



2026 FOI Commissioner Casework Meetings: 21 January 2026 at 10:00 – 10:45

Agenda

1. Outcomes of meeting of 2815 January 2026 for FOI Commissioner approval - [D2026/000135](#)
2. Casework for FOI Commissioner direction
 - a. IC Reviews

s22



1. Outcomes from previous meeting
2. Casework for FOI Commissioner Direction
 - a. IC Reviews

s22



s22

OAIC Ref:	s22
Parties:	s22
Director(s):	s22 s22
Case Officer(s):	s22 ER queue s22
Issue for Direction:	The applicant has requested that the IC reviews are combined and expedited. - whether to decline the request to expedite and progress the related matters together and progress the matters as usual or - decline to undertake/continue to undertake the reviews under s 54W(b) on the basis of complexity and efficiency.
Background:	The IC review applicant was not successful in a procurement bid by the Department. The ANAO audited the procurement process and found it failed to comply with Commonwealth Procurement Rules. Questions about the procurement were also raised at a senate estimates committee. The applicant's FOI requests seek documents concerning the Department's Procurement process. The applicant seeks to progress the IC reviews together and to expedite the reviews for the following reasons: -multiple exemptions including ss 4, 6C, 24, 37,45, 47C, 47E -the alleged corrupt conduct by departmental staff has been referred to the NACC -the applicant has a CDDA claim with the Department allegedly pending finalisation subject to the FOI requests. The applicant claims the Department cannot finalise the CDDA claim whilst the FOI requests are still under merits review.
Whether related to any matters or previous considerations:	As above
Options:	Decline the request to expedite the reviews and proceed under s 54W(b) of the FOI Act. Agree/decline to expedite and proceed with IC reviews

Recommendation:	Proceed under s 54W(b)
Outcome:	Agree to close under s54W (b). Apply the same reasoning to two pending cases due to come in.

s22



2026 FOI Commissioner Casework Meetings: 16 April 2026 at 13:00 – 14:00

Agenda

1. Outcomes of meeting of 9 April 2026 for FOI Commissioner approval - [D2026/010862](#)
2. Casework for FOI Commissioner direction
 - a. IC Reviews

s22



1. Outcomes from previous meeting
2. Casework for FOI Commissioner Direction
 - a. IC Reviews

s22



s22

Recommendation:	
Outcome:	s22 (new not part of the ITD cohort but the applicant is seeking to add it to the matters being referred to the ART)
Parties:	s22
Director:	s22
Case Officer:	s22
Issue for Direction:	- On 21.01.2026 the Commissioner agreed to finalising these matters under s54W(b). See D2026/000858. - The Department has objected to the finalisation of the matters under s54W(b). s22 has also submitted in support of a s 54W(b) as the matters under consideration are similar to matters before the ART which the OAIC previously finalised under s 54W(b) s22. The issue for direction is: Whether to proceed with finalising the matters under s54W(b).
Background:	- The IC review applicant was not successful in a procurement bid by the Department. The ANAO audited the procurement process and found it failed to comply with Commonwealth Procurement Rules. Questions about the procurement were also raised at a senate estimates committee. - The applicant's FOI requests seek documents concerning the Department's Procurement process. - The applicant seeks to progress the IC reviews together and to expedite the reviews for the following reasons: -multiple exemptions including ss 4, 6C, 24, 37,45, 47C, 47E -the alleged corrupt conduct by departmental staff has been referred to the NACC -the applicant has a CDDA claim with the Department allegedly pending finalisation subject to the FOI requests. The applicant claims the Department cannot finalise the CDDA claim whilst the FOI requests are still under merits review. - The FOIC previously reviewed these matters and decided they should be closed under s 54W(b). - A joint ITD was sent to the parties on 9 March 2026. - On 23 March 2026 the Department responded advising that they object to the closure as they don't find the decisions sufficiently similar and complex to warrant review by the ART. - The applicant provided a copy of the ITD to s22. s22 has a current ART proceeding relating to an FOI decision over similar documents from the same Agency. - On 7 April 2026 s22 CC-ed the OAIC into correspondence to the ART, where he suggested that the case management process involving his 3 ART matters is "slowed down" so that all 9 matters including s22 6 IC reviews are dealt with together. On 9 April 2026 the applicant emailed the OAIC to confirm he has no objections to the 54W(b) closure, or the proposal from s22. He also sought to add s22 (in the Assessment Queue) to the cohort of matters being referred to the ART. The applicant has provided s22 comments to the ART in support of his request to have that matter referred to the ART.
Whether related to any matters or previous considerations:	See previous considerations at: D2026/000858
Options:	- Finalise all 6 matters under s 54W(b), - o acknowledge receipt of s22 email and - o send separate correspondence to the parties addressing s22 - Continue case managing all 6 matters and s22
Recommendation:	Option 1
Outcome:	Proceed with Option 1 but do not acknowledge receipt of s22 email.