From: FOIDR
To: "information.access@dva.gov.au"
Subject: RQ18/02489 - Extension of time decision [SEC=UNCLASSIFIED]
Date: Friday, 7 September 2018 4:06:00 PM
Attachments: Extension of time decision to DVA.pdf

Our reference: RQ18/02489
Your reference: FOI 23544

Ms Leia s 47F

Department of Veterans' Affairs
By email: information.access@dva.gov.au

Extension of time under s 15AB

Dear Ms s 47F

Please find the Office of the Australian Information Commissioner's extension of time decision attached.

Kind regards

Carl English | Assistant Review and Investigation Officer | Freedom of Information Dispute Resolution
Office of the Australian Information Commissioner
GPO Box 5218 SYDNEY NSW 2001| www.oaic.gov.au
Phone: s 22 | E-mail: s 22

Australian Government
Office of the Australian Information Commissioner

Our reference: RQ18/02489
Your reference: FOI 23544

Ms Leia s 47F
Department of Veterans' Affairs
By email: information.access@dva.gov.au

Extension of time under s 15AB

Dear Ms s 47F

Thank you for your correspondence of 30 August 2018, in which you applied for an extension of time for the Department of Veterans' Affairs (the Department) to process Ms Verity Pane's request, received 16 July 2018, under the *Freedom of Information Act 1982* (Cth) (the FOI Act).

You have sought an extension on the basis that the current processing period is insufficient to deal adequately with Ms Pane's request, because it is voluminous and complex.

Contact with Ms Pane

On 31 August 2018, the Office of the Australian Information Commissioner (OAIC) wrote to Ms Pane to seek her view on the Department's request. Ms Pane responded to our inquiries and provided comments which I have taken into consideration.

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 the Department an extension of time under s 15AB(2) of the FOI Act **to 1 October 2018**. In coming to this decision I have considered factors including your advice that:

- Ms Pane asked the Department to create a document outlining the Department's legal expenditure data relating for financial year 2015/16.
- Some of the data is not readily available and will need to be recalled from off-site storage.
- The information needs to be collated and the document requested by Ms Pane created from the information in the format requested.

- The Department estimates it would take 30 hours to finalise the request.

By granting an extension of time it is anticipated that the Department will provide a well-reasoned and better managed decision.

Ms Pane will be notified of this decision.

Contact

If you have any questions about this email, please contact me on s 22 or via email s 22 . In all correspondence please include OAIC reference number RQ18/02489.

Yours sincerely

Carl English
Assistant Review and Investigation Officer
Freedom of Information Dispute Resolution

7 September 2018

From: INFORMATION.LAW
To: FOIDR
Subject: FW: ***Decision issued*** ***DVA response*** MR18/00607 - IC review application (ICR 24053) [DLM=For-Official-Use-Only]
Date: Tuesday, 25 September 2018 4:10:38 PM
Attachments: image001.jpg
image002.png
image003.png
image004.png
image005.png
image006.png
FOI 24050 Decision and Statement of Reasons.pdf

Apologies Carl, the new FOI reference for the internal review is FOI 24649.

Regards,
Leia

From: INFORMATION.LAW
Sent: Tuesday, 25 September 2018 4:10 PM
To: 'FOIDR' <foidr@oaic.gov.au>
Subject: RE: ***Decision issued*** ***DVA response*** MR18/00607 - IC review application (ICR 24053) [DLM=For-Official-Use-Only]

Good afternoon Carl,

Please find attached a copy of the decision as requested (for FOI 24050). For your information, Verity Pane has sought internal review (new reference is FOI . A decision on that request will be due by 22 October 2018.

Please feel free to contact me should you have any questions.

Kind Regards,

Leia
Information Law Team
Department of Veterans' Affairs
E: informationlaw@dva.gov.au | **W:** www.dva.gov.au

cid:image001.png@01D0027A.1DAB84F0

From: FOIDR [mailto:foidr@oaic.gov.au]
Sent: Monday, 24 September 2018 9:15 AM
To: INFORMATION.LAW <INFORMATION.LAW@dva.gov.au>
Subject: RE: ***Decision issued*** ***DVA response*** MR18/00607 - IC review application (ICR 24053) [DLM=For-Official-Use-Only]

Dear Leia

Thank you for your advice.

Please forward a copy of the decision to the OAIC.

Once we have received a copy of the statement of reasons we will ask Ms Pane if she wishes to withdraw her application for IC review and consider the next steps based on her response.

