

## NOTICE OF FILING

### Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)  
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)  
Date of Lodgment: 14/03/2023 3:26:47 PM AEDT  
Date Accepted for Filing: 14/03/2023 3:26:52 PM AEDT  
File Number: VID519/2021  
File Title: REX PATRICK v AUSTRALIAN INFORMATION COMMISSIONER  
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



*Sia Lagos*

Registrar

### Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 59  
Rule 29.02(1)

## Affidavit

No. VID519 of 2021

Federal Court of Australia  
District Registry: Victoria  
Division: General

### REX PATRICK

Applicant

### AUSTRALIAN INFORMATION COMMISSIONER

Respondent

Affidavit of: **Rocelle Ann Dowsett**  
Address: 175 Pitt Street Sydney NSW 2000  
Occupation: Assistant Commissioner (Freedom of Information)  
Date: 14 March 2023

### Contents

No.	Document ID	Document Description	Paragraph Reference	Pages
		Affidavit of Rocelle Ann Dowsett affirmed on 14 March 2023		1 – 7
		<b>Exhibit RAD-4</b>		
1.	RES.00424.04	Resolve Record for IC Review MR20/00424 (as at 13 March 2023)	[14]	8 – 16

Filed on behalf of (name & role of party) Australian Information Commissioner (the Respondent)  
Prepared by (name of person/lawyer) Andrew Morrison Riordan  
Law firm (if applicable) Norton Rose Fulbright Australia  
Tel +61 3 8686 6680 Fax \_\_\_\_\_  
Email andrew.riordan@nortonrosefulbright.com  
**Address for service** Level 38, Olderfleet, 477 Collins Street, Melbourne, VIC 3000  
(include state and postcode)

No.	Document ID	Document Description	Paragraph Reference	Pages
2.	00424.054	<p>Email chain between the OAIC and DISR, including:</p> <ul style="list-style-type: none"> <li>• Email from DISR's external lawyer to the OAIC (Review Adviser) dated 3 March 2023;</li> <li>• Email from the OAIC (Review Adviser) to DISR's external lawyer dated 3 March 2023;</li> <li>• Email from the OAIC (Review Adviser) to DISR's external lawyer dated 9 March 2023;</li> <li>• Email from DISR's external lawyer to the OAIC (Review Adviser) dated 3 March 2023</li> </ul>	[17] and [18]	17 – 20
3.	00424.055	Email from the OAIC (Review Adviser) to DISR's external lawyer dated 13 March 2023	[19]	21 – 24

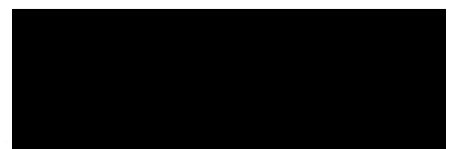
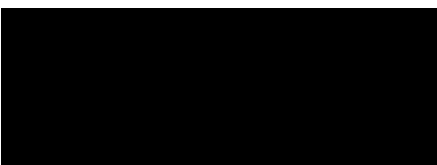
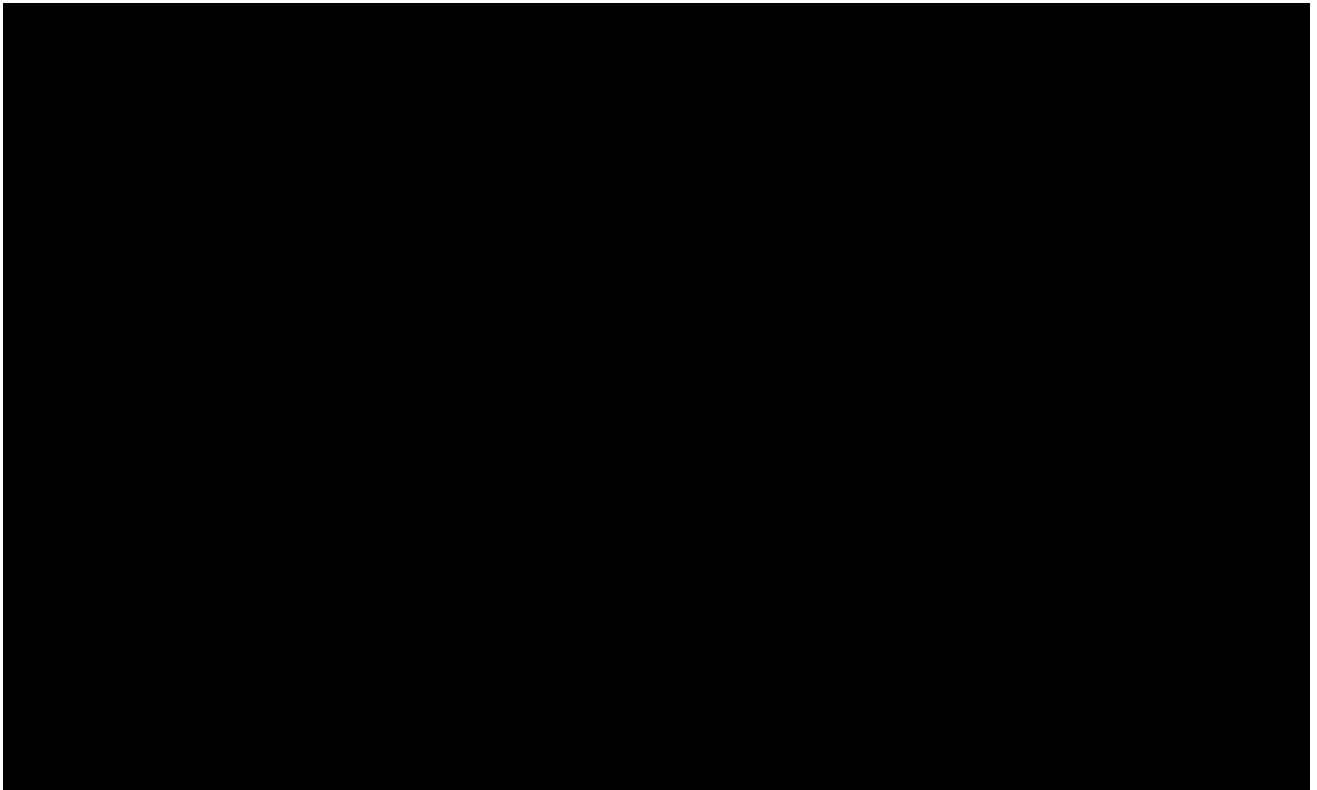
I **ROCELLE ANN DOWSETT**, of 175 Pitt Street Sydney NSW 2000, Assistant Commissioner (Freedom of Information), sincerely declare and affirm:

1. I am the Assistant Commissioner, Freedom of Information at the OAIC.
2. I am authorised to make this affidavit on behalf of the Information Commissioner.
3. By making this affidavit, I do not intend and have no authority to waive privilege in any communication, or record of communication, that is the subject of the respondent's legal professional privilege. Nothing in this affidavit ought to be construed as involving a waiver of privilege. To the extent that anything in this affidavit may be construed as involving a waiver of privilege, I withdraw and do not rely on that part of this affidavit.
4. Unless otherwise stated, I make this affidavit from my own knowledge and from my review of records held by the OAIC.
5. I refer to my affidavit affirmed on 22 August 2022 (**First Affidavit**); my supplementary affidavit affirmed on 8 September 2022 (**Second Affidavit**) and my further supplementary affidavit affirmed on 6 August 2023 (**Third Affidavit**). In this affidavit, capitalised terms have the same meaning as in my previous affidavits.
6. In this affidavit, I refer to correspondence and extracts from the OAIC's Resolve database regarding the seven remaining IC Reviews that are the subject of the separate question. Now produced and shown to me and marked **RAD-4** is an exhibit comprising a bundle of

documents referred to in this affidavit. Each document in exhibit **RAD-4** has been marked with an individual number or code. In this affidavit, where I intend to refer to a particular document within exhibit **RAD-4**, I have referred to the number or code corresponding to the document in square brackets. Some of the documents in **RAD-4** are emails. Some of the documents included in exhibit **RAD-4** have been redacted because the information is privileged, confidential or personal.

#### **Updates to my previous evidence**

7. In my First Affidavit at paragraph [11], I stated that Leo Hardiman PSM KC was appointed FOI Commissioner in April 2022. On 5 March 2023, Mr Hardiman PSM KC resigned his appointment as FOI Commissioner, with effect from 19 May 2023.
8. In my Third Affidavit at paragraph [31], I gave evidence about the number of IC Reviews awaiting finalisation by the OAIC, as at 2 March 2023. As at 13 March 2023, there is now a total of 2,035 IC Reviews awaiting finalisation by the OAIC:
  - (a) 42 of the pending IC Reviews were lodged in 2018. All of the pending IC Reviews from 2018 have been allocated to Review Advisers.
  - (b) 220 of the pending IC Reviews were lodged in 2019. 11 of the pending IC Reviews from 2019 are waiting to be allocated to a Review Adviser.
  - (c) 325 of the pending IC Reviews were lodged in 2020. 265 of the pending IC Reviews from 2020 are waiting to be allocated to a Review Adviser.



10. Since 2 March 2023, a decision was made pursuant to s 54W(b) not to undertake an IC Review in relation to 15 IC Review applications, the OAIC being the respondent to all of those applications, which were all lodged by the same applicant.

**Updates regarding the IC Reviews the subject of the separate question**

11. Since 2 March 2023, there have been no entries in the Resolve database for any of the IC Reviews except for MR20/00424.

**MR20/00054 — Respondent agency: DFAT**

12. There have been no entries in the Resolve database for this IC Review since 2 March 2023.
13. In my Third Affidavit at paragraph [57], I stated that the Review Adviser has commenced preparing a draft decision, and I described the steps in the decision-drafting process. As at 13 March 2023, the Review Adviser has not completed the decision-drafting process. The Review Adviser has not yet formed a view about whether it will be necessary to take further procedural steps or seek evidence from the Inspector-General of Intelligence and Security under s 55ZB(1) of the FOI Act. The time taken at this stage of the IC Review reflects the Review Adviser's workload associated with other IC reviews, the number of exemptions claimed by DFAT and the number of documents involved in this review.

**MR20/00424 — Respondent agency: DISR**

14. The history of this IC Review is described in my First Affidavit at paragraphs [87]–[107], in my Second Affidavit at paragraphs [12]–[21] and in my Third Affidavit at paragraphs [60]–[74]. The Resolve record for MR20/00424, as at 13 March 2023, is [RES.00424.04].
15. This matter has not been allocated to a Review Adviser yet, but a Review Adviser has been corresponding with DISR regarding compliance with the s 55U notice and related issues.
16. As stated in paragraph [71] of my Third Affidavit, on 2 March 2023, the Review Adviser refused a request by DISR's external lawyer for a 4 week extension of time and asked that submissions be provided "as soon as possible".
17. On 3 March 2023, DISR's external lawyer sent an email to the Review Adviser, acknowledging the request for submissions to be provided as soon as possible [00424.054]. The Review Adviser responded to the email from DISR's external lawyer on 3 March 2023, indicating that she would seek an update "mid-next week" unless DISR had contacted the OAIC before then [00424.054].
18. The Resolve record indicates that on 9 March 2023, the Review Adviser called DISR's external lawyer and left a voicemail. Later that day, the Review Adviser sent an email to

DISR's external lawyer, seeking an "urgent update on the progress of the Department's submissions" [00424.054]. DISR's external lawyer replied to the Review Adviser's email that day [00424.054]. The email stated: "We are working with our instructors and expect to be able to provide submissions to you by mid next week. Please let us know if this is acceptable."

19. On 13 March 2023, the Review Adviser replied to DISR's external lawyer, noting that the OAIC would await the Department's submissions by mid this week [00424.055].
20. As at 13 March 2023, there were approximately 85 IC Review applications assigned to the R&I team, but not yet allocated to a Review Adviser, that were lodged with the OAIC before MR20/00424.

**MR20/00613 — Respondent agency: Department of Treasury**

21. There have been no entries in the Resolve database for this IC Review since 2 March 2023.
22. As at 13 March 2023, there were approximately 134 IC Review applications assigned to the R&I team, but not yet allocated to a Review Adviser, that were lodged with the OAIC before MR20/00613.

**MR20/00760 — Respondent agency: DISR**

23. There have been no entries in the Resolve database for this IC Review since 2 March 2023.
24. As at 13 March 2023, there were approximately 164 IC Review applications assigned to the R&I team, but not yet allocated to a Review Adviser, that were lodged with the OAIC before MR20/00760.

