents you requested.

Can you please notify us by s 47E(d), if you now wish to:

- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me on s 22 or via return email. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



s 22
Intake and Early Resolution Team
Freedom of information Regulatory Group
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
s 22 | tania.strathearn@oaic.gov.au



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From: FOIDR
To: s 47E(d)
Subject: IC review- s 22- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)

Our reference: s 22
 Agency reference: s 22
 s 22
 s 47E(d)

By email to: s 47E(d)

Your IC review application about the s 47E(d)

Dear s 22

I refer to your second application on behalf of s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d), and to our email of s 47E(d)

On s 47E(d), the Department provided a decision to you on your FOI request.

On s 47E(d), we wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence we requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d)

Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22


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 Freedom of Information Regulatory Group
 Office of the Australian Information Commissioner
 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
 s 22 foidr@oaic.gov.au
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From: s 22

Sent: s 47E(d)

To: s 47E(d)

Subject: s 22 - IC review- s 22 [SEC=OFFICIAL]

Our reference: s 22

Agency reference: s 22

s 22

s 47E(d)

By email to: s 47E(d)

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application on behalf of s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d).

On s 47E(d), the Department notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to provide s 22 full access to the document/s requested.

Can you please notify us by s 47E(d), if you now wish to:

- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email, please contact me on s 22 or s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards

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s 22

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

s 22

| s 22



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From: FOIDR
To: s 47E(d)
Subject: IC review- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)

Our reference: s 22

Agency reference: s 22

s 22

s 47E(d)

By email to: s 47E(d)

Your IC review application about the s 22

Dear s 22

I refer to your application on behalf of s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d), and to our email of s 47E(d).

On s 47E(d), the Department provided a decision to you on your FOI request.

On s 47E(d), we wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence we requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d).

Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



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 Freedom of Information Regulatory Group
 Office of the Australian Information Commissioner
 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
 s 22 foidr@oaic.gov.au

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From: s 22

Sent: s 47E(d)

To: s 47E(d)
Subject: s 22 - IC review- s 22 [SEC=OFFICIAL]
Our reference: s 22
Agency reference: s 22
s 22
s 47E(d)

By email to: s 47E(d)

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application on behalf of s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on 1 October 2021.

On 28 October 2021, the Department notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to provide s 22 partial access to the document/s requested.

Can you please notify us by 15 November 2021, if you now wish to:

- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email, please contact me on s 22 or s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards



s 22
Freedom of information Regulatory Group
Office of the Australian Information Commissioner
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From: FOIDR
To: s 22
Subject: Intention to finalise IC review- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)
[image007.gif](#)

Our reference: s 22
 Agency reference: s 22

s 22
 By email to: s 22
 Your IC review application about s 47E(d)

Dear s 22

I refer to your application for IC review of a decision s 47E(d) was deemed to have made on s 47E(d), and to our email of s 47E(d).

On s 47E(d), s 47E(d) provided you with administrative access to the documents you requested.

On s 47E(d), we wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence we requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d).

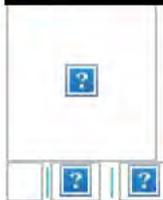
Intention to finalise IC review

Please note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards

s 22



Intake and Early Resolution Team
 Freedom of Information Regulatory Group
 Office of the Australian Information Commissioner
 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
 s 22 foidr@oaic.gov.au

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Please note the OAIC will be closed from 25 December 2021 and will reopen on 4 January 2022.

Happy holidays from the OAIC card showing twinkling lights on red background



From: FOIDR

Sent: s 47E(d)

To: s 22

Subject: s 22 - Your IC review application about s 47E(d) [SEC=OFFICIAL]

Our reference: s 22

Agency reference: s 22

s 22

By email to: s 22

Your IC review application about s 47E(d)

Dear s 22

I write to you regarding your application for IC review of a decision s 47E(d) was deemed to have made on s 47E(d).

On s 47E(d), the Department notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision in respect of the documents you requested.