Kind regards

Carl English | Assistant Review Officer
Freedom of Information Dispute Resolution
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
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From: INFORMATION.LAW <INFORMATION.LAW@dva.gov.au>
Sent: Friday, 21 September 2018 5:46 PM
To: FOIDR <foidr@oaic.gov.au>
Subject: ***Decision issued*** ***DVA response*** MR18/00607 - IC review application (ICR 24053) [DLM=For-Official-Use-Only]

Good evening Carl,

Please be advised that the Department has issued a decision to Verity Pane in relation to FOI 24050. Verity Pane has been advised of review rights which include the ability to seek an internal review or IC review. The Department also apologised for the delay and noted that we have put systems in place to limit the chance of it happening again.

As a decision has now been issued, we would ask the OAIC to consider closing this IC review.

Happy to discuss.

Kind Regards,

Leia
Assistant Director
Information Law | Legal Services & Assurance
Department of Veterans' Affairs
E: informationlaw@dva.gov.au | **W:** www.dva.gov.au

From: FOIDR [mailto:foidr@oaic.gov.au]
Sent: Friday, 31 August 2018 10:32 AM
To: Information.Law <AMBINFOLAW@dva.gov.au>
Subject: RE: ***DVA response*** MR18/00607 - IC review application (ICR 24053) [DLM=For-Official-Use-Only]

Dear Leia

Thank you for your advice.

I will note that a decision is expected by 14 September 2018.

Kind regards

Carl English | Assistant Review and Investigation Officer | Freedom of Information Dispute Resolution
Office of the Australian Information Commissioner
GPO Box 5218 SYDNEY NSW 2001| www.oaic.gov.au
Phone: s 22 | E-mail: s 22

From: s 47F Leia <22 > **On Behalf Of** Information.Law
Sent: Friday, 31 August 2018 9:03 AM
To: FOIDR <foidr@oaic.gov.au>
Subject: ***DVA response*** MR18/00607 - IC review application (ICR 24053) [DLM=For-Official-Use-Only]

Good morning Carl,

OAIC Reference: MR18/00607
DVA Reference: ICR 24053 (review of FOI 24050 deemed)

Thank you for advising the Department of a request for an IC Review by Verity Pane. Apologies for the delay in responding, I was out of office Monday and Tuesday this week and had to attend to 8 decisions that fell due this week (within the Canberra team).

It seems the request was accidently saved into one of Verity Pane's other FOI request outlook folders. We have discussed this as a team and have implemented a revised system of managing our information law inbox to ensure we limit the risk of this happening again (for any applicants).

Since receipt of your notice and contact from Verity Pane, we have sent a request to the relevant business area to identity documents. For your information, the FOI requests seeks access to:

> *"…Under FOI I seek copy of the invoice or invoices for external legal services expenditure by the Department, for advice received in FY2011/12, in relation to external legal advice*

sought by the Department about the implications of the publication of departmental correspondence reproduced on websites not controlled by the Department, by veterans, for the Department under the incoming Work, Health and Safety Act 2012 (Cth)…"

We have been contacted by the business and asked to provide further clarification about the information sought. We will need to speak with the business area about this and if not resolved, we may need to also seek further clarification from the applicant. Once this has been done and all documents identified, a decision will be issued. At this stage, I hope to be in a position to issue the decision within the next weeks, aiming for a decision by **Friday, 14 September.** This should hopefully provide enough time to seek any necessary clarification and to obtain relevant documents. If this changes we will let the OAIC and Verity Pane know.

We have advised the applicant that we are taking steps to process the request and will apologise for the error in our decision.

If you have any questions please do not hesitate to contact me to discuss.

Kind Regards,

Leia s 47F
Assistant Director
Information Law | Legal Services & Assurance
Department of Veterans' Affairs
T: 22 | **E:** informationlaw@dva.gov.au | **W:** www.dva.gov.au

cid:image001.png@01D0027A.1DAB84F0

From: FOIDR [mailto:foidr@oaic.gov.au]
Sent: Monday, 20 August 2018 9:32 AM
To: Information.Law <AMBINFOLAW@dva.gov.au>
Subject: MR18/00607 - IC review application [SEC=UNCLASSIFIED]

Our reference: MR18/00607

The FOI Contact Officer
Department of Veterans' Affairs
Sent by email: informationlaw@dva.gov.au

Notice of request for IC review and Preliminary Inquiries under s 54V

Dear Sir/Madam

Ms Verity Pane has requested that the Information Commissioner review of a deemed decision by the Department of Veterans' Affairs (the Department) of 17 August 2018, to refuse access to documents under the *Freedom of Information Act 1982* (Cth).

