



Australian Government

Office of the Australian Information Commissioner

Our reference: RQ22/02534  
Agency reference: LEX 68168

## Posty

By email: [foi+request-8982-b996ce97@righttoknow.org.au](mailto:foi+request-8982-b996ce97@righttoknow.org.au)

Notification to: [FOI.Legal.Team@servicesaustralia.gov.au](mailto:FOI.Legal.Team@servicesaustralia.gov.au)

## Extension of time under s 15AB

Dear Posty

On 14 July 2022, Services Australia applied for further time to make a decision on your FOI request of 2 June 2022 under the *Freedom of Information Act 1982* (Cth) (the FOI Act).

This application was made on the basis that the processing period is insufficient to deal adequately with your FOI request, because it is complex and voluminous.

Services Australia advised that the statutory timeframe had been suspended under s 24AB of the FOI Act.

Services Australia advised that it attempted to obtain an agreement under s 15AA of the FOI Act for an extension of time from you. Services Australia advised that as of 14 July 2022, it had not received a response from you. I note that you agreed to a 28 day extension of time on 15 July 2022.

## Decision

As a delegate of the Information Commissioner, I am authorised to make decisions on applications for extensions of time under s 15AB of the FOI Act.

I have decided to grant Services Australia an extension of time under s 15AB(2) of the FOI Act **to 11 August 2022**. I am satisfied that Services Australia's application for an extension of time is justified, because the request is complex and voluminous. My reasons and considerations follow:

- Services Australia considers the matter to be complex as:
  - Processing the request has required consultation with a number of internal business areas that may hold documents relevant to the request.

- Subject matter experts within the business areas were consulted.
- At the initial consultation stage, further business areas were identified as potentially holding documents within scope of the request and accordingly would need to be consulted.
- Services Australia advised that one business area advised that it would require further time to identify and retrieve documents relevant to the request, as it was assisting with Australian Government disaster payments in relation to the July 2022 NSW floods.
- Services Australia advised that it has commenced processing the request with the current documents it has received from the relevant business areas, however, it is awaiting further documents from other business areas in order to finalise the request.
- I note that on 15 July 2022 you agreed to a 28 day extension of time.

Noting the complex internal consultation that has been required to process the request, I am of the view that an extension of time is appropriate in these circumstances.

If Services Australia does not make a decision **by 11 August 2022** you may wish to seek Information Commissioner review of Services Australia's deemed refusal of request [here](#). Further information on [applying for IC review](#) is available on the OAIC [website](#).

## Contact

If you have any questions about this letter, please contact me on (02) 9942 4028 or via email to [Eoin.McMahon@oaic.gov.au](mailto:Eoin.McMahon@oaic.gov.au). In all correspondence please include OAIC reference: RQ22/02534.

Yours sincerely



**Eoin McMahon**  
Review Adviser  
FOI Regulatory Group

20 July 2022

## Review rights

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

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

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

## Further information

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

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

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

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

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

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

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