



ABN 38 113 072 755

Discovery House, Phillip ACT 2606  
PO Box 200, Woden ACT 2606  
Australia

P 1300 651 010  
+61 2 6283 2999 (International)  
F +61 2 6283 7999  
E [assist@ipaustralia.gov.au](mailto:assist@ipaustralia.gov.au)  
[ipaustralia.gov.au](http://ipaustralia.gov.au)

2 July 2013

Your ref:  
Our ref: C2013/11339

Mr Brendan Molloy  
Secretary  
Pirate Party Australia

BY EMAIL ONLY: [foi+request-109-375c84fe@righttoknow.org.au](mailto:foi+request-109-375c84fe@righttoknow.org.au)

Dear Mr Molloy

**Preliminary assessment of charges – Request under the *Freedom of Information Act 1982* for access to documents**

I refer to your request received by IP Australia on 10 May 2013 requesting access to copies of the documents on the following files:

- 1) C2012/12282 Trans Pacific Partnership Free Trade Agreement - Pharmaceutical Provisions
- 2) C2012/12298 Trans Pacific Partnership 2012 Free Trade Agreement- Round 14 Negotiations - Leesburg (Washington DC) USA
- 3) C2012/12458 Trans Pacific Partnership Free Trade Agreement- International Exhaustion/Parallel Importation
- 4) C2012/12687 Trans Pacific Partnership Free Trade Agreement - Traditional Knowledge - Genetic Resources And Traditional Cultural Expressions
- 5) C2012/12966 Briefing And Ministerial Correspondence 20.12 - Gene Patenting - Domestic Policy
- 6) C2012/13878 Trans Pacific Partnership 2012 Free Trade Agreement - Round 15 Negotiations - Auckland NZ

On 17 May 2013, you were notified that IP Australia was consulting an affected third party under section 27A of the FOI Act regarding personal information contained in documents, and that the time for determining your request was extended by 30 days as permitted under section 15(6) of the FOI Act. I expect that a decision about your request will be made by the end of next Tuesday 9 July 2013.

***Preliminary assessment of charges***

The purpose of this letter is to provide you with a preliminary estimate of charges.

The search for documents relevant to your request located a large number of documents. I note that in your request you asked that all costs for the processing of this request be waived on the grounds that the release of the information is in the public interest, will enhance the transparency of the process and the public debate surrounding potential legislative changes.

In deciding whether to reduce or not impose a charge, the decision maker must consider any relevant reasons, including either of the following reasons:

- whether payment of the charge, or part of it, would cause you financial hardship; and

- whether the giving of access to the documents is in the general public interest.

I have balanced the public interest arguments that you have submitted with the broader public interest in the economic sustainability of the FOI system. I note that the processing of your request has engaged the resources of IP Australia and other agencies, and it is also in the public interest that this cost to the Australian taxpayer is recovered to some extent.

On balance, I have decided that, in accordance with section 29 of the FOI Act, you are liable to pay a charge in respect of the processing of documents held by IP Australia. That charge is as follows:

Search and Retrieval Time	24 hrs	@\$15.00 per hr	\$360
Decision-Making Time	95 hrs	first 5 hours free; so 90 hrs @\$20.00 per hr	\$1800
			<hr/> \$2160

Within 30 days of receipt of this letter, you must:

- agree to pay the charge; or
- contend, providing full reasons, that the charge
  - has been wrongly assessed;
  - should be reduced or not imposed or both; or
- withdraw your request.

If within 30 days of receipt of this letter, you fail to notify me of one of the matters mentioned in the above dot points, you will be taken to have withdrawn your request.

Please send advice of your chosen course of action to me:

- by e-mail to [sean.applegate@ipaaustralia.gov.au](mailto:sean.applegate@ipaaustralia.gov.au);
- by fax to 02 6283 7999; or
- by post to PO Box 200, Woden ACT 2606.

Please note: you do not have to pay the charge until I send you a notice of imposition of the charge.

*If you wish*, you can pay the total amount of the estimated charge above immediately. If you do so, I will take that payment to be your agreement to pay the relevant charge, and, under subsection 29(3) of the FOI Act, I will charge you the estimated amount. You will then not have to make any further payment before you receive a decision on your request. In that event, I will not send you any notice of imposition of the charge.

Even if you pay the total amount of the estimated charge, you can still contend that the charge should be re-assessed, reduced or not imposed. IP Australia will consider your contentions, and if appropriate may refund part or all of the charges paid.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sean Applegate', with a long horizontal flourish extending to the right.

Sean Applegate  
Assistant Director  
Authorised FOI Decision-maker  
Domestic Policy  
Business Development