I attach a copy of the application for review.

Preliminary Inquiries (s 54V)

I note it appears that Ms Pane's FOI request is deemed to have been refused pursuant to s 15AC. However, Ms Pane's retains an obligation to provide Ms Pane with a substantive decision as soon as practicable.

Pursuant to s 54V, to assist the OAIC in progressing Ms Pane's IC review please provide:

- An explanation with regards to the present status of Ms Pane's request
- If the request is not yet finalised - an estimated date for its completion.
- If the Department has provided a statement of reasons to the applicant, please forward a copy to the OAIC.

Please provide a response to this email by close of business 27 August 2018.

Yours sincerely

Carl English | Assistant Review and Investigation Officer | Freedom of Information Dispute Resolution
Office of the Australian Information Commissioner
GPO Box 5218 SYDNEY NSW 2001| www.oaic.gov.au
Phone: s 22 | E-mail: s 22

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, and advise which mailing list you would like to unsubscribe from.
6. Finally, please do not remove this notice.

Action Print - Phone message - Respondent or Rep

Action Details

Case Number:	MR18/00607
Assigned To:	Allocation - Deemed Decisions - FOI
Assigned Date:	14-Sep-2018 3:50 PM

Comments

left message for Leia to return call.

Due Dates

Reminder Date:	17-Sep-2018 3:50 PM	Allocation - Deemed Decisions - FOI (Action Owner)
Due Date:	17-Sep-2018 3:50 PM	Allocation - Deemed Decisions - FOI (Action Owner)
Escalate Date:	18-Sep-2018 3:50 PM	Allocation - Deemed Decisions - FOI (Case Owner)

Closure

Completed By:	English, Carl
Completed Date:	28-Sep-2018 9:38 AM
Outcome:	

Action Print - Phone call - Respondent or Rep

Action Details

Case Number:	MR18/00607
Assigned To:	Allocation - Deemed Decisions - FOI
Assigned Date:	27-Sep-2018 11:53 AM

Comments

Called R. Advised that our view was IR was not available because request was deemed. Advised R let A know. We will then follow up.

R advised that part of the problem is that A has been misinformed about what information to expect, due to previous advice under privacy act.

Due Dates

Reminder Date:	28-Sep-2018 11:53 AM	Allocation - Deemed Decisions - FOI (Action Owner)
Due Date:	28-Sep-2018 11:53 AM	Allocation - Deemed Decisions - FOI (Action Owner)
Escalate Date:	01-Oct-2018 11:53 AM	Allocation - Deemed Decisions - FOI (Case Owner)

Closure

Completed By:	English, Carl
Completed Date:	28-Sep-2018 9:37 AM
Outcome:	

Action Print - Phone call - Respondent or Rep

Action Details

Case Number:	MR18/00607
Assigned To:	Allocation - Deemed Decisions - FOI
Assigned Date:	27-Sep-2018 11:54 AM

Comments

called Leia for an update. Advised that she needed to speak to one of the individuals involved in the searches but was unable to discuss with individual last week. Advised decision can be finalised this week.

Due Dates

Reminder Date:	28-Sep-2018 11:54 AM	Allocation - Deemed Decisions - FOI (Action Owner)
Due Date:	28-Sep-2018 11:54 AM	Allocation - Deemed Decisions - FOI (Action Owner)
Escalate Date:	01-Oct-2018 11:54 AM	Allocation - Deemed Decisions - FOI (Case Owner)

Closure

Completed By:	English, Carl
Completed Date:	28-Sep-2018 9:37 AM
Outcome:	

From: FOIDR
To: "INFORMATION.LAW"
Subject: RE: ***Decision issued*** ***DVA response*** MR18/00607 - IC review application (ICR 24053) [DLM=For-Official-Use-Only]
Date: Friday, 28 September 2018 9:39:00 AM
Attachments: image001.jpg
image002.png
image003.png
image004.png
image005.png
image006.png

Dear Leia

Thank you for your advice and your time discussing this matter with me.

We have written to the applicant to see if they wish to proceed with an IC review. We will write to the Department to advise the next steps once they respond.

