



Australian Government
Department of Foreign Affairs and Trade

FOI Ref: 1301-F483
File No: 12/711

22 February 2013

Mr Aiden Archer
foi+request-10-f1509e61@righttoknow.org.au

Dear Mr Archer

Re: Freedom of Information (FOI) Request

I refer to your request of 14 January 2013 seeking access under the *Freedom of Information Act 1982* (the FOI Act) to:

All ministerial submissions (and, if needed, emails and/or briefings to Senior Executive) during the calendar year 2012 which include analysis or discussion of the bid by the Palestinian Authority to upgrade its UN status from observer to non-member status.

In your e-mail of 22 February 2013, you requested a waiver of the charges associated with the processing of your request. I am the decision-maker with respect to processing charges authorised in accordance with the provisions of Section 23(1) of the FOI Act. I am writing to inform you that I have decided not to reduce the original charges estimate of \$17.75.

Please note that at this stage in the FOI process, no decision has been made as to whether the information you seek will be released or exempt under the provisions of the FOI Act. My decision relates only to the processing charges.

Reasons for my decision – Public Interest Grounds

In considering your application to waive charges on public interest grounds in accordance with Section 29 of the FOI Act, I have taken into account whether the giving of access to the documents is *in* the public interest, as opposed to being *of* public interest.

I have considered the general question as to whether the benefit from the release of the information contained in the particular documents will flow to the public at large, or a substantial section of the public, as well as to the specific individual or organisation requesting the documents.

While I accept that the matter of the status of Palestine in the United Nations is of broad interest to the community and has been the subject of media reporting and comment, I consider that the documents which are able to be released in response to your FOI request

will add little to public understanding and debate. The releasable documents relevant to your request comprise the Government's known position on this subject.

Charges in the FOI Act are a vital component of the FOI regime which makes it sustainable and appropriately balanced from a public policy perspective. Significant time and cost to the Australian community is attributable to processing FOI requests. The processing charges are designed to ensure that the Australian community recoups a fair proportion of the costs of processing non-personal FOI requests, given that processing such requests diverts significant community resources away from other key community priorities.

Therefore, in accordance with section 29 of the Act I have decided that the original charges estimate \$17.75 remains applicable to your request.

If you agree to pay the reduced charge you may lodge payment by cheque, or money order made payable to 'The National Cashier – DFAT' to

Freedom of Information and Privacy law Section
Department of Foreign Affairs and Trade
RG Case Building
John McEwan Crescent
BARTON ACT 0221

Your review rights

Internal review

Under the provisions of section 54 of the FOI Act, you are entitled to request a review of my decision. Your request should be directed to:

Director
Freedom of Information and Privacy Law Section
Department of Foreign Affairs and Trade
R G Casey Building
John McEwen Crescent
BARTON ACT 0221

Australian Information Commissioner

Under the provisions of section 54 of the FOI Act, you are entitled to request a review by the Australian Information Commissioner of my access decision. You may also make a complaint to the Australian Information Commissioner under section 70 on the Department's performance of its functions or the exercise of power under the FOI Act.

Your request for review or complaint should be directed to:

GPO Box 2999, Canberra ACT 2601
Telephone: 1300 363 992
Fax: (02) 9284 9666
Email: enquiries@oaic.gov.au

Complaints to the Commonwealth Ombudsman

You may complain to the Ombudsman concerning actions taken by an agency in the exercise of its powers or, more specifically, the performance of its functions under the FOI Act. There

is no fee for making a complaint. The Ombudsman will conduct an independent investigation of your complaint.

You may complain to the Ombudsman by calling or writing to:

Commonwealth Ombudsman
GPO Box 442
Canberra ACT 2601

Telephone: 1300 362 072
Fax: (02) 6249 7829

Should you have any queries regarding this matter please contact me on (02) 6261 3470.

Yours sincerely

A handwritten signature in black ink, appearing to be 'A. Cheung', written in a cursive style.

Ada Cheung
a/g Director
FOI and Privacy Law Section
Domestic Legal Branch



Department of Foreign Affairs and Trade

Credit Card Payment for Freedom of Information (FOI) Charges

Name _____
Address _____

☐ **Payment of Charges: (In Full)**

For a sum of \$_____ as detailed in the FOI Estimate of Charges letter dated
_____ (FOI ref: 1301-F483)

I authorise the National Cashier of the Department of Foreign Affairs and Trade
to debit my

☐ VISA ☐ MASTER CARD

☐☐☐☐-☐☐☐☐-☐☐☐☐-☐☐☐☐ Expiry: ____/____

Name appearing on card _____

Signature: _____