



Ref: FOI 25/46

29 January 2025

Nir

By email: [foi+request-12487-a93aab7e@righttoknow.org.au](mailto:foi+request-12487-a93aab7e@righttoknow.org.au)

Dear Nir,

### **Notice of Decision - Freedom of Information (FOI) Request FOI 25/46**

The purpose of this letter is to advise you of my decision following your request to the National Anti-Corruption Commission's (Commission) for documents under the *Freedom of Information Act 1982* (Cth) (FOI Act).

#### **Authorised decision-maker**

I am an authorised decision maker under subsection 23(1) of the FOI Act to make a decision on this FOI request.

#### **Decision**

I have decided to **grant access in full** to the document created under section 17 of the FOI Act (**Attachment A**).

#### **Your request**

I refer to your application of 18 December 2024 in which you sought access to:

*[...] Under the FOI Act 1982 (Cth), I request access to documents showing the number of corruption referrals:*

*a) that have passed triage; AND*

*b) that have been assigned to an assessments officer; AND*  
*c) where the assessment process has not yet been finalised,*

*for each of:*

*i) July 2023;*

*ii) August 2023;*

*iii) September 2023.*

*If a document does not exist but is able to be generated in line with section 17 of the FOI Act 1982 (Cth), please provide access to the generated document.*

*If possible, I would like a document in which the data is organised by reference to each month in which the referrals were received.*

*To be clear, when I refer to the "assessment process has not yet been finalised", I mean that the referral is still being assessed as at the date of this request.*

*That means, for example, referrals that were assessed and have passed to investigation do not fall within the scope of part c above. By way of further example, a referral that was assessed and then, following assessment, was the subject of a decision to no longer investigate would also not fall within the scope of part c. In effect, the only referrals that fall within part c are referrals that have not been assessed within the 90 day time period referred to in the NACC's service standards, and are still subject to assessment some 15 - 18 months after having been receive.*

On 20 December 2024, an FOI officer of the Commission acknowledged your request.

On 12 January 2025, you consented to an extension of two weeks for the due date of the decision. The agreed new date is 31 January 2025.

### **Documents identified within the scope of the request**

A document was created under section 17 of the FOI Act matching the description of the request.

### **Material taken into account**

I have taken the following material into account in making my decision:

- the terms of your original FOI request of 18 December 2024,
- the FOI Act (specifically section 17),
- the FOI guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act, and
- responses to internal requests for searches.

My findings of fact and reasons for the decision are set out below.

### **Reasons for decision**

Section 17 of the FOI Act provides that:

(1) Where:

(a) a request (including a request in relation to which a practical refusal reason exists) is made in accordance with the requirements of subsection 15(2) to an agency;

(b) it appears from the request that the desire of the applicant is for information that is not available in discrete form in written documents of the agency; and

(ba) it does not appear from the request that the applicant wishes to be provided with a computer tape or computer disk on which the information is recorded; and

(c) the agency could produce a written document containing the information in discrete form by:

(i) the use of a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information; or

(ii) the making of a transcript from a sound recording held in the agency;

the agency shall deal with the request as if it were a request for access to a written document so produced and containing that information and, for that purpose, this Act applies as if the agency had such a document in its possession.

(2) An agency is not required to comply with subsection (1) if compliance would substantially and unreasonably divert the resources of the agency from its other operations.

After consultation with the relevant business area within the Commission it was determined that information relevant to your request was not held by the Commission in a discrete document form.

In order to provide you access to the information sought in your request, the relevant business area extracted the data from the appropriate system and created the table at **Attachment A**.

#### Review rights

I note the information you requested has been released in full, however if you are dissatisfied with my decision, you may seek review of it. Your review rights are outlined in **Attachment B**.

#### FOI Disclosure Log

The details of this request will be published on the Commission's website.

Further information

If you have any questions or would like to discuss this decision, please respond in one of the following ways:

Email [foi@nacc.gov.au](mailto:foi@nacc.gov.au)

Post FOI Coordinator  
National Anti-Corruption Commission  
GPO Box 605  
CANBERRA ACT 2601

Phone (02) 6141 2300 (request to speak with an FOI Officer)

Yours sincerely

FOI Officer

## Attachment B: Review rights

You are entitled to:

- apply to the Commission for an internal review of the decision
- apply to the Information Commissioner for a review of the decision, and/or
- make a complaint to the Information Commissioner about the conduct of an agency under the FOI Act.

### Internal review

Under section 54 of the FOI Act, you may apply to the Commission for an internal review of this decision.

An application must be made in writing within 30 days of receiving this notice. No particular form is required to apply although it will assist your case if you set out your reasons for seeking a review.

If you intend to seek an internal review of this decision, please email your application to [foi@nacc.gov.au](mailto:foi@nacc.gov.au).

### Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Information Commissioner for a review of this decision.

An application for Information Commissioner review must be made in writing within 60 days of the date of the notice.

If you intend to seek an Information Commissioner review of this decision, you can apply in one of the following ways:

- [Apply online to seek an Information Commissioner review of this decision](#)
- Email: [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)
- Post: Director of FOI Dispute Resolution  
GPO Box 5218  
Sydney NSW 2001

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to

<https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>.

## **FOI complaints**

Under section 70 of the FOI Act, you may lodge a complaint with the Information Commissioner about an action taken by an agency in the performance of functions or exercise of powers under the FOI Act.

A complaint must be made in writing and identify the agency (and NACC, if your complaint relates to the conduct of a different agency).

The Information Commissioner has discretion within section 73 of the FOI Act to investigate the complaint.

You can lodge a complaint in one of the following ways:

- [Lodge a complaint online](#)
- Email: [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)
- Post: Director of FOI Dispute Resolution  
GPO Box 5218  
Sydney NSW 2001

More information about complaints is available on the Office of the Australian Information Commissioner at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.