Can you please notify us by s 47E(d), if you now wish to:

- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email, please contact me on 1300 363 992 or via email foidr@oaic.gov.au. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22

Intake and Early Resolution Team



Freedom of information Regulatory Group
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
1300 363 992 | foidr@oaic.gov.au



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From: FOIDR
To: s 22
Subject: Intention to finalise IC review- s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)
[image007.gif](#)

Our reference: s 22
 Agency reference: s 22
 Dear s 22

I refer to your application on behalf of s 22 for IC review of a decision s 47E(d) was deemed to have made on s 47E(d), and to our email of s 47E(d).

On s 47E(d), s 47E(d) provided you with administrative access to the documents you requested.

On s 47E(d), we wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d).

Intention to finalise IC review

Please note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at xxxxx@xxxx.xxx.xx or on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Kind regards

s 22

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 Freedom of Information Regulatory Group
 Office of the Australian Information Commissioner
 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
 s 22 xxxxx@xxxx.xxx.xx
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Please note the OAIC will be closed from 25 December 2021 and will reopen on 4 January 2022.

Happy holidays from the OAIC card showing twinkling lights on red background

From: s 22
 Sent: s 47E(d)
 To: s 22
 Subject: s 22 - Your IC review - s 47E(d) [SEC=OFFICIAL]
 Our reference: s 22
 Agency reference: s 22
 s 22

By email: s 22

Your IC review application about the s 47E(d)

Dear s 22

I write to you regarding your application for IC review of a decision s 47E(d) was deemed to have made on s 47E(d).

On s 47E(d), s 47E(d) notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to give you administrative access to the documents you requested.

Can you please notify us by s 47E(d), if you now wish to:

- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me, quoting the OAIC reference number at the top of this email in all correspondence.

Yours sincerely

OAIC logo



s 22
 Freedom of information Regulatory Group
 Office of the Australian Information Commissioner
 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au

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From: s 22
Sent: s 47E(d)
To: FOIDR <foidr@oaic.gov.au>
Subject: Request for Review FW: Request for Information re s 22

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.

s 47E(d)

s 22

DISCLAIMER:

This message contains privileged and confidential information. If you are not the intended recipient you must not disseminate, copy or take any action in reliance on it, and we request that you notify s 22 immediately on s 22 or by e-mail to s 22. Any views expressed in this message are those of the individual sender, except where they are specifically stated to be the views of s 22. s 22 does not represent that this message or any attached files are free from computer viruses.

From: s 22
Sent: s 47E(d)
To: s 47E(d)
Subject: Request for Information re s 22

s 47E(d)

s 22

s 22



DISCLAIMER:

This message contains privileged and confidential information. If you are not the intended recipient you must not disseminate, copy or take any action in reliance on it, and we request that you notify s 22 immediately on s 22 or by e-mail to s 47E(d).

Any views expressed in this message are those of the individual sender, except where they are specifically stated to be the views of s 47E(d) does not represent that this message or any attached files are free from computer viruses.



From: FOIDR
To: s 47E(d)
Subject: Intention to finalise IC review- s 47E(d) - s 22 [SEC=OFFICIAL]
Date: s 22
Attachments: [image006.jpg](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.jpg](#)

Our reference: s 22
Agency reference: s 22

s 22
s 22
s 47E(d)
By email to: s 47E(d)
Your IC review application about the s 47E(d)

Dear s 22

I refer to your application for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d), and to our email of s 47E(d)

On s 47E(d), the Department notified the Oaic that it had provided a decision to you on your FOI request.

On s 47E(d), we wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. We granted an extension of time for your response until s 47E(d) but we do not appear to have received a response from you to date.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d)

Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22

Kind regards

s 22

 **Intake and Early Resolution Team**
Freedom of Information Regulatory Group
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
s 22 foidr@oaic.gov.au
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From: FOIDR
Sent: s 47E(d)
To: s 47E(d)
Subject: RE: IC review application about the s 47E(d)
[SEC=OFFICIAL]
Our reference: s 22
Agency reference: s 22

Dear s 22
Thank you for your correspondence. Considering the reasons provided, we are happy to extend the response time to s 22.
Yours sincerely

s 22
 **Intake and Early Resolution Team**
Freedom of Information
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
1300 363 992 | foidr@oaic.gov.au
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From: s 47E(d)
Sent: s 47E(d)
To: FOIDR <foidr@oaic.gov.au>
Subject: IC review application about the s 47E(d)

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.

s 47E(d)

From: FOIDR
To: s 47E(d)
Subject: s 22 - Intention to finalise IC review - s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image006.jpg](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.jpg](#)

Our reference: s 22
 Agency reference: s 22

s 22
 s 47E(d)

By email to: s 47E(d)

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application on behalf of s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d)

On s 47E(d), the Department finalised a decision in response to your FOI request.