**MR20/00863 — Respondent agency: DISR**

25. There have been no entries in the Resolve database for this IC Review since 2 March 2023.
26. In my Third Affidavit at paragraph [109], I stated that the next step is for the Review Adviser to consider whether the OAIC has received all the information and submissions necessary to proceed to a decision under s 55K. In order to do so, the Review Adviser will need to review the documents received from DISR on 30 January 2023. As at 13 March 2023, the Review Adviser has not finished reviewing those documents, or formed a view about the further conduct of the review.

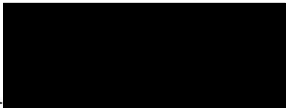
**MR20/00922 — Respondent agency: Department of Health**

- 27. There have been no entries in the Resolve database for this IC Review since 2 March 2023.
- 28. As at 13 March 2023, there were approximately 193 IC Review applications assigned to the R&I team, but not yet allocated to a Review Adviser, that were lodged with the OAIC before MR20/00922.

**MR20/01189 — Respondent agency: Department of Prime Minister & Cabinet**

- 29. There have been no entries in the Resolve database for this IC Review since 2 March 2023 and the next steps for this IC review remain as set out in paragraph [116] of my Third Affidavit.

Affirmed by the deponent )  
 at Sydney NSW )  
 on 14 March 2023 )  
 Before me: )



Signature of witness

Witness's name: Elizabeth Thompson

Witness's qualification: Solicitor

Witness's address: Level 5, 60 Martin Place, Sydney NSW 2000

And as a witness, I certify the following matters concerning the person who made this affidavit (the deponent):

- 1 I saw the face of the deponent.
- 2 I have confirmed the deponent's identity using the following identification document:

NSW Driver licence number 2043408850

Identification document relied on (may be original or certified copy)

**Exhibit Certificate**

No. VID519 of 2021

Federal Court of Australia  
District Registry: Victoria  
Division: General

**REX PATRICK**

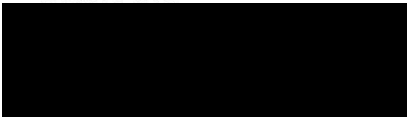
Applicant

**AUSTRALIAN INFORMATION COMMISSIONER**

Respondent

**EXHIBIT "RAD-4"**

Before me:

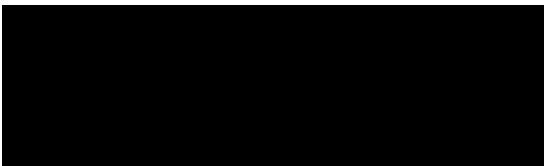


Signature of witness

Witness's name: Elizabeth Thompson

Witness's qualification: Solicitor

Witness's address: Level 5, 60 Martin Place, Sydney NSW 2000



Dated: 14 March 2023



**RES.00424.04**

**8**

**MR20/00424**

13-Mar-2023 5:05 PM

**Title**

Patrick, Rex | DISER - Department of Industry, Science, Energy and Resources

**Receipt Details**

File Type:	Access Refusal	Received Date:	24-Apr-2020 12:00 AM
Case Type:	Prepare Review	Received By:	[REDACTED]
How Received:		Registered Date:	28-Apr-2020 9:58 AM
Owned By:	FOI - IC reviews - Reviews	Registered By:	FOI - IC reviews - Reviews

**Case Details**

Stage:	Allocation
How Received:	Email
Validation:	Valid
Sensitivity:	Member of Parliament
File Security:	OFFICIAL
Agency Reference Number:	LEX 65378
Primary Client Group:	Organisation
Parent Case Entity Code:	IC Review
Respondent Client Group:	Organisation
Case PrimaryPerson:	Patrick, Rex
Case Respondent:	DISER - Department of Industry, Science, Energy and Resources
Assessor Note:	*[Cat 5.3] ss 47C, 34(1)(a), 22; s 54Z in
Retention Class:	OAIC RA 61986 (D2)
IC Review Case Type:	Primary
Deemed decision:	No
Previous Case Owner ID:	125293
Ready to draft decision:	No

**Case Parties - 3**

Applicant Client:	Patrick, Rex
Respondent Client:	DISER - Department of Industry, Science, Energy and Resources
Respondent Contact:	[REDACTED]

**Summary**

\*Department of Industry, Science, Energy and Resources

Summary

Request: 1. A copy of brief provided by the Department of Industry, Science, Energy and Resources to the Minister for the purposes of briefing him for the decision on the location for a National Radioactive Waste Management Facility.

2. A copy of the decision and the decision reasoning by the Minister.

Decision under review: original decision dated 21 April 2020 - to grant access to 1 document in part under ss 47C and 22 and exempt 2 documents in full under s 34(1)(a)

Number of documents at issue: 3

Scope of review: Applicant seeks review of exemptions ss 47C, 34(1)(a), 22

Assessment notes

Post triage notes:

Opening letter to A: Confirm scope of review.

Opening letter to R: Request processing documentation including material at issue or in relation to s 34 claim, evidence which supports exemption contention, which may include consultation within relevant line areas and agencies and/or affidavit.

Refer matter to Significant and Systemic Team.

Review adviser notes: Consider whether document at issue is required under s 55U. Consider application of Dan Conifer and Department of the Prime Minister and Cabinet (No. 3) (Freedom of information)

[2017] AICmr 132 (7 December 2017).

RA 28/4/2020

### Actions - 31 (8 Open, 23 Completed)

Action	Owner	Due	Completed
Record case details and attach docs (MR REG)	[REDACTED]	30-Apr-2020	28-Apr-2020
Send Acknowledgement Letter (MR REG)	[REDACTED]	30-Apr-2020	28-Apr-2020
Move to Triage basket (MR REG)	[REDACTED]	29-Apr-2020	28-Apr-2020
Allocate to Triage Officer (MR TR)	FOI - Triage	29-Apr-2020	28-Apr-2020, [REDACTED]
Conduct Triage (MR TR)	[REDACTED]	29-Apr-2020	28-Apr-2020: Mail Assessment
Decide Path (MR MA)	FOI - IC reviews - Assessment	29-Apr-2020	28-Apr-2020, Ago, Rocelle: 54Z - Conduct Review