Kind regards

Carl English | Assistant Review Officer
Freedom of Information Dispute Resolution
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
s 22 | s 22 | s 22
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From: INFORMATION.LAW <INFORMATION.LAW@dva.gov.au>
Sent: Tuesday, 25 September 2018 4:10 PM
To: FOIDR <foidr@oaic.gov.au>
Subject: RE: ***Decision issued*** ***DVA response*** MR18/00607 - IC review application (ICR 24053) [DLM=For-Official-Use-Only]

Good afternoon Carl,

Please find attached a copy of the decision as requested (for FOI 24050). For your information, Verity Pane has sought internal review (new reference is FOI . A decision on that request will be due by 22 October 2018.

Please feel free to contact me should you have any questions.

Kind Regards,

Leia
Information Law Team
Department of Veterans' Affairs
E: informationlaw@dva.gov.au | **W:** www.dva.gov.au

cid:image001.png@01D0027A.1DAB84F0

From: FOIDR [mailto:foidr@oaic.gov.au]
Sent: Monday, 24 September 2018 9:15 AM
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Subject: RE: ***Decision issued*** ***DVA response*** MR18/00607 - IC review application (ICR 24053) [DLM=For-Official-Use-Only]

Dear Leia

Thank you for your advice.

Please forward a copy of the decision to the OAIC.

Once we have received a copy of the statement of reasons we will ask Ms Pane if she wishes to withdraw her application for IC review and consider the next steps based on her response.

Kind regards

Carl English | Assistant Review Officer
Freedom of Information Dispute Resolution
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
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From: INFORMATION.LAW <INFORMATION.LAW@dva.gov.au>
Sent: Friday, 21 September 2018 5:46 PM
To: FOIDR <foidr@oaic.gov.au>
Subject: ***Decision issued*** ***DVA response*** MR18/00607 - IC review application (ICR 24053) [DLM=For-Official-Use-Only]

Good evening Carl,

Please be advised that the Department has issued a decision to Verity Pane in relation to FOI 24050. Verity Pane has been advised of review rights which include the ability to seek an internal review or IC review. The Department also apologised for the delay and noted that we have put systems in place to limit the chance of it happening again.

As a decision has now been issued, we would ask the OAIC to consider closing this IC review.

Happy to discuss.

Kind Regards,

Leia
Assistant Director
Information Law | Legal Services & Assurance
Department of Veterans' Affairs
E: informationlaw@dva.gov.au | **W:** www.dva.gov.au

cid:image001.png@01D0027A.1DAB84F0

From: FOIDR [mailto:foidr@oaic.gov.au]
Sent: Friday, 31 August 2018 10:32 AM
To: Information.Law <AMBINFOLAW@dva.gov.au>
Subject: RE: ***DVA response*** MR18/00607 - IC review application (ICR 24053) [DLM=For-Official-Use-Only]

Dear Leia

Thank you for your advice.

I will note that a decision is expected by 14 September 2018.

Kind regards

Carl English | Assistant Review and Investigation Officer | Freedom of Information Dispute Resolution
Office of the Australian Information Commissioner
GPO Box 5218 SYDNEY NSW 2001| www.oaic.gov.au
Phone: s 22 | E-mail: s 22

From: s 47F, Leia <22> **On Behalf Of** Information.Law
Sent: Friday, 31 August 2018 9:03 AM
To: FOIDR <foidr@oaic.gov.au>
Subject: ***DVA response*** MR18/00607 - IC review application (ICR 24053) [DLM=For-Official-Use-Only]

Good morning Carl,

OAIC Reference: MR18/00607
DVA Reference: ICR 24053 (review of FOI 24050 deemed)

Thank you for advising the Department of a request for an IC Review by Verity Pane. Apologies for the delay in responding, I was out of office Monday and Tuesday this week and had to attend to 8 decisions that fell due this week (within the Canberra team).

It seems the request was accidently saved into one of Verity Pane's other FOI request outlook folders. We have discussed this as a team and have implemented a revised system of managing our information law inbox to ensure we limit the risk of this happening again (for any applicants).

