



Michael Cordover <michael.cordover@gmail.com>

IC review- AEC- ref MR14/00056 [SEC=UNCLASSIFIED]

7 messages

Tania Strathearn <Tania.Strathearn@oaic.gov.au>
To: "foi@mjec.net" <foi@mjec.net>

13 June 2014 10:20

Dear Michael

Please find attached a letter from Paul Hansen, FOI Director, regarding your application for IC review.

Please contact me directly in relation to this matter.

Kind regards

Tania Strathearn | Merit Review and Investigations Officer

Office of the Australian Information Commissioner

GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au

(02) 9284 9741

tania.strathearn@oaic.gov.au

(Tuesday - Friday)

Protecting information rights – advancing information policy

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 **MR1400056 - s54W(b) letter.pdf**
1110K

Michael Cordover <foi@mjec.net>
To: Tania Strathearn <Tania.Strathearn@oaic.gov.au>

13 June 2014 12:35

Dear Tania

Thank you for your email.

I understand that the matter in question is quite technical and complicated. However I'm hoping the preliminary issue - that is, access to the list of documents - could be resolved by OAIC before a decision is made under s 54W(b).

That matter is rather more straightforward than access to the documents themselves. It deals with one relatively short document; the issues are not particularly complicated; and the material in the document is not technical. I would hope that it could be resolved without a formal decision by the Commissioner.

If that could be resolved by this process I'd be happy for a decision then to be made not to continue to the IC review under s 54W(b) for the reasons set out in Mr Hansen's letter.

Is this a possibility?

Thanks

Michael

[Quoted text hidden]

Tania Strathearn <Tania.Strathearn@oaic.gov.au>
To: Michael Cordover <foi@mjec.net>

13 June 2014 15:38

Hi Michael

Thank you for your prompt reply.

I do not think it will be feasible for the OAIC to address that question as a preliminary issue in the course of this IC review. The reason for that is because an agency's decision to provide or not to provide a schedule of documents with an FOI decision is not something that the OAIC can review – it is not an 'access refusal decision' as defined in s 53A of the FOI Act.

There is no obligation on an agency to prepare a schedule of documents (although it is best practice for it to do so). The reviewable decision in this matter is the AEC's refusal to give access to the documents you sought in your FOI request. It is not within the Commissioner's powers at the conclusion of a review to require the AEC to release a schedule to you.

As such, I would suggest that you seriously consider taking this matter to the AAT.

Sorry we could not be of more help.

Kind regards

Tania Strathearn | Merit Review and Investigations Officer

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(Tuesday- Friday)

Protecting information rights – advancing information policy

From: Michael Cordover [mailto:foi@mjec.net]

Sent: Friday, 13 June 2014 12:36 PM

To: Tania Strathearn

Subject: Re: IC review- AEC- ref MR14/00056 [SEC=UNCLASSIFIED]

Dear Tania

Thank you for your email.

I understand that the matter in question is quite technical and complicated. However I'm hoping the preliminary issue - that is, access to the list of documents - could be resolved by OAIC before a decision is made under s 54W(b).

That matter is rather more straightforward than access to the documents themselves. It deals with one relatively short document; the issues are not particularly complicated; and the material in the document is not technical. I would hope that it could be resolved without a formal decision by the Commissioner.

If that could be resolved by this process I'd be happy for a decision then to be made not to continue to the IC review under s 54W(b) for the reasons set out in Mr Hansen's letter.

Is this a possibility?

Thanks

Michael

On 13 June 2014 10:20, Tania Strathearn <Tania.Strathearn@oiac.gov.au> wrote:

[Quoted text hidden]

[Quoted text hidden]

Michael Cordover <foi@mjec.net>
To: Tania Strathearn <Tania.Strathearn@oaic.gov.au>

13 June 2014 15:49

Thanks Tania

Completely understood - and something I realised might be an issue only recently.

On this basis I'm happy to consent to a decision being made under s 54W(b) but would ask that the decision not be made until after 27 June (as I think was the intent). This will give me some additional time to save up for the AAT application fee.

I've really appreciated your assistance with this matter to date.

Best regards

Michael

[Quoted text hidden]

Tania Strathearn <Tania.Strathearn@oaic.gov.au>
To: Michael Cordover <foi@mjec.net>

13 June 2014 16:03

Hi Michael

Yes of course that's fine, we won't make a decision until after 27 June.

All the very best.

Kind regards

Tania

Tania Strathearn | Merit Review and Investigations Officer

Office of the Australian Information Commissioner

GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au

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tania.strathearn@oaic.gov.au

(Tuesday- Friday)

From: Michael Cordover [mailto:foi@mjec.net]
Sent: Friday, 13 June 2014 3:50 PM
To: Tania Strathearn
Subject: Re: IC review- AEC- ref MR14/00056 [SEC=UNCLASSIFIED]

Thanks Tania

Completely understood - and something I realised might be an issue only recently.

On this basis I'm happy to consent to a decision being made under s 54W(b) but would ask that the decision not be made until after 27 June (as I think was the intent). This will give me some additional time to save up for the AAT application fee.

I've really appreciated your assistance with this matter to date.

Best regards

Michael

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[Quoted text hidden]

Michael Cordover <foi@mjec.net>
To: Tania Strathearn <Tania.Strathearn@oaic.gov.au>

24 June 2014 11:54

Dear Tania

I decided to go down the route of crowd funding this AAT application and have been amazingly successful, raising more than \$2,000 in the first day. As such, to the extent you were deferring making the s 54W(b) decision at my request, I'm now happy for that decision to be made whenever you are ready to do so.

Thank you again for your help with the matter while it was in your hands.

Best regards

Michael

[Quoted text hidden]

Tania Strathearn <Tania.Strathearn@oaic.gov.au>
To: Michael Cordover <foi@mjec.net>

24 June 2014 14:57

Hi Michael

Thank you for letting me know. Its great that you have had such success with the funding for your application to the AAT.

I will arrange for your IC review application to be closed, and will send you through confirmation once done.

All the very best.

Tania Strathearn | Merit Review and Investigations Officer

Office of the Australian Information Commissioner

GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au

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tania.strathearn@oaic.gov.au

(Tuesday- Friday)

Protecting information rights – advancing information policy

From: Michael Cordover [mailto:foi@mjec.net]

Sent: Tuesday, 24 June 2014 11:55 AM

To: Tania Strathearn

Subject: Re: IC review- AEC- ref MR14/00056 [SEC=UNCLASSIFIED]

Dear Tania

I decided to go down the route of crowd funding this AAT application and have been amazingly successful, raising more than \$2,000 in the first day. As such, to the extent you were deferring making the s 54W(b) decision at my request, I'm now happy for that decision to be made whenever you are ready to do so.

Thank you again for your help with the matter while it was in your hands.

Best regards

Michael

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