



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/2015/143

Mr Jackson Gothe-Snape
Right to Know Website

By email: foi+request-1132-d127415d@righttoknow.org.au

Dear Mr Gothe-Snape

I refer to your email dated 10 July 2015 in which you made a request to the Department of the Prime Minister and Cabinet (Department) under the *Freedom of Information Act 1982* (FOI Act) in the following terms:

‘Can you please provide copies of emails sent or received on 9 July 2015 mentioning "South Australia", "South Australian", "SA" or "Adelaide".’

Practical refusal consultation

By email dated 4 August 2015, the Department undertook a practical refusal consultation with you in accordance with section 24AB of the FOI Act. In response to the Department’s practical refusal consultation notice, you revised the scope of your FOI request, by email dated 4 August 2015 as follows:

‘Please provide copies of the first five emails sent or received on 9 July 2015 after 11.29am mentioning "South Australia" or "South Australian".’

Processing charge

The FOI Act provides that charges can be imposed for processing requests. Unless a decision is made to waive the processing charge in whole or in part, the combined effect of section 11A(1)(b) of the FOI Act and Regulation 11(1) of the *Freedom of Information (Charges) Regulations 1982* (the Charges Regulations) is that an applicant is required to pay any charge before any access is given.

The Charges Regulations specify different rates for the various activities involved in processing a request with the first five hours of decision-making time free for all FOI applicants.

The decision-maker has decided that you are liable to pay a charge should you wish to proceed with your FOI request. The preliminary assessment of the charge for processing your request is set out below:

Task	Rate	Units	Charge
Search & retrieval	\$15 per hour	1.42 hours	\$ 21.30
Decision-making	\$20 per hour	15.92 hours	\$ 318.40
<i>less first 5 hours free</i>		5 hours	\$ -100.00
Photocopies	0.10 per page	21 pages	\$ 2.10
TOTAL			\$ 241.80

Section 29 of the FOI Act requires you to exercise one of the following options in writing within 30 days of receipt of this letter:

- (1) You can agree to pay the charge. If you agree, processing of your request will resume as soon as the Department receives a payment, either in full or a deposit.
 - Payment in full is \$241.80. Payment in full entitles you to receive a decision in relation to your request, a schedule which lists the documents relevant to your request, and any documents released.
 - Alternatively, payment of a deposit in the amount of \$60.45 entitles you to receive a decision in relation to your request and a schedule which lists the documents relevant to your request. Relevant documents would only be released on payment of the balance of the charge. Regulation 14 provides that a deposit paid by an applicant is not refundable unless the Department decides to waive the charge or fails to make a decision on the applicant's FOI request within the statutory time limit, including any extension.

Payment should be made by cheque or postal order and made out to the "Collector of Public Monies." If you wish to pay by credit card, you should forward a letter which sets out the credit card details and authorises the Department to charge that amount to the card.

- (2) You can contend that the charge has been wrongly assessed, or that it should be reduced or not imposed, or both. You should provide reasons for contending any charge. In determining whether or not to reduce or not impose the charge, the FOI Act requires the Department to take into account whether payment of the charge, or part of it, would cause financial hardship and whether the giving of access would be in the public interest. The Department may also consider any other relevant matters.
- (3) You can withdraw your request.

Processing timeframe

In accordance with section 31 of the FOI Act, the time limit for processing your request is suspended from the day that you receive this letter and will resume on either:

- the day you pay the charge (in full or the required deposit); or
- if you contend under (2) above that charge should be reduced or not imposed and the Department decides not to impose a charge, the day of that decision.

If you contend under (2) above that a charge should be reduced or not imposed and the Department confirms that a charge is payable (either the original amount or a reduced amount), the time limit for processing your request would resume on the day you pay that charge (in full or the required deposit).

Subsection 29(2) of the FOI Act provides if you do not respond within 30 days of receiving this letter, you will be taken to have withdrawn your request.

If you have any queries, I can be contacted by email at FOI@pmc.gov.au or by telephone on (02) 6271 5849.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Monique', written over a horizontal line.

Monique
Adviser
Honours, Symbols and Legal Policy Branch

9 September 2015