Since receipt of your notice and contact from Verity Pane, we have sent a request to the relevant business area to identity documents. For your information, the FOI requests seeks access to:

> "…*Under FOI I seek copy of the invoice or invoices for external legal services expenditure by the Department, for advice received in FY2011/12, in relation to external legal advice sought by the Department about the implications of the publication of departmental correspondence reproduced on websites not controlled by the Department, by veterans, for the Department under the incoming Work, Health and Safety Act 2012 (Cth)*…"

We have been contacted by the business and asked to provide further clarification about the information sought. We will need to speak with the business area about this and if not resolved, we may need to also seek further clarification from the applicant. Once this has been done and all documents identified, a decision will be issued. At this stage, I hope to be in a position to issue the decision within the next weeks, aiming for a decision by **Friday, 14 September.** This should hopefully provide enough time to seek any necessary clarification and to obtain relevant documents. If this changes we will let the OAIC and Verity Pane know.

We have advised the applicant that we are taking steps to process the request and will apologise for the error in our decision.

If you have any questions please do not hesitate to contact me to discuss.

Kind Regards,

Leia s 47F
Assistant Director
Information Law | Legal Services & Assurance
Department of Veterans' Affairs
T: 22 | **E:** informationlaw@dva.gov.au | **W:** www.dva.gov.au

cid:image001.png@01D0027A.1DAB84F0

From: FOIDR [mailto:foidr@oaic.gov.au]
Sent: Monday, 20 August 2018 9:32 AM
To: Information.Law <AMBINFOLAW@dva.gov.au>
Subject: MR18/00607 - IC review application [SEC=UNCLASSIFIED]

Our reference: MR18/00607

The FOI Contact Officer
Department of Veterans' Affairs
Sent by email: informationlaw@dva.gov.au

Notice of request for IC review and Preliminary Inquiries under s 54V

Dear Sir/Madam

Ms Verity Pane has requested that the Information Commissioner review of a deemed decision by the Department of Veterans' Affairs (the Department) of 17 August 2018, to refuse access to documents under the *Freedom of Information Act 1982* (Cth).

I attach a copy of the application for review.

Preliminary Inquiries (s 54V)

I note it appears that Ms Pane's FOI request is deemed to have been refused pursuant to s 15AC. However, Ms Pane's retains an obligation to provide Ms Pane with a substantive decision as soon as practicable.

Pursuant to s 54V, to assist the OAIC in progressing Ms Pane's IC review please provide:

- An explanation with regards to the present status of Ms Pane's request
- If the request is not yet finalised - an estimated date for its completion.
- If the Department has provided a statement of reasons to the applicant, please forward a copy to the OAIC.

Please provide a response to this email by close of business 27 August 2018.

Yours sincerely

Carl English | Assistant Review and Investigation Officer | Freedom of Information Dispute Resolution
Office of the Australian Information Commissioner
GPO Box 5218 SYDNEY NSW 2001| www.oaic.gov.au
Phone: s 22 | E-mail: s 22

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, and advise which mailing list you would like to unsubscribe from.
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From: FOIDR
To: "INFORMATION.LAW"
Subject: RE: MR18/00607 (DVA reference FOI 24649 (regarding FOI 24050) Advice provided to applicant re unable to offer internal review as discussed [DLM=For-Official-Use-Only]
Date: Friday, 28 September 2018 9:58:00 AM
Attachments: image001.png
image002.jpg
image003.png
image004.png
image005.png
image006.png

Dear Leia

Thank you for your email.

I apologise, I acknowledged the Department's decision a moment ago, before I saw the below.

I have written to Verity Pane this morning and outlined the relevant provisions.

Our advice to Ms Pane was as follows:

> Because the Department was deemed to have refused your request, the FOI Act does not permit the an internal review to be conducted.
>
> This is because s 15AC of the FOI provides that where a decision is not made by the agency within the statutory timeframe, the principal officer of the agency is deemed to have refused the request. Section 54 provides that an applicant can seek internal review of an agency's FOI decision, other than a decision made by the principal officer of the agency. An actual decision made during the course of an IC review does not enliven the right to seek internal review under s 54.

I have also sought confirmation in light of that advice if the applicant still wishes to withdraw her application.

I am happy to discuss this further. My number is s 22 [redacted]

Kind regards

Carl English | Assistant Review Officer
Freedom of Information Dispute Resolution
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au
s 22 [redacted] | s 22 [redacted] | s 22 [redacted]
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From: INFORMATION.LAW <INFORMATION.LAW@dva.gov.au>
Sent: Friday, 28 September 2018 9:30 AM
To: FOIDR <foidr@oaic.gov.au>
Subject: MR18/00607 (DVA reference FOI 24649 (regarding FOI 24050) Advice provided to applicant re unable to offer internal review as discussed [DLM=For-Official-Use-Only]
Importance: High

Good morning Carl,

As requested, we contacted Verity Pane in relation to FOI 24649 advising that because the

decision became deemed we are unable to offer an internal review (even though a decision was subsequently made for FOI 24050). Copy of the email we sent is below.

