



Our Ref: LS44451 ~ file 12/1152

Ms Margo Kingston  
By email to [foi+request-32-a8c83d8c@righttoknow.org.au](mailto:foi+request-32-a8c83d8c@righttoknow.org.au)

Dear Ms Kingston

**Re LS4451 ~ Your freedom of information request**

I refer to previous correspondence in relation to your FOI request, in particular your email of 9 May 2013 4:19 pm in which you make a new request similar in terms to the amended request made that you made in request No. LS4451, namely for:

-- all documents not previously released to me mentioning or referring to the assertion by Mr Abbott in his 1998 letter that he had sought legal advice before seeking donations to the Trust, and all documents mentioning or referring to allegations later made publicly (in 2003& 2004, and again in 2007) that that statement was untrue;

The schedule of relevant documents compiled for the purposes of your FOI request No. LS4451; and

file note of your conversation with Mr Hallett on Mr Abbott's alleged misinformation on his legal advice in his 1998 letter to the AEC, or reference to my allegations as published in the SMH and in my book.

Am I correct in taking it that the conversation may have been about your book and that the book in question is your book titled *Not happy, John* or is it titled *Off the Rails: The Pauline Hanson Trip*?

I have two other purposes in writing to you today. First, As your request covers documents that contain information concerning:

- (a) the business, commercial or financial affairs of an organisation, or a person's business or professional affairs; and
- (b) another individual's personal information,

the AEC is required to consult with the person or organisation concerned (under section 27 of the FOI Act) and the person concerned (under section 27A of the FOI Act) before making a decision on the release of those documents.

For this reason the period for processing your request has been extended by 30 days in order to allow our agency time to consult with that person or organisation (section 15(6) of the FOI Act). The processing period for your request will now end on 9 July 2013.

The consultation mechanism under:

- (a) section 27 of the FOI Act applies when we believe the person or organisation concerned may wish to contend that the requested documents are exempt because their release would disclose trade secrets or commercially valuable information or may adversely affect their business or financial affairs: and
- (b) section 27A of the FOI Act applies when we believe the individual (or their representative) may wish to contend that the requested documents are exempt for reasons of personal privacy.

We will take into account any comments we receive from the person or organisation but the final decision about whether to grant you access to the documents you requested rests with the AEC. Depending on the outcome of the consultation, the third party consulted may have appeal rights that delay giving access to any documents falling within the scope of your request.

My second purpose is to clarify aspects of your amended application. Am I correct in processing your request on the basis that is not intended to seek:

- (a) copies of media reports; or
- (b) copies of documents relating to FOI requests by third parties?

Am I also correct in treating your amended request as being substantially the same as your request dated 28 April 2004 for:

'All material relating to or mentioning discrepancies between Mr Abbott's statement in an interview with me on September 5, 2003 and his letter to the AEC in October 1998 regarding the Australians for Honest Politics Trust.?'

I note that your request of 28 April 2004 was treated as withdrawn when you failed to pay the charges notified in respect of that request. You will recall that at that time the charges had been assessed at \$837.00 and the AEC requested payment in full or a deposit of \$209.25. You made no payment. I will address the question of charges when making a final decision about your request. At that time you will have the opportunity to provide a submission in support of the request to waive or remit the charges foreshadowed in your email of 9 May 2013 4:19 pm.

Yours sincerely



Paul Pirani  
Chief Legal Officer

31 May 2013