



Decision to grant an extension of time under s 15AB of the *Freedom of Information Act 1982*

Agency	Wine Australia
Applicant	R R
Decision date	24 December 2024
OAIC reference number	MR24/06027
Agency reference number	WA28112024

Decision

1. On 23 December 2024, Wine Australia (the Agency) applied under s 15AB(1) the *Freedom of Information Act 1982* (Cth) (FOI Act) to the Information Commissioner for an extension of 30 days to 29 January 2025 to process R R's (the Applicant) request of 28 November 2024 (the FOI request). This application was made on the basis that the processing period is insufficient to deal adequately with the FOI request because it is complex.
2. As a delegate of the Information Commissioner, I am authorised to make decisions on extension of time applications under s 15AB(2) of the FOI Act.
3. Under s 15AB(2) of the FOI Act, I have decided to extend the processing period by 30 days to **29 January 2025**. My reasons are outlined below.
4. A copy of the Agency's reasons for seeking an extension are included at **Attachment A**.

Reasons for decision

5. Subsection 15AB(2) of the FOI Act requires that I consider whether the application is justified on the basis that the processing period referred to in s 15(5)(b) is insufficient for dealing with the request, on the basis that the request is complex or voluminous.
6. In making my decision under s 15AB(2), I have considered the information provided by the Agency, [if relevant] the applicant's views on the application, and the FOI Guidelines issued by the Information Commissioner under s 93A of the FOI Act, in particular paragraphs [3.150] – [3.157].
7. On the information before the OAIC, I am satisfied that an extension to the processing period until 29 January 2025 is justified on the basis of complexity and/or volume, for the following reasons:

- Based on the Agency’s submissions, I am satisfied that the request is complex, based on challenges involved in the search and retrieval of any relevant document, absence of key decision-making personnel and difficulties incurred in obtaining timely responses from business areas or consulted third parties.

8. In granting this further time, I have also considered measures taken by the Agency to ensure a decision is made within the extended time period.

9. The Agency must provide the Applicant with a decision by **29 January 2025**.

If the Agency does not provide the Applicant a decision by **29 January 2025** the Applicant may seek review by the Information Commissioner of the Agency’s deemed access refusal decision of **29 January 2025**. Further information on applying for IC review is available on the OAIC website. Any application for IC review would need to be made within 60 days of the Agency’s decision or deemed decision. It also remains open to the Agency to apply for a further extension of time from the Information Commissioner if considered appropriate.

10. For further information, the OAIC website provides a resource containing information on [applying for an extensions of time to process freedom of information requests](#).

11. This extension of time matter is now closed. Your review rights are set out below.

12. If you would like to discuss this matter, please contact our office by email at FOIDR@oaic.gov.au, quoting reference number RQ24/06027.

Kind Regards,

Omid Azizi
Assistant Review Adviser
Office of the Australian Information Commissioner
24 December 2024



The agency's reasons for requesting an extension of time, as included in the extension of time request form.

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

Please provide a timeline setting out the work already completed in order to process this request. Where an extension of time has previously been granted, describe the work that was undertaken during that extended period. *

28/11/2024 - Application received from Applicant. 29/11/2024 - Wine Australia acknowledged receipt of application. 29/11/2024 - Consideration of application commenced, including consideration of OAIC FOI Guidance. 17/12/2024 - Applicant contacted concerning possible transfer of FOI request. 17/12/2024 - Department of Agriculture, Fisheries and Forestry FOI department contacted concerning possible transfer of FOI request. 18/12/2024 - Telephone correspondence with Department of Agriculture, Fisheries and Forestry FOI department concerning the above. 19/12/2024 - Telephone correspondence with Department of Agriculture, Fisheries and Forestry FOI department concerning the above. 20-23/12/2024 - Consideration of application and OAIC FOI Guidance.

What work is required to finalise the request? *

Under section 27B(4) of the Primary Industries Levies and Charges Collection Act 1991 (Cth), Wine Australia must not disclose information from the Levy Payer Register to any other person or body except with the approval, in writing, of the Secretary of the Department of Agriculture, Fisheries and Forestry. The FOI request received relates to information contained in the Levy Payer Register. Accordingly, under section 27B(4) of the Primary Industries Levies and Charges Collection Act 1991 (Cth), the approval, in writing, of the Secretary of the Department of Agriculture, Fisheries and Forestry is required.

Why is the request considered complex or voluminous? *

The request is complex and voluminous because under section 27B(4) of the Primary Industries Levies and Charges Collection Act 1991 (Cth), Wine Australia must not disclose information from the Levy Payer Register to any other person or body except with the approval, in writing, of the Secretary of the Department of Agriculture, Fisheries and Forestry. The FOI request received relates to information contained in the Levy Payer Register. Accordingly, under section 27B(4) of the Primary Industries Levies and Charges Collection Act 1991 (Cth), the approval, in writing, of the Secretary of the Department of Agriculture, Fisheries and Forestry is required.

Do other agencies or parties have an interest in the request? *

The Secretary of the Department of Agriculture, Fisheries and Forestry (see above).



Review rights

If you disagree with the Office of the Australian Information Commissioner's (OAIC) decision you can apply to the Federal Court of Australia or the Federal Circuit Court for a review of a decision of the Information Commissioner, if you think that a decision by the Information Commissioner to grant an extension of time is not legally correct. You can make this application under the *Administrative Decisions (Judicial Review) Act 1977*.

The Court will not review the merits of your case, but it may refer the matter back to the Information Commissioner for further consideration if it finds the decision was wrong in law or the Information Commissioner's powers were not exercised properly.

An application for review must be made to the Court within 28 days of the OAIC sending the decision to you. You may wish to seek legal advice as the process can involve fees and costs. Please contact the Federal Court registry in your state or territory for more information or visit the Federal Court website at <http://www.fedcourt.gov.au/>.

Further information

Further information about how applications to extend the timeframe to process an FOI request are handled by the OAIC can be found published on our website:

For Applicants: [How to make an FOI request: Extensions of time](#)

For agencies and Ministers: [Guidance and advice: Extension of time for processing requests](#)

The OAIC has the power to investigate complaints about an agency's actions under the *Freedom of Information Act 1982* (FOI Act). This is a separate process from asking for an Information Commissioner review following a decision made under the FOI Act. Complaints usually focus on how an agency has handled your FOI request or complied with other obligations under the FOI Act, rather than the decision itself.

In some cases, the Information Commissioner's investigation of a complaint may lead to the agency addressing the issues that you have complained about. In other cases, the Information Commissioner may make suggestions or recommendations that the agency should implement. The Information Commissioner can only make non-binding recommendations as a result of a complaint. You and the agency will be notified of the outcome of the investigation.

FOI complaints to the OAIC must be made in writing. Our preference is for you to use the [online FOI complaint form](#) if at all possible.

Further information about how to make a complaint can be found published on our website: <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints/make-an-foi-complaint>.

Making a complaint to the Commonwealth Ombudsman

If you believe you have been treated unfairly by the OAIC, you can make a complaint to the Commonwealth Ombudsman (the Ombudsman). The Ombudsman's services are free. The Ombudsman can investigate complaints about the administrative actions of Australian Government agencies to see if you have been treated unfairly.

If the Ombudsman finds your complaint is justified, the Ombudsman can recommend that the OAIC reconsider or change its action or decision or take any other action that the Ombudsman considers is appropriate. You can contact the Ombudsman's office for more information on 1300 362 072 or visit the Commonwealth Ombudsman's website at <http://www.ombudsman.gov.au>.