For your information, Verity Pane has responded as also provided below. I think it would be a good idea if the OAIC could contact Verity Pane noting you wanted us to inform the applicant first.

Also as mentioned in our call, once this IC review is allocated we would like the opportunity to talk with the officer as further clarification is required around the OAIC documents the applicant has mentioned in previous emails to the Department as well as directly with the OAIC. We need to be able to source and review the material the applicant refers to, to see if we can ascertain the legal advice referred to; which should ultimately help refine the searches. It is not our intent to avoid having to reconsider our decision nor is it our "*intent is to remove the statutory obligation*…" as claimed by the applicant. Our view was to undertake a review and additional searches, which is why we asked Verity Pane to provide us with the document/information referred to in previous correspondence. The OAIC is aware of the responses received, including references to Verity Pane being in possession of documentation (through a whistle-blower or otherwise) that would in fact help us refine searches.

The above status is now unclear noting the applicant's comment below that the IC review is withdrawn. We would appreciate further advice and confirmation that we are in fact, unable to perform an internal review whether or not the IC review is withdrawn. It seems as though Verity Pane is of the view that by withdrawing, we would then have the ability to finalise an internal review. We think it would be courteous of us to reply to the below, but we would like the OAIC's written advice that we are unable to proceed with the internal review.

Please let us know if there is anything further you require.

Kind Regards,

Leia
Information Law Team
Department of Veterans' Affairs
E: informationlaw@dva.gov.au | **W:** www.dva.gov.au

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-----Original Message-----
From: Verity Pane s 22 [redacted]
Sent: Thursday, 27 September 2018 7:34 PM
To: INFORMATION.LAW <INFORMATION.LAW@dva.gov.au>
Subject: Re: FOI 24649 (regarding FOI 24050) Decision and Statement of Reasons [DLM=For-Official-Use-Only]

Dear Corrupt DVA Information Law,

Has the OAIC now decided that DVA speaks for them?

I've certainly received no such communication from them.

There is no legal power for you to do as you claim, and you certainly don't have that discretion.

It's pretty obvious that your intent is to remove the statutory obligation on you to provide an internal review decision within 30 days (which cannot be extended), in order to allow delays extending years, which IC Reviews typically run up to now, thanks to OAIC indifference.

The IC Review concerned your deemed refusal, which was not functus officio as a result of the deemed decision.

Your long over due FOI decision effectively became a s 55G substitution of sorts of the deemed refusal.

The difficultly now is your decision claims the document does not exist, when it clearly does.

Under IC Review, the OAIC does not conduct searches of DVA records itself. That continues to remain the responsibility of DVA. Therefore, in respect to this particular Internal Review ground, which is the only ground an IC Review could consider, the OAIC cannot replace DVA.

To avoid all doubt, the deemed refusal IC review is withdrawn, given a access refusal decision has been substituted. I'll refer your conduct under s 70 instead for your flagrant breaches of s 15(5)(a) and s 15(5)(b), and therefore the Internal Review deadline remains intact (especially since you are the only agency that can carry out further searches to confirm the document exists, which you and I both know does).

And only after the Internal Review is complete, a new IC Review can be lodged.

At least this way, external review can be undertaken much quicker (no waiting two years for the OAIC to do nothing).

Yours sincerely,

Verity Pane

-----Original Message-----

Good afternoon Verity Pane,

After a discussion with the Office of the Australian Information Commissioner it has been agreed that the Department is unable to proceed with an internal review of FOI 24050. This is because, although we issued you with a decision, it was issued after the decision became deemed. As such, the review will need to be undertaken by the Information Commissioner. For this reason, the Department will not be reviewing FOI 24050 through the internal review mechanism.

If you have any questions about this course of action please contact the Information Commissioner with your reference of MR18/00607. Our reference for this matter will remain the same (FOI 24649).

Kind Regards,

Information Law Team
Department of Veterans' Affairs
E: [email address] | W: www.dva.gov.au

Please use this email address for all replies to this request:
s 22 [redacted]

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:
https://www.righttoknow.org.au/help/officers

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

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6. Finally, please do not remove this notice.