

**From:** [REDACTED]  
**To:** [FeedbackRTIandprivacy](#)  
**Subject:** Review of the RTI and IP Act  
**Date:** Thursday, 5 January 2017 7:24:50 AM

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To whom it may concern,

Re: Review of the RTI and IP Act

At external review a decision was considered deemed by the Information Commission due to matters that were out of the control of the decision maker. A decision under the Act was sent registered post around 10 days prior to the decision due date. Due to the applicant not collecting their decision letter at the post office and then seeking a redirection via Australia Post of the item to another post office (seen via the Australia Post tracking number for the postal item) the decision was considered deemed as the due date passed before the applicant collected their decision from the Post Office.

Under the Acts as interpreted by the Information Commissioner 'given' means that a decision-maker is not able to ensure that a decision will not be deemed as it is interpreted that the applicant must receive the decision. This is an unacceptable position as a decision-maker ought to be able to take steps to complete their decision without the possibility of circumstances beyond their control resulting in a deemed decision.

I submit this for consideration in regards to the review of the RTI and IP Acts.

Regards

Sam

Sam McRorie

A/Manager Clinical Information Access

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