



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI/2012/100

Ms Caitlin Huntington
c/o
Email: foi+request-27-c47788e1@righttoknow.org.au

Dear Ms Huntington

Thank you for your email of 29 November 2012 to the Department of the Prime Minister and Cabinet (the Department) in which you made the following request under the *Freedom of Information Act 1982* (the Act):

I wish to obtain copies of all documents on the following file, which is listed in the Department's Indexed List of Files for the period 1 January 2012 to 1 July 2012:

2012/1766 SECTION 44 OF THE CONSTITUTION - BRIEFING - 2012 TO 2014
- (GOVPG)

Your request was received on 29 November 2012. Further information on processing of your request is set out below.

Timeframe for receiving your decision

The statutory timeframe for processing a request is 30 days from the date upon which your application was received in the Department.

This timeframe may be extended where:

- we need to negotiate with you on the final scope or wording of your request in circumstances where we are unable to process your request in its original form;
- charges are levied as prescribed by the *Freedom of Information (Fees and Charges) Regulations* [the Regulations] (see charges below);
- consultation with third parties is necessary (see consultation with third parties below).

Publication of Documents

In accordance with the Government's pro-disclosure policy embodied in section 11C of the FOI Act, agencies are now required to publish information which has been released under

FOI. Section 11C(6) of the FOI Act requires agencies to publish information released within 10 working days of granting the applicant access to the documents.

The disclosure log requirement does not apply to:

- personal information about any person, if it would be 'unreasonable' to publish the information (s 11C(1)(a))
- information about the business, commercial, financial or professional affairs of any person, if publication of that information would be 'unreasonable' (s 11C(1)(b))
- other information of a kind determined by the Information Commissioner if publication of that information would be 'unreasonable' (ss 11C(1)(c) and 11C(2))
- any information if it is not reasonably practicable to publish the information because of the extent of modifications that would need to be made to delete information listed in one of the above dot points (s 11C(1)(d)).

If you wish to raise any objections to the publication of any of the documents which may be released to you please contact the Department by email at foi@pmc.gov.au. Supporting reasons for any objection would be appreciated.

Charges

Agencies may decide that an applicant is liable to pay a charge in respect of a request for access to documents. These charges are set by the Regulations and are for search and retrieval of documents, decision making and provision of access (for example, copying and postage).

If the Department decides to charge you in respect of this FOI request, we will send you a preliminary assessment of the charges as soon as possible.

Consultation with third parties

The Department may also need to consult other parties (third parties) where information relating to third parties arises in documents sought by your request. The FOI Act prescribes a further 30 days processing time for the Department to undertake this consultation in certain circumstances. You will be advised as soon as possible of any requirement to consult with a third party which extends the processing time.

The Department will write again when we have further information. Should you wish to discuss any aspect of your request, please contact the Department by telephone on (02) 6271 5849.

Yours sincerely



FOI Action Officer
Legal Policy Branch

30 November 2012