

Submissions checklist – Making submissions following notification of an IC review application (agency or minister)

This checklist provides guidance for respondent agencies or ministers on making submissions in response to an IC review application, including:

- factors to consider prior to making a submission
- key elements to consider in making a submission.

For further information about the IC review process, see:

- [FOI Guidelines Part 10 – Information Commissioner review](#)
- [Direction as to certain procedures to be followed by agencies or ministers in Information Commissioner reviews \(the Procedure Direction\)](#).

Prior to making a submission

- Review the reasons for refusing access – if the reasons for refusing access are no longer relevant, advise the Office of the Australian Information Commissioner (OAIC). The OAIC will advise you on the appropriate method to move the matter to finalisation, for example, by agreement with the applicant under s 55F, by making a revised decision under s 55G or by proceeding to a short form decision under s 55K.

Making a submission

- Submissions should:
 - Be prepared on the basis that they will be provided to the OAIC and the applicant (para 3.23 of the Procedure Direction). Do not include material that is the subject of the IC review.
 - Be prepared on the basis that it may be quoted in an IC review decision that is published on the [AUSTLII website](#) (para 3.33 of the Procedure Direction).
 - Where relevant, refer to the decision/statement of reasons by date: the reasons do not need to be restated.
 - Note where reliance is being made on relevant decisions (statement of reasons): the decision/reasons do not need to be restated but simply referred to by way of referencing the relevant date.
 - Address specific legislative tests/thresholds relevant to the material at issue.
 - Include any relevant information to support the exemption claims, including responding to specific questions that the OAIC may have specifically requested.
 - Respond to issues raised by the applicant, including any revisions in scope.