



18 January 2017

FOI ref: 2082

Mr Phillip Sweeney
 By email: foi+request-2834-1f0317ad@righttoknow.org.au

Dear Mr Sweeney

FREEDOM OF INFORMATION (FOI) REQUEST: ESTIMATE OF CHARGES

I refer to your FOI request to the Superannuation Complaints Tribunal (SCT) dated 19 December 2016 which, as you are aware, was subsequently transferred to this department for processing. Your request reads as follows:

"Professor Ian Ramsay and his panel are currently conducting a "Review of the financial system external dispute resolution and complaints framework" as a Treasury inquiry.

The documents I seek are copies of correspondence and any attached document between the project panel (and any Treasury support staff) and the Superannuation Complaints Tribunal in relation to this inquiry."

The *Freedom of Information (Fees and Charges) Amendment Regulations 2010* (the Regulations) provide that charges can be levied in respect of a request for access to documents. These charges are prescribed by the Regulations and, essentially, relate to time spent by an agency in searching for and retrieving the documents and time spent in making the decision on whether to release them. The rates set out in the Regulations are \$15 an hour for search and retrieval time and \$20 an hour for decision making time.

I am an authorised decision maker under section 23 of the *Freedom of Information Act 1982* (the Act).

I have decided that you are liable to pay a charge in respect of the processing of your request. My preliminary assessment of the charge is \$740. The table below sets out how I have arrived at this figure.

Search and retrieval	\$60
Decision-making (after providing for the first five hours to be free of charge). This includes: <ul style="list-style-type: none"> • Examination of relevant pages and deciding whether to release or exempt; • The making of any necessary redactions; and • Preparation of a decision letter. 	\$680
TOTAL COST	\$740

The charges set out above are determined in line with the Regulations to reflect fairly the work involved in processing a request. However, they are not indicative of the level of access that may be granted to the documents sought.

Around 235 pages of material have been identified as falling within the scope of your request. Searching for and retrieving those documents has taken 4 hours. Those documents will now need to be examined and a decision made on whether to release or exempt them. Deletions may then need to be made to some or all of the documents and a decision letter explaining the final decision prepared and despatched. It is estimated that that process will take around 39 hours.

Under the Act, however, the first five hours of decision making time are required to be provided free of charge. Therefore, you will only be charged for 34 hours decision making time.

The Regulations prescribe that, where the estimated charge is greater than \$25 but less than \$100, a deposit of \$20 may be sought. Where the charge exceeds \$100, a deposit of up to 25% may be sought. I have therefore decided that you are required to pay a deposit of \$185.

The Act provides that you may now:

- pay the charge;
- pay the deposit (with the remainder to be paid prior to receipt of documents),
- contend that the charge has been wrongly assessed and should be reduced or not imposed at all, or
- withdraw your request.

If you contend that the charge has been wrongly assessed and should be reduced or not imposed, you should provide reasons for your views.

Should you decide to pay the full charge or the deposit, options for payment are attached.

If you contend that the charge has been wrongly assessed and should be reduced or not imposed, I will examine your contentions and decide if my preliminary estimate should be altered. In making that decision I will take into account all relevant factors including whether:

- the payment of the fee, or a part of the fee, would cause financial hardship to you, or
- the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public.

The Act further provides that, if you fail to do any of the above within 30 days of receipt of this notice, your request will be taken to have been withdrawn.

Please note that this department considers the names, email addresses and other contact details of public service officers to be irrelevant to an FOI request. Such details are therefore deleted pursuant to section 22 of the Act. Accordingly, an estimate of the time that would be spent in making such deletions is *not* included in the charge estimates.

Please also note that, in accordance with section 31 of the Act, the 30 day period within which all reasonable steps must be taken to finalise your request, will be suspended from the date of this letter and resume on either the day you pay the charge or deposit or the day on which we make a decision not to impose a charge.

I should advise that 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 set out in section 11C of the Act.

Identical Request

As you know, we are currently processing an identical request from you made directly to this department on 11 December 2016 – in relation to which we have also issued an estimate of charges. We have earlier suggested to you that, for the sake of simplicity, you withdraw the request transferred from the SCT. However, as at the date of this letter you have not done so.

Should you choose to pay the deposit or the full charge set out in our estimate of charges for this request or your earlier request FOI 2058, I will not impose charges for the duplicate request.

Yours sincerely



Kate Phipps
Principal Adviser
Financial System 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

Option 2: Please debit my credit card as follows:

AMEX

VISA

Mastercard

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

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>	