\*Department of Industry, Science, Energy and Resources Summary Request: 1. A copy of brief provided by the Department of Industry, Science, Energy and Resources to the Minister for the purposes of briefing him for the decision on the location for a National Radioactive Waste Management Facility. 2. A copy of the decision and the decision reasoning by the Minister. Decision under review: original decision dated 21 April 2020 - to grant access to 1 document in part under ss 47C and 22 and exempt 2 documents in full under s 34(1)(a) Number of documents at issue: 3 Scope of review: Applicant seeks review of exemptions ss 47C, 34(1)(a), 22 Assessment notes Post triage notes: Opening letter to A: Confirm scope of review. Opening letter to R: Request processing documentation including material at issue or in relation to s 34 claim, evidence which supports exemption contention, which may include consultation within relevant line areas and agencies and/or affidavit. Refer matter to Significant and Systemic Team. Review adviser notes: Consider whether document at issue is required under s 55U. Consider application of Dan Conifer and Department of the Prime Minister and Cabinet (No. 3) (Freedom of information) [2017] AICmr 132 (7 December 2017). RA 28/4/2020

Move to Allocation – Review (MR MA)	FOI - IC reviews - Assessment	29-Apr-2020	28-Apr-2020, Ago, Rocelle
Allocate Review (MR RF)	FOI - IC reviews - Reviews	29-Apr-2020	
zMR-013 - 54Z Decision to review Notification to Applicant Access Refusal	FOI - IC reviews - Post Triage	28-May-2020	27-May-2020, [REDACTED]
zMR-045 - 54Z Decision to Review Letter to Respondent	FOI - IC reviews - ER	28-May-2020	25-Aug-2020, [REDACTED]
File Note	[REDACTED]	26-Aug-2020	25-Aug-2020



their meeting is this afternoon and [REDACTED] advised around 4pm. [REDACTED] left his number, [REDACTED]. [REDACTED] 03/08/2022 Rang back [REDACTED], advised that we would agree to a date for the proposed revised decision, [REDACTED] asked if he could email me with a proposed date after their meeting this afternoon, which I agreed to. [REDACTED] 03/08/2022

File Note [REDACTED] 05-Aug-2022 04-Aug-2022

Hi [REDACTED] I think it's reasonable for R to have an extension in this case, given the requirement to consult. [REDACTED] 4/8/22 ----- Hi [REDACTED], could you consider my phone call record with the R of yesterday, 3 Aug 2022, and the R's email of today, saved to Resolve? We have a s 55U notice on foot, requesting exempt material by 12 Aug 2022. The R has, in summary, proposed to consult with the following 2 agencies and advise us of the outcome by 2 Sep 2022. On that date, we would then agree to a deadline for either (1) a revised decision or (2) final submissions. - PM&C, - and the Australian Radioactive Waste Agency I think that the R's proposal is reasonable, though please advise of your views. [REDACTED] 04/08/2022

Phone call - Respondent or Rep FOI - IC reviews - Significant and Systemic 05-Sep-2022 05-Sep-2022, [REDACTED]

Rang [REDACTED] of the R on [REDACTED] per signature block, phone rang out, unable to leave a message. Rang other contact found in Resolve, [REDACTED], saved as main FOI contact, on [REDACTED], phone rang out, unable to leave a message. [REDACTED] 02/09/2022

Phone call - Respondent or Rep FOI - IC reviews - Significant and Systemic 06-Sep-2022 05-Sep-2022, [REDACTED]

Rang [REDACTED] of the R to advise that we request that the documents at issue be provided as soon as possible, and we agree to a 2-week extension for submissions/revised decision, not 30 days; left message advising of the reference number, [REDACTED]'s email of 2 Sep 2022, and asked [REDACTED] to ring me back, left direct number. [REDACTED] 05/09/2022, 1.54pm Rang [REDACTED] of the R again at 2.35pm, received voicemail, did not leave a message. [REDACTED] 05/09/2022

Await response - Respondent or Rep FOI - IC reviews - Reviews 19-Sep-2022

Further sub or revised decision due 19 Sep 2022. [REDACTED] 05/09/2022 Further subs due in line with EOT on 30 Sep 2022. [REDACTED] 26/09/2022

Phone call - Respondent or Rep FOI - IC reviews - Significant and Systemic 07-Sep-2022 06-Sep-2022, [REDACTED]

[REDACTED] of the R rang, in response to my voicemail of yesterday; I advised that I understand that I sent an email with our request, in response to the R's email, after my voicemail, and asked if the R is placed to arrange safe hand delivery of the documents as soon as possible and provide the R's response by 19 Sep 2022; [REDACTED] advised yes, he is liaising with records about the safe hand delivery at the moment, and he has also advised the line area and business manager that they are due to respond by 19 September 2022 (per my email). In relation to the safe-hand delivery, I asked [REDACTED] to just provide me with a day's notice, and I will ensure that I am available to accept the safe-hand delivery. [REDACTED] 06/09/2022

Exempt Material FOI - IC reviews - Reviews 23-Sep-2022

Received exempt material, delivered by hand, by [REDACTED] of AGS. [REDACTED] advised that the documents were not originally marked CABINET IN CONFIDENCE, but in preparing the documents to provide to us,

they are now marked CABINET IN CONFIDENCE. I note that the documents are also numbered and paginated: document 3, 178 pages, and document 4, 70 pages. Stored in top drawer of blue safe. [REDACTED] 26/09/2022

Ownership Reassigned Ago, Rocelle 17-Feb-2023 17-Feb-2023  
Assigned to 'FOI - IC reviews - Reviews' by 'Ago, Rocelle'

Phone call - Respondent or Rep FOI - IC reviews - Reviews 27-Feb-2023 28-Feb-2023, [REDACTED]

Rang [REDACTED] of AGS, rep'ing the R. I noted that our last contact was on 26 Sep 2022, when the R hand-delivered documents at issue. I advised that we believed the R would provide subs by 30 Sep 2022. We have reviewed the file and we have not received them. [REDACTED] looked at her file and apologised, she can see that as at November, she was awaiting instructions from the R, and she believes the contact at the R has moved on. She will get in touch with the R and update us on Monday as to her success in doing that, and when she can provide submissions. I left my direct number with [REDACTED] 24/02/2023

Phone call - Respondent or Rep FOI - IC reviews - Reviews 01-Mar-2023 02-Mar-2023, [REDACTED]