On s 47E(d), s 22 wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence, s 22 requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d).

Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



Intake and Early Resolution Team

Freedom of information Regulatory Group
 Office of the Australian Information Commissioner
 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
 1300 363 992 | foidr@oaic.gov.au



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From: FOIDR

Sent: s 47E(d)
To: s 47E(d)
Subject: IC review- s 22 - s 22 [SEC=OFFICIAL]
Our reference: s 22
Agency reference: s 22

s 22
s 47E(d)
By email to: s 47E(d)

Your IC review application about the s 47E(d)

Dear s 22

I refer to your application on behalf of s 22 for IC review of a decision the s 47E(d) (the Department) was deemed to have refused on s 47E(d)

On s 47E(d), the Department notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to give you full access to the document you requested.

Can you please notify us by s 47E(d), if you now wish to:

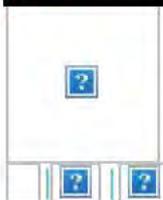
- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me on s 22 or via email foidr@oaic.gov.au. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



Intake and Early Resolution Team
Freedom of Information Regulatory Group
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
s 22 foidr@oaic.gov.au
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From: [FOIDR](#)
To: s 22
Subject: Intention to finalise IC review- s 22 - s 22 [SEC=OFFICIAL]
Date: s 47E(d)
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)

Our reference: s 22
 Agency reference: s 22

s 22
 s 47E(d)

By email: s 22

Your IC review application about s 47E(d)

Dear s 22

I refer to your application on behalf of s 22 for IC review of a decision s 47E(d) was deemed to have refused on s 47E(d), and to my email of s 47E(d)

On s 47E(d), the Department provided a decision to you on your FOI request.

On s 47E(d), I wrote to you seeking your advice on whether you wished to proceed or withdraw your IC review. In that correspondence I requested you respond by s 47E(d). The OAIC does not appear to have received a response from you.

In light of the above and in order to progress your IC review, can you please advise if you would like to proceed or withdraw your request for IC review? Please provide a response by s 47E(d)

Intention to finalise IC review

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application will be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me at foidr@oaic.gov.au or on s 22. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22


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 Freedom of Information Regulatory Group
 Office of the Australian Information Commissioner
 GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
 s 22 foidr@oaic.gov.au
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From: s 22

Sent: s 47E(d)

To: s 22

Subject: IC review- s 22 - s 22 [SEC=OFFICIAL]

Our reference: s 22

Agency reference: s 22

s 22
s 47E(d)

By email: s 22

Your IC review application about s 47E(d)

Dear s 22

I refer to your application on behalf of s 22 for IC review of a decision s 47E(d) was deemed to have refused on s 47E(d).

On s 47E(d), s 47E(d) notified the Office of the Australian Information Commissioner (the OAIC) it had made a substantive decision to provide you with administrative access to the documents you requested.

Can you please notify us by s 47E(d), if you now wish to:

- Withdraw the IC review application, or
- Proceed with the IC review application, and make a submission about the grounds on which you wish to proceed.

I note that s 54W(a)(ii) of the FOI Act provides that the Information Commissioner may decide not to undertake an IC review where an applicant fails to cooperate in progressing an IC review application without reasonable excuse. Should we not receive a response from you to this email by s 47E(d), your IC review application may be finalised by a delegate of the Information Commissioner under s 54W(a)(ii).

If you have any questions regarding this email please contact me on s 22 or via return email. Please quote OAIC reference number at the top of this email in all correspondence.

Yours sincerely

s 22



s 22
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