



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

FOI Ref: 1306-F594  
File No: 13/10648  
8 July 2013

Mr Ben Garrett  
foi+request-251-70c6f9cc@righttoknow.org.au

Dear Mr Garrett,

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

Thank you for your e-mail of 27 June 2013, seeking access under the Freedom of Information Act 1982 (the FOI Act) to:

*Existing diplomatic cable documents concerning that of the Principality of Hutt River, excluding those that are within the open access period as defined in the Archives Act 1983 and those which have already been released under the FOI Act.*

In your e-mail 29 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 charges by 50% to \$507.26 on public interest grounds available under the Act.

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 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 Hutt River Province may be of interest to a section of the community, I do not consider that giving access to the documents you seek is in the broader and hence substantial interest of the Australian community, or a substantial section of the community. I

am not aware that the matter is being currently and widely reported in the national media, nor do I consider the issue one of current widespread public debate. Consequently I am of the opinion that the benefit of the release of the material would not be great at this time and is unlikely to flow to a substantial section of the public.

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, it appears that provision of the material to which you seek access may in part contribute to public information concerning Hutt River Province and 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 \$507.26 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 \$126.81.

If you agree to pay the reduced charge you may lodge payment of \$126.81 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 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 me on (02) 6261 3470.

Yours sincerely



Ada Cheung  
a/g Director  
FOI and Privacy Law Section  
Domestic Legal Branch



## Department of Foreign Affairs and Trade

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

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

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

For a sum of \$\_\_\_\_\_ as detailed in the FOI Estimate of Charges letter dated  
\_\_\_\_\_ (FOI ref: 1306-F594)

I authorise the National Cashier of the Department of Foreign Affairs and Trade  
to debit my

☐ VISA      ☐ MASTER CARD

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Expiry: \_\_\_\_/\_\_\_\_

Name appearing on card \_\_\_\_\_

Signature: \_\_\_\_\_