[REDACTED] of the R's rep rang, [REDACTED] apologised that this matter seems to have slipped through the cracks late last year. The R wants to make submissions and potentially a s 55G decision because some material in documents 2 and 3, currently exempt under s 34, might be available for release because of some public release of that material. [REDACTED] advised that the client (the R) is in a federal court matter in relation to this matter at the moment, and once the federal court matter is over, they can consider this matter fully. They are requesting a 4-week extension, because [REDACTED] believes that it will take 2 weeks for her to get instructions, then she will need 2 weeks to review them and provide the submissions. [REDACTED] advised that this is complicated because some of the material has been disclosed in that proceeding, and they need to work out exactly what that material is; they may also be releasing material in part, and newly applying the legal professional privilege exemption to some of the remaining material that was part of wholly exempt material. I advised that I would discuss with my supervisor and email [REDACTED] with a response to the EOT request, requesting 4 weeks in total. [REDACTED] 28/02/2023

Await Clearance - Assistant Director [REDACTED] 07-Mar-2023

Dear [REDACTED], Rocelle has asked me to put this action to you. Please discuss how to respond to the R's EOT request with me. [REDACTED] 28/02/2023 Dear Rocelle, please see my file note of phone call with R's rep of today. The R is requesting 4 weeks to make submissions and potentially a revised decision. Could you consider/discuss how to respond with me? [REDACTED] 28/02/2023

Phone call - Respondent or Rep FOI - IC reviews - Reviews 03-Mar-2023 02-Mar-2023, [REDACTED]

Rang [REDACTED] of the R's rep, left voicemail asking [REDACTED] to call back. [REDACTED] 02/03/2023 Rang [REDACTED] of the R's rep, received voicemail, did not leave message. 4.35pm. [REDACTED] 02/03/2023

Await response - Respondent or Rep [REDACTED] 17-Mar-2023

Awaiting submissions from R on an urgent basis. Contact R on 8 March 2023 for update unless R has contacted us before then. [REDACTED] 03/03/2023 Awaiting submissions from R by mid this week, 15 March 2023. [REDACTED] 13/03/2023

Phone call - Respondent or Rep FOI - IC reviews - Reviews 10-Mar-2023

Rang [REDACTED] of AGS, the R's rep, left voicemail asking for an update in relation to the R's submissions, requested that [REDACTED] call or email back today, left call back number. [REDACTED] 09/03/2023

## Documents - 62

Title	Date Added	By
Re: IC Review - LEX 65378 - Department of Industry Decision	24-Apr-2020 4:30 PM	[REDACTED]
LEX 65378 signed decision letter .pdf	28-Apr-2020 10:03 AM	[REDACTED]
Re: IC Review - LEX 65378 - Department of Industry	21-Apr-2020 2:26 PM	[REDACTED]
RE: IC Review - LEX 65378 - Department of Industry Decision [SEC=OFFICIAL]	28-Apr-2020 10:08 AM	[REDACTED]
Decision to Review Notification Letter to Applicant - Maximilian Verlato	27-May-2020 2:37 PM	[REDACTED]
MR20/00424 - Your application for Information Commissioner review of Department of Industry, Innovation and Science's decision [SEC=OFFICIAL]	27-May-2020 3:22 PM	[REDACTED]
54Z Notification Letter - FOI Contact Officer	27-May-2020 3:23 PM	[REDACTED]
MR20/00424 - Notice of IC review and request for documents [SEC=OFFICIAL]	27-May-2020 3:38 PM	[REDACTED]
Request for an extension of time - MR20/00424 - Notice of IC review and request for documents [SEC=UNCLASSIFIED]	15-Jun-2020 7:56 AM	
Senator Rex Patrick and DIIS Request for an extension of time - MR20/00424 - Notice of IC review and request for documents [SEC=UNCLASSIFIED]	22-Jun-2020 8:46 AM	
RE: Senator Rex Patrick and DIIS Request for an extension of time - MR20/00424 - Notice of IC review and request for documents [SEC=UNCLASSIFIED]	22-Jun-2020 4:18 PM	[REDACTED]
RE: Request for an extension of time - MR20/00424 - Notice of IC review and request for documents [SEC=UNCLASSIFIED]	22-Jun-2020 4:40 PM	[REDACTED]
RE: Senator Rex Patrick and DIIS Request for an extension of time - MR20/00424 - Notice of IC review and request for documents [SEC=UNCLASSIFIED]	22-Jun-2020 4:18 PM	
RE: Senator Rex Patrick and DIIS Request for an extension of time - MR20/00424 - Notice of IC review and request for documents [SEC=UNCLASSIFIED]	22-Jun-2020 4:36 PM	
Senator Patrick's three applications for IC review of decisions of the Department of Industry, Innovation and Science [SEC=OFFICIAL]	01-Jul-2020 5:53 PM	[REDACTED]
RE: Request for an extension of time - MR20/00424 - Notice of IC review and request for documents [SEC=UNCLASSIFIED]	01-Jul-2020 12:53 PM	[REDACTED]
[REDACTED] and Senator Patrick [SEC=OFFICIAL]	02-Jul-2020 4:02 PM	[REDACTED]
RE: Request for an extension of time - MR20/00424 - Notice of IC review and request for documents [SEC=UNCLASSIFIED]	03-Jul-2020 9:49 AM	[REDACTED]
RE: Request for an extension of time - MR20/00424 - Notice of IC review and request for	17-Jul-2020 10:35 AM	[REDACTED]

