



Australian Government
Department of Finance

Reference: FOI 23-24/034
Contact: FOI Team
E-mail: foi@finance.gov.au

Me
Via Right to Know website

By email only: foi+request-10722-40ce0565@righttoknow.org.au

Dear Me,

Freedom of Information Preliminary Charges – FOI 23-24/034

On 29 September 2023, the Department of Finance (Finance) received your email, in which you sought access to the following under the Commonwealth *Freedom of Information Act 1982* (FOI Act):

- For all unsuccessful (note 'un') act of grace applications made against ASIC for the period 1 July 2021 - 30 June 2023, I request:
- A copy of the record entered in the SFC database regarding the application (see FOI 22/119 Document 1)
 - Where the application was for more than \$100,000 (including more than \$500,000), the Ministerial Submission regarding the application
 - Where the application was for under \$100,000, the Minute that contains the reasons for refusal (for the avoidance of doubt, this includes any sort of briefing covered by the policy disclosed under 22/119. It may simply be an email)
 - Where the final decision came after a reconsideration by the Ombudsman or Federal Court, a copy of the final reasons for decision given by the Ombudsman or Federal Court.

On 19 October 2023, you agreed to amend the scope of your request by the following:

- ... the 10 most recent decisions before 30 June 2023, where the decision:
 - is not substantially the same as another decision in the set of 10 (that is, the facts underlying each decision are not similar), and
 - resulted in the production of a minute, or other document containing substantive reasons for decision.

Authorised decision-maker

I am authorised by the Secretary of Finance to issue a charge for access to documents.

Liability to pay a charge

In accordance with the *Freedom of Information (Charges) Regulations 2019* (Regulations), and the FOI Act, I have decided that you are liable to pay a charge in respect of processing your request and am notifying you accordingly.

My preliminary assessment of that charge is as follows:

Task	Rate	Units	Charge
Search & retrieval	\$15 per hour	1.00 hours	\$ 15.00
Decision-making	\$20 per hour	17.00 hours	\$ 340.00
<i>less first 5 hours free</i>		5 hours	\$ -100.00
TOTAL			\$ 255.00

In accordance with the Regulations, this estimate has included five hours of decision-making time free of charge.

Timeframe

Within 30 days of the date of this notice, you need to either:

- agree to pay the charge indicated above and forward payment in full; or
- contend that the charge has been wrongly assessed, or should be reduced or not imposed (you should provide full reasons for your contention); or
- withdraw your request.

Notice must be provided to Finance in writing. If you fail to notify Finance in a manner described above within 30 days of the date on this notice, being on or before **Wednesday 30th November 2023**, it will be taken that you have withdrawn your request.

The time period for processing your request is suspended from the date of this notice and resumes on either the day you pay the balance in full or the day on which Finance makes a decision not to impose a charge. However, the actual processing time may also be affected by third party consultation.

Payment of charges

You can agree to pay the charge. If you agree, processing of your request will resume as soon as Finance receives payment in full.

Payment in full is **\$255.00**. Payment in full entitles you to receive a decision in relation to your request, a schedule (if there are more than 3 documents) which lists the documents relevant to your request, and any documents released.

If you agree to pay the charge, please notify the FOI team and they will prepare an invoice for you to complete, sign and return.

If you disagree with the charge

If you contend that the charge has been wrongly assessed, or should be reduced or not imposed, such a contention is not a request for internal review. You will be advised of your review rights following my consideration of your contentions. In deciding whether to reduce or not impose a charge, I must take into account whether payment of the charge would cause

you financial hardship and whether the giving of access to the documents is in the general public interest.

The Office of the Australian Information Commissioner (OAIC) sets out the process for calculating and imposing charges, together with information regarding when an agency should correct, reduce or waive charges.

Please contact the FOI Team on the above contact details if you wish to discuss your request.

Yours sincerely,



Gareth Sebar
Assistant Secretary
Procurement & Discretionary Payments | Procurement and Insurance
Department of Finance
30 October 2023

