

Freedom of Information Act 1991

Your Rights to Review and Appeal

Please read the following information prior to completing the attached internal review application.

INTERNAL REVIEW

If you are dissatisfied or concerned with a decision made by a State Government Agency, Local Council or University in relation to:

- an FOI application for access to a document or,
- a request for amendment to your personal records, then

you are entitled to apply for an Internal Review of that decision.

Requests for an Internal Review

To make an application for an Internal Review you must

- write a letter or lodge an application form with the the Principal Officer of the same, State Government Agency, Local Council or University that made the decision, and
- attach the application fee of \$26.75.

Fee Waiver

In some cases the fee for an Internal Review can be waived. If you are the holder of a current concession card or the payment of the fee would cause financial hardship, the agency must waive or remit (reduce or refund) the application fee.

You will need to provide evidence you are a concession cardholder, eg attach a copy of your concession card when you make the application. Alternatively you will need to give written reasons as to why the payment of a fee would cause you financial hardship.

Time frames

If you wish to make an application for Internal Review you need to do so within 30 (calendar) days after being notified of the decision.

You will be advised of the outcome of your Internal Review application within 14 (calendar) days of it being received.

When you can't apply for an Internal Review

If the decision was made by the Principal Officer of a State Government Agency, Local Council or University rather than an officer within the agency, and you are dissatisfied with that decision you cannot apply for an Internal Review. However, you can apply for an External Review by the Ombudsman, the Police Complaints Authority or the District Court.

If you are dissatisfied with a decision to extend the timeframe for dealing with an application you can apply for an External Review to the Ombudsman or the Police Complaints Authority.

EXTERNAL REVIEW

After an Internal Review has been completed or where you are unable to apply for an Internal Review, and you are still dissatisfied with the decision, you have the right to apply for an External Review of the decision.

Who should I apply to?

If the decision was made by a police officer or the Minister for Police you must apply to the Police Complaints Authority.

All other applications for External Review should be made to the Ombudsman.

Costs & Time frames

Investigations by the Ombudsman or Police Complaints Authority are free. Further information is available from the Office of the Ombudsman or Police Complaints Authority.

If you wish to make an application for an External Review you must do so within 30 (calendar) days after being notified of the decision. However, the Ombudsman or the Police Complaints Authority can extend this time limit at their discretion.

Contact Details:	
State Ombudsman Phone: 8226 8699 Toll Free: 1800 182 150 (within SA) Email: ombudsman@ombudsman.sa.gov.au	Police Complaints Authority Phone: 8226 8677 Email: pca@agd.sa.gov.au

APPEAL TO THE DISTRICT COURT

If you are dissatisfied with the decision made by a State Government agency, Local Council or University after your Internal Review application has been completed or after your review by the Ombudsman or the Police Complaints Authority has been completed you can appeal to the District Court.

The procedures relating to applications to the District Court are established by the Court.

Costs & Time frames

Any costs will be determined by the District Court, where applicable.

Applications must be made within 30 (calendar) days after the relevant decision was made or within 30 (calendar) days after the results of the Ombudsman's or Police Complaints Authority's investigation were reported to you.

For more information contact the District Court of South Australia Civil Registry.

Application for Internal Review of Determination

Under s29 & 38 of the *Freedom of Information Act 1991*

To the Principal Officer

Agency name.....

Details of Applicant

Last Name

Given Names

Australian Postal Address

..... Post Code

Tel (hm) Tel (wk) Tel (mob)

FOI Reference Number

I have submitted an application requesting access to documents in accordance with the *Freedom of Information Act 1991*.

I am not satisfied with the determination made by your agency and, therefore, seek a review of this determination because:

(Please place a tick in the appropriate box)

- I have been refused access to a document
- I have been refused access to part of a document
- I have been refused a request to amend a personal document
- I have been given access to a document but access has been deferred
- I believe I have been charged too much
- I am a third party specified in the documents but have not been consulted about giving access to another person
- I have been consulted but disagree with a decision to release the documents

Comments

You may include any additional comments you wish to be considered in the review of the determination (*include additional pages if necessary*)

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Fees and Charges

An application fee of \$26.75 must be submitted with the completed application form, unless you are seeking to have the application fee waived. Please attach evidence, eg a copy of your concession card, or other evidence as proof of financial hardship if this the case.

In the following section please tick as appropriate

- Do you qualify for fee waiver? Yes No
- Is proof attached? Yes No
- Is the fee attached? Yes No
- Application Fee is in form of Cheque Cash Money Order
(Please do no send cash through the mail)

If no fee is attached and you do not qualify for fee waiver then this application will not be valid until the fee has been received by the agency.

In the event that the agency varies or reverses a determination so that access to a document is given (either immediately or subject to deferral) the agency will refund any applicant fee.

Applicant's Signature

Date / / 20.....

OFFICE USE ONLY

Received on / / 20.....

Acknowledgment sent on / / 20.....