documents [SEC=UNCLASSIFIED]		
RE: Request for an extension of time - MR20/00424 - Notice of IC review and request for documents [SEC=UNCLASSIFIED]	30-Jul-2020 10:08 AM	[REDACTED]
RE: MR20/00424 - Notice of IC review and request for documents [SEC=OFFICIAL]	13-Aug-2020 4:17 PM	[REDACTED]
RE: MR20/00424 - Notice of IC review and request for documents [SEC=OFFICIAL]	20-Aug-2020 10:31 AM	[REDACTED]
RE: RE: MR20/00424 - Notice of IC review and request for documents [SEC=OFFICIAL]	24-Aug-2020 9:45 AM	[REDACTED]
MR20-00424 - L66232 - Submissions to OAIC.pdf	25-Aug-2020 9:08 AM	[REDACTED]
ATTACHMENT A - FOI 4 February 2020.pdf	25-Aug-2020 9:08 AM	[REDACTED]
ATTACHMENT B - DOCUMENT 1. Ministerial Brief MS20-000063 - marked up and....pdf	25-Aug-2020 9:08 AM	[REDACTED]
RE: RE: MR20/00424 - Notice of IC review and request for documents [SEC=OFFICIAL]	25-Aug-2020 10:05 AM	[REDACTED]
Update on IC Matters SECUNOFFICIAL.msg	12-Jan-2021 5:21 PM	[REDACTED]
Notification of proceedings   VID519/2021 - Senator Rex Patrick v Australian Information Commissioner: IC review application MR20/00424, MR20/00604, MR20/00760, MR20/00863, MR20/00923 [SEC=OFFICIAL]	04-Nov-2021 5:11 PM	[REDACTED]
Information Commissioner reviews - Senator Rex Patrick and Department of Industry MR20/00923 and MR20/00424 [SEC=OFFICIAL]	21-Dec-2021 4:55 PM	[REDACTED]
FW: Information Commissioner reviews - Senator Rex Patrick and Department of Industry MR20/00923 and MR20/00424 [SEC=OFFICIAL]	23-Dec-2021 12:31 PM	[REDACTED]
RE: Information Commissioner reviews - Senator Rex Patrick and Department of Industry MR20/00923 and MR20/00424 [SEC=OFFICIAL]	13-Jan-2022 4:34 PM	[REDACTED]
FW: MR20/00923 - Your IC review regarding the Department of Industry, Science, Energy and Resources [SEC=OFFICIAL]	22-Jun-2022 3:00 PM	[REDACTED]
IC Reviews - status update. [SEC=OFFICIAL]	15-Jul-2022 3:46 PM	[REDACTED]
RE: IC Reviews - status update. [SEC=OFFICIAL]	28-Jul-2022 3:27 PM	[REDACTED]
s 55U Notice - 1189.docx	28-Jul-2022 3:36 PM	[REDACTED]
IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources - Notice to produce information and documents under s 55U	29-Jul-2022 10:27 AM	[REDACTED]
RE: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources - Notice to produce information and documents under s 55U [SEC=OFFICIAL]	03-Aug-2022 6:07 PM	[REDACTED]
RE: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources - Notice to produce information and documents under s 55U [SEC=OFFICIAL]	04-Aug-2022 10:10 AM	[REDACTED]
RE: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources - Notice to produce information and documents under s 55U [SEC=OFFICIAL]	02-Sep-2022 1:18 PM	[REDACTED]
RE: IC review - MR20/00424 - Rex Patrick and	02-Sep-2022 4:56 PM	[REDACTED]

Department of Industry, Science and Resources -  
Notice to produce information and documents  
under s 55U [SEC=OFFICIAL]

RE: MR20/00424 - Rex Patrick and Department of  
Industry, Science, Energy and Resources  
[SEC=OFFICIAL]

05-Sep-2022 1:33 PM



RE: IC review - MR20/00424 - Rex Patrick and  
Department of Industry, Science and Resources -  
Notice to produce information and documents  
under s 55U [SEC=OFFICIAL]

05-Sep-2022 2:42 PM



Missed call - Message from Unknown sender  
(██████████) [SEC=OFFICIAL]

06-Sep-2022 11:48 AM



RE: IC review - MR20/00424 - Rex Patrick and  
Department of Industry, Science and Resources -  
Notice to produce information and documents  
under s 55U [SEC=OFFICIAL]

19-Sep-2022 2:26 PM



RE: IC review - MR20/00424 - Rex Patrick and  
Department of Industry, Science and Resources -  
Notice to produce information and documents  
under s 55U [SEC=OFFICIAL]

20-Sep-2022 11:19 AM



RE: IC review - MR20/00424 - Rex Patrick and  
Department of Industry, Science and Resources -  
Notice to produce information and documents  
under s 55U [SEC=OFFICIAL] [AGSDMS-  
DMS.FID3628079]

25-Sep-2022 5:16 PM



FW: IC review - MR20/00424 - Rex Patrick and  
Department of Industry, Science and Resources -  
Notice to produce information and documents  
under s 55U [SEC=OFFICIAL] [AGSDMS-  
DMS.FID3628079]

25-Sep-2022 5:26 PM



RE: IC review - MR20/00424 - Rex Patrick and  
Department of Industry, Science and Resources -  
Notice to produce information and documents  
under s 55U [SEC=OFFICIAL] [AGSDMS-  
DMS.FID3628079]

26-Sep-2022 8:58 AM



RE: IC review - MR20/00424 - Rex Patrick and  
Department of Industry, Science and Resources -  
Notice to produce information and documents  
under s 55U [SEC=OFFICIAL]

26-Sep-2022 10:20 AM



RE: IC review - MR20/00424 - Rex Patrick and  
Department of Industry, Science and Resources -  
Notice to produce information and documents  
under s 55U [SEC=OFFICIAL]

26-Sep-2022 10:25 AM



Re: IC review - MR20/00424 - Rex Patrick and  
Department of Industry, Science and Resources -  
Notice to produce information and documents  
under s 55U [SEC=OFFICIAL]

26-Sep-2022 11:25 AM



RE: IC review - MR20/00424 - Rex Patrick and  
Department of Industry, Science and Resources -  
Notice to produce information and documents  
under s 55U [SEC=OFFICIAL] [AGSDMS-  
DMS.FID3628079]

26-Sep-2022 10:16 AM



RE: IC review - MR20/00424 - Rex Patrick and  
Department of Industry, Science and Resources -  
Notice to produce information and documents  
under s 55U [SEC=OFFICIAL] [AGSDMS-  
DMS.FID3628079]

26-Sep-2022 11:50 AM





RE: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources - Notice to produce information and documents under s 55U [SEC=OFFICIAL] [AGSDMS-DMS.FID3628079]	26-Sep-2022 10:13 AM	[REDACTED]
RE: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources - Notice to produce information and documents under s 55U [SEC=OFFICIAL] [AGSDMS-DMS.FID3628079]	26-Sep-2022 1:29 PM	[REDACTED]
IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources	02-Mar-2023 4:42 PM	[REDACTED]
RE: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources [SEC=OFFICIAL] [AGSDMS-DMS.FID3628079]	03-Mar-2023 12:55 PM	[REDACTED]
RE: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources [SEC=OFFICIAL] [AGSDMS-DMS.FID3628079]	03-Mar-2023 1:02 PM	[REDACTED]
RE: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources [SEC=OFFICIAL] [AGSDMS-DMS.FID3628079]	09-Mar-2023 3:51 PM	[REDACTED]
RE: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources [SEC=OFFICIAL] [AGSDMS-DMS.FID3628079]	09-Mar-2023 4:34 PM	[REDACTED]
RE: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources [SEC=OFFICIAL] [AGSDMS-DMS.FID3628079]	13-Mar-2023 2:22 PM	[REDACTED]

---

**Cross References - 1**

Case	Comments
LEG21/00084	

██████████

---

**From:** ██████████@ags.gov.au>  
**Sent:** Thursday, 9 March 2023 4:35 PM  
**To:** ██████████  
**Cc:** FOI@industry.gov.au  
**Subject:** RE: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources [SEC=OFFICIAL] [AGSDMS-DMS.FID3628079]

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi ██████████ – sorry to have missed your call. I have been in a conference most of the afternoon.

