



11 May 2016

FOI ref: 1880

Mr Patrick Conheady
Right to Know

foi+request-1754-2e51de54@righttoknow.org.au

Dear Mr Conheady

FREEDOM OF INFORMATION REQUEST: ESTIMATE OF CHARGES

I refer to your email of 20 March 2016 in which you sought access to documents under the *Freedom of Information Act 1982* (the Act):

"Please provide documents containing all submissions received in relation to the consultation on the exposure draft of 'Commissioner's power to modify law'"

The Freedom of Information (Fees and Charges) Amendment Regulations 2010 (the Regulations) prescribes that charges can be levied in respect of a request for access to documents. These charges are set out by the Regulations and are for search and retrieval of documents, decision making and provision.

I have decided that you are liable to pay a charge in respect of the processing of your request. I am an authorised decision maker under section 23 of the Act.

My preliminary assessment of the charge is \$335.05 (see table for detail of charges).

Search and retrieval, tag relevant pages	\$7.50
Decision-making (after deducting first five hours free) <ul style="list-style-type: none">• examine relevant pages for decision making (includes exempted pages and pages released with deletions)(first five hours free)• preparing schedules and preparation and notification of decision	\$327.55
TOTAL COST	\$335.05

The charges set out above are determined in line with the Regulations to reflect fairly the work involved in processing a request, such as for search and retrieval of documents, decision making and provision of access and are not indicative of the level of access that may be granted to the documents sought.

The charge for search and retrieval is based on a search of the Treasury's electronic records systems and of files held by individuals in areas for which the subject matter contained in the request is potentially of relevance. A number have been identified as potentially falling within the scope of your request. All of these documents will require a decision on access and I estimate that will take around 21.38 hours. The first five hours of decision making time are free of charge. Therefore you will only be charged for 16.38 hours.

The Regulations prescribe that where a charge is imposed and exceeds \$25.00 but is less than \$100.00, a deposit of \$20.00 may be sought and where the charge exceeds \$100.00, a deposit of up to 25 per cent of the estimated charges may be sought. Based on the preliminary estimate of charges for your request which is \$335.05, I have decided you are required to pay a deposit of \$83.76.

Within 30 days of receipt of this notice you are required to either:

- pay the charge; or
- pay a deposit with the remainder to be paid prior to receipt of documentation, or
- contend that the charge

<ul style="list-style-type: none"> – has been wrongly assessed, or – should be reduced, or – not imposed, or both; or 	}	You should give full reasons for so contending
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- withdraw your request.

Options for payment are attached.

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. In deciding whether to reduce or not to impose a charge, the decision maker has discretion to consider reduction or remission of charges for any reason, including the following reasons:

- the payment of the fee or a part of the fee would cause financial hardship to the applicant or person on whose behalf the application was made; or
- the giving of access is in the general public interest or in the interest of a substantial section of the public.

If you wish to contest the charges, you should give full reasons for doing so.

If you fail to notify the Treasury in a manner mentioned above within 30 days of receipt of this notice it will be taken that you have withdrawn your request.

The Treasury considers the names, email addresses and other contact details of public service officers to be irrelevant to an FOI request. These details will not be released pursuant to section 22 of the Act. We will provide you with the designations (for example, Analyst, Senior Adviser, Manager) of authors and addressees of documents in the schedule of documents accompanying the decision letter so that their relative seniority is known. You have not been charged for any redactions to documents required as a result of this practice.

The Treasury treats documents that are publicly available (for example, documents published on a publicly accessible website) as irrelevant to an FOI request. This means that you will not be charged for, or be provided with, publicly available documents under FOI.

As a number of the documents identified as potentially within the scope of your request contains information provided by a third party to the Australian Government, the Treasury is required to consult with that party before making a decision on the release of these documents. Subsection 15(6) of the Act provides for an extension of 30 days to the statutory 30 day limit for processing requests to undertake third party consultation.

In accordance with section 31 of the Act, the 30 day limit for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

The Treasury publishes all documents disclosed in response to FOI requests (other than personal or business information that would be unreasonable to publish) on the Treasury website at the same time as the applicant receives the response. This is consistent with the arrangements established by section 11C of the Act, which formally commenced operation on 1 May 2011.

Yours sincerely

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

Mr Murray Crowe
Principal Adviser
Individuals and Indirect Tax Division

Department of Treasury Payment Options

Customer Name: _____

Customer Address: _____

Option 1: Bank Cheque or Australian Money Order – made out to “Collector of Public Monies”

Attached

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Option 2: Please debit my credit card as follows:

AMEX

VISA

Mastercard

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Card Number

Expiry Date

CCV Number

Total Amount

Name on Card

Signature of card holder

Office Use Only			
<i>File Number:</i>		<i>Trim Number:</i>	
<i>Cost Centre:</i>		<i>GL Code:</i>	
<i>Customer Number:</i>		<i>DAN Number:</i>	

RIGHTS OF REVIEW, WHERE CHARGES IMPOSED

INFORMATION ON RIGHTS OF REVIEW

1. APPLICATION FOR INTERNAL REVIEW OF DECISION

Section 54 of the Freedom of Information Act gives you the right to apply for an internal review of the decision to impose a charge for documents in accordance with your request.

Application for a review of the decision must be made in writing within 30 days of receipt of this letter.

No particular form is required but it would assist the decision-maker if you could set out in the application the grounds on which you consider that the decision should be reviewed.

Application for a review of the decision should be addressed to:

The Treasury
Langton Crescent
PARKES ACT 2600

Attention: Parliamentary and Legal Services Unit

OR

2. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER (INFORMATION COMMISSIONER) FOR REVIEW OF DECISION

Section 54L of the Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision.

Applications for review must be in writing and must:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should send your application for review to:

The Information Commissioner
Office of the Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

AND/OR

3. COMPLAINTS TO THE INFORMATION COMMISSIONER

Section 70 of the Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

The Information Commissioner
Office of the Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.