



Australian Government

Office of the Australian Information Commissioner



## Direction to the Department of Veterans' Affairs under s 55(2)(e)(ii) of the *Freedom of Information Act 1982*

In relation to MR24/00884, I, Michelle Corcoran, Assistant Director, Freedom of Information, delegate of the Australian Information Commissioner for the purposes of the [Freedom of Information Act 1982](#), issue the following direction to the Department of Veterans' Affairs (the Agency) under s 55(2)(e)(ii) of the FOI Act:

1. To provide information in response to the request for information issued to the Agency on 18 June 2024, by **20 November 2024** to the OAIC via [FOIDR@oaic.gov.au](mailto:FOIDR@oaic.gov.au).
2. To provide a copy of the Agency's submissions to the applicant at the same time they are provided to the OAIC.

### *Your obligations*

I draw your attention to the following matters:

#### *Freedom of Information Act 1982*

Section 55(2)(e)(ii) of the FOI Act provides that the Information Commissioner may give written directions as to the procedure to be followed in relation to a particular IC review.

Compliance with this direction can be met by taking the steps set out above.

#### *FOI Guidelines and procedure direction*

The Information Commissioner has issued guidelines under s 93A of the FOI Act that Australian Government agencies and Ministers must have regard to when performing a function or exercising a power under the FOI Act. For information about the IC review process, see [Part 10 of the FOI Guidelines](#).

The '[Direction as to certain procedures to be followed in IC reviews](#)' applies to agencies and Ministers during IC reviews and during preliminary inquiries prior to the commencement of an IC review, if such inquiries are undertaken. The Procedure Direction sets out the procedures that agencies and ministers must follow in respect of the production of

documents, the provision of a statement of reasons where access has been deemed to be refused and the provision of submissions.

The IC Review Procedure Direction also explains that:

- in the event of non-compliance with the IC review Procedure Direction, the Information Commissioner may proceed to make a decision under s 55K of the FOI Act on the basis that the agency or minister has failed to discharge their onus under s 55D of the FOI Act
- as the model litigant obligation under the Legal Services Directions 2017 extends to Commonwealth entities involved in merits review proceedings, failure to adhere to the requirements of the IC Review Procedure Direction may amount to non-compliance with the model litigant obligation.

Direction issued by Michelle Corcoran, Assistant Director, Freedom of Information

Signed:

A handwritten signature in black ink, appearing to be 'MC', written over a faint horizontal line.

Date: 6 November 2024