



Australian Government

Department of Foreign Affairs and Trade

FOI Ref: 1302-F501
File No: 12/16568

8 March 2013

Mr Brendan Molloy
Secretary
Pirate Party Australia

Transmitted by email to: foi+request-18-db63711e@righttoknow.org.au

Dear Mr Molloy

Re: Freedom of Information Request

Thank you for your email of 6 March 2013 in which you request a waiver of the charges associated with the processing of your request on grounds available under the Freedom of Information Act 1982 of public interest.

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 charges by 50% to the amount of \$195.33.

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.

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 whether the giving of access to the documents is *in* the public interest, as opposed to being *of* public interest. I have also taken into account the signatories to your petition and a letter of support received by the Department.

I have considered 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.

While I accept that the Trans-Pacific Partnership Agreement-Intellectual Property chapter is of interest to a section of the Australian community, this specific element of the negotiations in itself has been the subject of only limited media reporting, comment and public discussion. In view of information which has already been made publicly available I consider that the documents which are able to be released in response to your FOI request will add little to public understanding and debate about this matter though they may in part contribute to some members of the public being better informed of the Government's known position on this subject.

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.

On balance, I have therefore decided to grant a 50% reduction of the assessed value of the processing costs pursuant to subsection 29(5)(b) of the FOI Act. Therefore, in accordance with section 29 of the Act I have decided that a charge of **\$195.33** applies to your request. Accordingly and as previously advised, a deposit of 25% 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 **\$48.83**.

If you agree to pay the reduced charge you may lodge payment of \$48.80 by cheque, or money order made payable to 'The National Cashier – DFAT' to

Freedom of Information and Privacy law Section
Department of Foreign Affairs and Trade
RG Case Building
John McEwan Crescent
BARTON ACT 0221

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 access 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

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 John Scott on (02) 6261 3212.

Yours sincerely

A handwritten signature in black ink, appearing to be 'A. Cheung', with a stylized, flowing script.

Ada Cheung
Acting Director
FOI and Privacy Law Section
Domestic Legal Branch