We are working with our instructors and expect to be able to provide submissions to you by mid next week.

Please let us know if this is acceptable.

Kind regards

██████████

---

██████████  
Senior Executive Lawyer  
Australian Government Solicitor  
T ██████████  
██████████@ags.gov.au

Find out more about AGS at <http://www.ags.gov.au>

**Important:** This message may contain confidential or legally privileged information. If you think it was sent to you by mistake, please delete all copies and advise the sender. For the purposes of the *Spam Act 2003*, this email is authorised by AGS.

---

**From:** ██████████@oaic.gov.au>  
**Sent:** Thursday, 9 March 2023 3:51 PM  
**To:** ██████████@ags.gov.au>  
**Cc:** FOI@industry.gov.au  
**Subject:** RE: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources [AGSDMS-DMS.FID3628079] [SEC=OFFICIAL]

Dear ██████████

Further to my voicemail of earlier today, I am seeking your **urgent** update on the progress of the Department's submissions.

I will contact you again tomorrow morning if I have not heard from you before then.

Kind regards



██████████ | Senior Review Adviser (Legal)  
 Freedom of Information Regulatory Group  
 Office of the Australian Information Commissioner  
 GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](http://oaic.gov.au)  
 ██████████ | ██████████@oaic.gov.au

f | in | t | [Subscribe to OAIC net newsletter](#)

**From:** ██████████  
**Sent:** Friday, 3 March 2023 1:03 PM  
**To:** ██████████@ags.gov.au>  
**Cc:** [FOI@industry.gov.au](mailto:FOI@industry.gov.au)  
**Subject:** RE: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources [SEC=OFFICIAL] [AGSDMS-DMS.FID3628079]

Dear ██████████

Thank you, I will contact you mid next week for a further update, if you have not contacted us before then.

Kind regards



██████████ | Senior Review Adviser (Legal)  
 Freedom of Information Regulatory Group  
 Office of the Australian Information Commissioner  
 GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](http://oaic.gov.au)  
 ██████████ | ██████████@oaic.gov.au

f | in | t | [Subscribe to OAIC net newsletter](#)

**From:** ██████████@ags.gov.au>  
**Sent:** Friday, 3 March 2023 12:55 PM  
**To:** ██████████@oaic.gov.au>  
**Cc:** [FOI@industry.gov.au](mailto:FOI@industry.gov.au)  
**Subject:** RE: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources [SEC=OFFICIAL] [AGSDMS-DMS.FID3628079]

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear ██████████

Thank you for your call and email below.

Your request for submissions to be filed as soon as possible is noted. We are liaising with the Department and will aim to provide you with submissions as soon as possible.

Kind regards

██████████

Senior Executive Lawyer  
Australian Government Solicitor

T [REDACTED]  
[REDACTED]@ags.gov.au

Find out more about AGS at <http://www.ags.gov.au>

**Important:** This message may contain confidential or legally privileged information. If you think it was sent to you by mistake, please delete all copies and advise the sender. For the purposes of the *Spam Act 2003*, this email is authorised by AGS.

From: [REDACTED]@oaic.gov.au>

Sent: Thursday, 2 March 2023 4:42 PM

To: [REDACTED]@ags.gov.au>

Cc: [FOI@industry.gov.au](mailto:FOI@industry.gov.au)

Subject: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources [SEC=OFFICIAL]

**CAUTION:** This email originated from outside of the organisation. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

Our ref: MR20/00424

Agency ref: LEX 65378

Dear [REDACTED]

Further to our discussions of 24 and 28 February 2023, and my voicemail of earlier this afternoon, I am emailing to advise that we are not agreeable to giving a 4-week extension of time for the Department's submissions in this matter, and we request those submissions as soon as possible.

We have reached that view in light of the time that the Department has had to provide submissions in this matter, and we consider that the Department has not given a sufficient explanation of why a further 4 weeks are required.

If you wish to discuss, or provide further reasons for requesting an extension of time, please contact me.

Kind regards



[REDACTED] | Senior Review Adviser (Legal)  
Freedom of Information Regulatory Group  
Office of the Australian Information Commissioner  
GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](http://oaic.gov.au)  
[REDACTED] | [REDACTED]@oaic.gov.au

f | in | t | [Subscribe to OAIC net newsletter](#)

Notice:

The information contained in this email message and any attached files may be confidential information, and may also be the subject of legal professional privilege. If you are not the intended recipient any use, disclosure or copying of this email is unauthorised. If you received this email in error, please notify the sender by contacting the department's switchboard on 1300 488 064 during business hours (8:30am - 5pm Canberra time) and delete all copies of this transmission together with any attachments.

If you have received this transmission in error please notify us immediately by return e-mail and delete all copies. If this e-mail or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the e-mail or attachments.

Notice:

The information contained in this email message and any attached files may be confidential information, and may also be the subject of legal professional privilege. If you are not the intended recipient any use, disclosure or copying of this email is unauthorised. If you received this email in error, please notify the sender by contacting the department's switchboard on 1300 488 064 during business hours (8:30am - 5pm Canberra time) and delete all copies of this transmission together with any attachments.

If you have received this transmission in error please notify us immediately by return e-mail and delete all copies. If this e-mail or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the e-mail or attachments.

