



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

Agency	Services Australia
FOI applicant	Mr Mr Squiggle
Date of decision	7 March 2025
OAIC reference number	RQ25/00990
Agency reference number	83550

Decision

1. I refer to the application made by Services Australia (the Agency) under s 15AB(1) of the *Freedom of Information Act 1982* (Cth) (FOI Act) for an extension of time to process Mr Squiggle's (the FOI applicant) request of 3 February 2025 (the FOI request).
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 **4 April 2025**. My reasons are outlined below.

Background

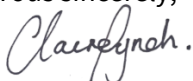
4. On 3 February 2025, the FOI applicant made an FOI request to the Agency. The FOI decision was due to be provided to the FOI applicant on 3 February 2025.
5. On 25 February 2025, the Agency applied to the Information Commissioner for further time to process the FOI applicant's request under s 15AB(1) on the basis that the processing period is insufficient to adequately deal with the FOI request, because it is complex. A copy of the Agency's reasons is included at **Attachment A**.

Reasons for decision

6. 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.
7. In granting this extension of time under s 15AB(2), I have considered the following factors:

- Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act, to which I must have regard, in particular [3.150] – [3.155]
 - the scope of the FOI request
 - the Agency’s reasons for seeking an extension
 - whether an agreement to extend the processing period under s 15AA of the FOI Act has first been attempted or obtained by the Agency
 - the work already undertaken, and still required, to finalise the request.
8. On the information before the OAIC, I am satisfied that an extension to the processing period until **4 April 2025** is justified, for the following reasons:
- Based on the scope of the Agency’s submissions, I am satisfied that the request is complex, based on the requirement to consult with the Agency’s SES level staff and the CEO’s office about potential sensitivities.
9. In granting this extension, I have also considered steps taken by the Agency to first obtain a 15AA agreement from the FOI applicant.
10. The Agency must provide the FOI applicant with a decision by **4 April 2025**.
11. If the Agency does not provide the FOI applicant a decision by **4 April 2025** the FOI applicant may seek review by the Information Commissioner of the Agency’s deemed access refusal decision of 4 April 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.
12. This extension of time matter is now closed. Your review rights are set out below.
13. If you would like to discuss this matter, please contact our office by email at FOIDR@oaic.gov.au, quoting reference number RQ25/00990.

Yours sincerely,



Claire Lynch

Assistant Review Advisor
Freedom of Information Case Management Branch
Office of the Australian Information Commissioner

7 March 2025

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. *

3 February 2025 – Request received 4 February 2025 – Email sent to a Business area (BA) to identify if this request sits with them as the relevant Division for search and retrieval action 5 February 2025 – Follow up email sent to BA as no response received yet 6 February 2025 – Response received from BA – they will be only able to answer Q1 of the request 10 February 2025 – Further email sent to BA for advice on documents sought and assistance to identify the relevant business areas for the remaining points 11 February 2025 – Response received from BA identifying the additional BA's for search and retrieval action 11 February 2025 – Email sent to BA 2 seeking advice 12 February 2025 – Advice received from BA 2 confirming significant time required to search and retrieve data 12 February 2025 – Significant document search minute sent to 2 BAs 14 February 2025 – Significant document search minute response received from BA 1 14 February 2025 – Call received from BA 1 discussing potential sensitivities 14 February 2025 – Email received from BA 2 advising to consult with additional stakeholders who may hold further documents 17 February 2025 - Significant document search minute sent to 8 additional stakeholders 18 February 2025 - One Significant document search minute response received 19 February 2025 – One Significant document search minute responses received 20 February 2025 – Follow up email sent to BA 2 as their response is overdue

What work is required to finalise the request? *

- Further searches for documents to be undertaken by multiple stakeholders - Numerous business area/subject matter expert consultations regarding sensitivities - Preparation of the final document bundle - Preparation of the decision letter - Final Quality and Privacy checks

Why is the request considered complex or voluminous? *

The request is for documents which concern a number of Agency SES level staff and the CEO's office. Significant time has been required to consult with each SES level staff member to search and retrieve the documents and identify any potential sensitivities upon release. Difficulties experienced during searches for relevant documents have delayed the progress of this request. In order to ensure that all relevant documents are located, several stages of searches have been required to be undertaken as illustrated by the timeline provided. Further time will be required to review each of the documents and prepare the decision.

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

No

Please describe the measures that would be taken to ensure a decision is made within the period of the requested extension and to keep the applicant informed of the progress of the request *

The Agency will take all relevant steps to progress this matter as a priority and will endeavour to provide a decision to the applicant prior to the requested due date if we are in a position to do so. The Agency seeks to ensure the applicant's review rights are maintained and will keep the applicant informed on the progress of the matter.

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 and Family Court of Australia for a review of a decision of the Information Commissioner, if you think that a decision by the Information Commissioner to grant an extension of time is not legally correct. You can make this application under the *Administrative Decisions (Judicial Review) Act 1977*.

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

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

Further information

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

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

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

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

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

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

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