



**Australian Government**  
**Department of Foreign Affairs and Trade**

FOI Ref: 1406-F836  
File No: 14/17305  
Date: 25 June 2014

Red Williams  
<foi+request-118-1d471f8a@righttoknow.org.au>

Dear Mr Williams,

**Re: Freedom of Information (FOI) Request**

Thank you for your email of 1 June, seeking access under the *Freedom of Information Act 1982* (the FOI Act) to:

*a copy of the documents within file 12/11019.*

In your email of 14 June, 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 to reduce the charge by 50 per cent on public interest grounds.

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.

In response to your comment that DFAT is inflating the charges in order to restrict access to information, I note that the charges were calculated in line with Schedule 1 of the FOI Charges Regulations, which are available at: [www.comlaw.gov.au/Details/F2010C00740](http://www.comlaw.gov.au/Details/F2010C00740).

I further note your comment concerning the fact that your original FOI application was made a year ago. As you are aware, the delay in processing your request was due to your decision to seek IC review of DFAT's decision of 24 May 2013 that processing your original request, for the contents of three separate files, would require an unreasonable diversion of the Department's resources.

**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 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. I note in this regard that TPP negotiation are of continued public interest.

It is my view, however, the documents which are able to be released in response to your FOI request will add little to public understanding and debate. The releasable contents of this file, titled 'New Members Briefing – Canada and Mexico' comprises in large part technical and administrative documents which do not provide significant information of public interest which would add to public understanding of Government policy with regard to the TPP.

I am also of the view that 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.

In accordance with section 29 of the FOI Act, I have decided to reduce the original charge of by 50 per cent to \$161.00. Accordingly and as previously advised, a deposit of 25 per cent of the revised charge is to be paid before processing commences where the preliminary assessment of the charge exceeds \$100. I calculate the required deposit for your request to be **\$40.25**.

### **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 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](mailto: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 your FOI case officer, Ada Cheung, on (02) 6261 3470.

Yours sincerely



Indra McCormick  
Director  
Freedom of Information and Privacy Law Section



## Department of Foreign Affairs and Trade

☐ **Payment of Charges: (Deposit / In Full)**

For the sum of \$\_\_\_\_\_ as detailed in the FOI Estimate of Charges letter dated \_\_\_\_\_ (FOI ref: 1406-F836)

### Credit Card Payment for Freedom of Information (FOI) Charges

Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_

### Payment by Direct Debit

Account Name: Department of Foreign Affairs and Trade  
BSB No.: 092-009  
Account No.: 110329

Please include your surname and 'FOI' in the reference field.