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [FOI@industry.gov.au](mailto:FOI@industry.gov.au)  
**Subject:** RE: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources [SEC=OFFICIAL] [AGSDMS-DMS.FID3628079]  
**Date:** Monday, 13 March 2023 2:22:00 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

---

Dear [REDACTED]

Thank you for your below email. We await the Department's submissions by mid this week.  
Kind regards



[REDACTED] | Senior Review Adviser (Legal)  
Freedom of Information Regulatory Group  
Office of the Australian Information Commissioner  
GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](http://oaic.gov.au)  
[REDACTED] | [REDACTED]@oaic.gov.au

f | | | [Subscribe to OAIC net newsletter](#)

---

**From:** [REDACTED]@ags.gov.au>  
**Sent:** Thursday, 9 March 2023 4:35 PM  
**To:** [REDACTED]@oaic.gov.au>  
**Cc:** FOI@industry.gov.au  
**Subject:** RE: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources [SEC=OFFICIAL] [AGSDMS-DMS.FID3628079]

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi [REDACTED] – sorry to have missed your call. I have been in a conference most of the afternoon.

We are working with our instructors and expect to be able to provide submissions to you by mid next week.

Please let us know if this is acceptable.

Kind regards

[REDACTED]

---

[REDACTED]  
Senior Executive Lawyer  
Australian Government Solicitor

T [REDACTED]

[REDACTED]@ags.gov.au

Find out more about AGS at <http://www.ags.gov.au>

**Important:** This message may contain confidential or legally privileged information. If you think it was sent to you by mistake, please delete all copies and advise the sender. For the purposes of the *Spam Act 2003*, this email is authorised by AGS.

---

**From:** [REDACTED]@oaic.gov.au>  
**Sent:** Thursday, 9 March 2023 3:51 PM  
**To:** [REDACTED]@ags.gov.au>  
**Cc:** [FOI@industry.gov.au](mailto:FOI@industry.gov.au)  
**Subject:** RE: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources [AGSDMS-DMS.FID3628079] [SEC=OFFICIAL]

Dear [REDACTED]  
 Further to my voicemail of earlier today, I am seeking your **urgent** update on the progress of the Department's submissions.  
 I will contact you again tomorrow morning if I have not heard from you before then.  
 Kind regards



[REDACTED] | Senior Review Adviser (Legal)  
 Freedom of Information Regulatory Group  
 Office of the Australian Information Commissioner  
 GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](http://oaic.gov.au)  
 [REDACTED] | [REDACTED]@oaic.gov.au

f | [in](#) | [t](#) | [✉](#) [Subscribe to OAIC net newsletter](#)

---

**From:** [REDACTED]  
**Sent:** Friday, 3 March 2023 1:03 PM  
**To:** [REDACTED]@ags.gov.au>  
**Cc:** [FOI@industry.gov.au](mailto:FOI@industry.gov.au)  
**Subject:** RE: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources [SEC=OFFICIAL] [AGSDMS-DMS.FID3628079]

Dear [REDACTED]  
 Thank you, I will contact you mid next week for a further update, if you have not contacted us before then.  
 Kind regards



[REDACTED] | Senior Review Adviser (Legal)  
 Freedom of Information Regulatory Group  
 Office of the Australian Information Commissioner  
 GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](http://oaic.gov.au)  
 [REDACTED] | [REDACTED]@oaic.gov.au

f | [in](#) | [t](#) | [✉](#) [Subscribe to OAIC net newsletter](#)

---

**From:** [REDACTED]@ags.gov.au>

**Sent:** Friday, 3 March 2023 12:55 PM

**To:** [REDACTED]@oaic.gov.au>

**Cc:** FOI@industry.gov.au

**Subject:** RE: IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources [SEC=OFFICIAL] [AGSDMS-DMS.FID3628079]

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear [REDACTED]

Thank you for your call and email below.

Your request for submissions to be filed as soon as possible is noted. We are liaising with the Department and will aim to provide you with submissions as soon as possible.

Kind regards

[REDACTED]

---

[REDACTED]  
Senior Executive Lawyer  
Australian Government Solicitor  
T [REDACTED]  
[REDACTED]@ags.gov.au

Find out more about AGS at <http://www.ags.gov.au>

**Important:** This message may contain confidential or legally privileged information. If you think it was sent to you by mistake, please delete all copies and advise the sender. For the purposes of the *Spam Act 2003*, this email is authorised by AGS.

**From:** [REDACTED]@oaic.gov.au>

**Sent:** Thursday, 2 March 2023 4:42 PM

**To:** [REDACTED]@ags.gov.au>

**Cc:** FOI@industry.gov.au

**Subject:** IC review - MR20/00424 - Rex Patrick and Department of Industry, Science and Resources [SEC=OFFICIAL]

**CAUTION:** This email originated from outside of the organisation. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

Our ref: MR20/00424

Agency ref: LEX 65378



Dear [REDACTED]

Further to our discussions of 24 and 28 February 2023, and my voicemail of earlier this afternoon, I am emailing to advise that we are not agreeable to giving a 4-week extension of time for the Department's submissions in this matter, and we request those submissions as soon as possible.

We have reached that view in light of the time that the Department has had to provide submissions in this matter, and we consider that the Department has not given a sufficient explanation of why a further 4 weeks are required.

If you wish to discuss, or provide further reasons for requesting an extension of time, please contact me.

Kind regards



[REDACTED] | Senior Review Adviser (Legal)  
Freedom of Information Regulatory Group  
Office of the Australian Information Commissioner  
GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](http://oaic.gov.au)

[REDACTED] | [REDACTED]@oaic.gov.au

f | | | [Subscribe to OAIC net newsletter](#)

#### Notice:

The information contained in this email message and any attached files may be confidential information, and may also be the subject of legal professional privilege. If you are not the intended recipient any use, disclosure or copying of this email is unauthorised. If you received this email in error, please notify the sender by contacting the department's switchboard on 1300 488 064 during business hours (8:30am - 5pm Canberra time) and delete all copies of this transmission together with any attachments.

If you have received this transmission in error please notify us immediately by return e-mail and delete all copies. If this e-mail or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the e-mail or attachments.

#### Notice:

The information contained in this email message and any attached files may be confidential information, and may also be the subject of legal professional privilege. If you are not the intended recipient any use, disclosure or copying of this email is unauthorised. If you received this email in error, please notify the sender by contacting the department's switchboard on 1300 488 064 during business hours (8:30am - 5pm Canberra time) and delete all copies of this transmission together with any attachments.

If you have received this transmission in error please notify us immediately by return e-mail and delete all copies. If this e-mail or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the e-mail or attachments.