



Our reference: MR14/00056

Your reference: LS4883

Mr Michael Cordover
22 Powell Street
SANDY BAY TAS 7005

Sent via email to foi@mjec.net

Dear Mr Cordover

Your application for IC review of a Freedom of Information decision

Thank you for your application for Information Commissioner (IC) review of a decision of the Australian Electoral Commission (AEC) of 9 December 2013 under the *Freedom of Information Act 1982* (the FOI Act), received on 5 February 2014.

The Office of the Australian Information Commissioner (OAIC) is currently considering your IC review application, and conducting inquiries with the AEC.

For the OAIC to process your application for review, we require your cooperation. While we will take into account your circumstances and capacity to contribute to the IC review process, where an IC review applicant fails to cooperate in progressing an IC review application without reasonable excuse, the OAIC may decide not to undertake, or to discontinue, the review.

The OAIC is required to conduct an IC review with as little formality and as little technicality as possible. We also aim to resolve matters at an early stage by agreement between the parties.

We have requested that the AEC provide us with a response to your submissions, including either a detailed schedule of documents or the documents to which access was refused (documents in issue), as well as some other documents contained on its FOI processing file. We have provided the AEC with four weeks to compile this information. Once we receive the AEC's response, we will consider this in light of your application for IC review.

If the OAIC's early assessment of the AEC's decision is that it is incorrect, we will invite the AEC to revise its decision. If it appears that the AEC's decision is correct, we will call to discuss the decision with you, and will allow you to clarify your reasons for disagreeing with the decision. If, following that conversation, our early assessment is still that the agency's decision is correct, we will invite you to consider withdrawing your application for IC review.

A member of the OAIC's Triage and Early Resolution Team will aim to contact you to discuss this matter within two weeks of receiving the requested documents from the AEC, that is, around six to eight weeks from today. In some circumstances it may take longer, or not be possible at all, for the OAIC to conduct an early assessment of the agency's decision: for example, if the documents are particularly voluminous, or they concern national security issues or relate to the deliberations of Cabinet.

If your IC review application cannot be resolved informally following an early assessment by the OAIC, your application will be referred to a case officer in the OAIC's Case Management team, who will seek detailed written submissions from you and the AEC, and prepare your application for IC review for a decision by the Information Commissioner or FOI Commissioner.

As the OAIC is currently processing a large number of applications for IC review, there is likely to be a significant delay in your matter being allocated to a case officer if a formal IC review decision appears necessary. At present, the wait for an IC review to enter the Case Management stage is approximately six months, and the time that it will take for this matter to be resolved by way of published decision (if necessary) is likely to be at least 12-18 months from now. This is one reason why we encourage the early informal resolution of applications for IC review where possible.

Further information about the IC review process can be found in Part 10 of the Guidelines, which are available on our website at www.oaic.gov.au/freedom-of-information/applying-the-foi-act/foi-guidelines/.

If you are unhappy with any decision that we make in relation to your application, or the way that we are handling your application generally, I would encourage you to raise this in the first instance with the case officer responsible for your matter. The OAIC's internal complaint handling policy is available on our website at www.oaic.gov.au/about-us/corporate-information/general-operational/. If we are unable to resolve your concern to your satisfaction, you may complain to the Commonwealth Ombudsman, whose office can be contacted on 1300 362 072 or via www.ombudsman.gov.au.

If you would like to discuss your IC review application, please contact me directly on (02) 9284 9741 during business hours or by email at Tania.Strathearn@oaic.gov.au. Please quote reference number MR14/00056.

Yours sincerely

A handwritten signature in black ink that reads "Tania Strathearn". The signature is written in a cursive style with a horizontal line at the end.

Tania Strathearn
Merit Review and Investigations Officer

20 March 2014