



Australian Government

Department of Finance and Deregulation

Reference: FOI 13/62
Contact: FOI Officer
Telephone: (02) 6215 1783
e-mail: foi@finance.gov.au

Mr Luke Mansillo

By Email: foi+request-287-4eb1fbce@righttoknow.org.au

Dear Mr Mansillo

Freedom of Information Request – FOI 13/62

I refer to your email dated 7 July 2013 to the Department of Finance and Deregulation (Finance) in which you sought access under the *Freedom of Information Act 1982* (FOI Act) to:

... documents giving effect to the demotion of Dr. Mark Roberts in the Leader of the Opposition's Office and correspondents regarding his demotion in any way, shape or form The demotion occurred on the 19th April 2013.

I seek documentation of his agreements of employment as a member of an office-holder's staff. The agreement before the 19th April and after the 19th April. This should be available as the Members of Parliament (Staff) Act 1984 as states: "An office-holder may, on behalf of the Commonwealth, employ, under an agreement in writing, a person as a member of the office-holder's staff" (Part III 13(1)). Those agreements in writing is what is requested.

I also seek documentation that states Dr. Mark Roberts' remuneration rate and fringe benefits before and after his demotion on the 19th April. The pay slip immediately prior to the demotion and afterwards would suffice.

I also seek all documentation outlining Dr. Mark Roberts's job description at the moment after his demotion; and his job description immediately prior to his demotion.

All communication around the demotion incident that involves the Department is also requested.

On 18 July 2013, Finance sent you correspondence advising you of the charges relating to your request.

On 31 July 2013 you advised Finance, via email that you wished to refine the scope of your request to:

...documentation of his [Dr. Mark Roberts'] agreements of employment as a member of an office-holder's [Mr Tony Abbott] staff. The agreement before the 19th April and after the 19th April.

Assessment of charge

My preliminary assessment of the charge to process this request is as follows:

Task	Rate	Units	Charge
Search & retrieval	\$15 per hour	2.03 hours	\$ 30.50
Decision-making	\$20 per hour	5.34 hours	\$ 106.85
<i>less first 5 hours free</i>		5 hours	\$ -100.00
Photocopies	0.10 per page	11 pages	\$ 1.10
TOTAL			\$ 38.45

In accordance with the *Freedom of Information (Charges) Regulations 1982*, this estimate has included 5 hours of decision making time free of charge.

Liability to pay a charge

In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge in respect of the processing of your request. As indicated above my preliminary assessment of that charge is **\$38.45**.

You can agree to pay the charge. If you agree, processing of your request will resume as soon as the Department receives a payment, either in full or a deposit.

- Payment in full is **\$38.45**. Payment in full entitles you to receive a decision in relation to your request, a schedule which lists the documents relevant to your request, and any documents released.
- Regulation 12 of the Charges Regulations provides that the Department can require a deposit. The required deposit for this request is **\$9.61**.
- Payment of a deposit entitles you to receive a decision in relation to your request and a schedule which lists the documents relevant to your request. Relevant documents would only be released on payment of the balance of charges. Regulation 14 provides a deposit paid by an applicant is not refundable unless the Department decides to waive the charge or fails to make a decision on the applicant's FOI request within the statutory time limit, including any extension.

Your cheque/money order should be made payable to the *Collector of Public Monies* and addressed to:

FOI Coordinator
Legal Services Branch
Department of Finance and Deregulation
John Gorton Building
King Edward Terrace
PARKES ACT 2600

If you wish to pay by credit card, you should forward a letter which sets out the credit card details and authorises the Department to charge that amount to the card. Please note that the department only accepts Mastercard and Visa.

In accordance with paragraph 29(1)(f) of the FOI Act, within 30 days of the date of this notice, you need to either:

- agree to pay the charge indicated above and forward the deposit; or
- contend that the charge has been wrongly assessed, or should be reduced or not imposed (you should provide full reasons for your contention); or
- withdraw your request.

If you contend that the charge has been wrongly assessed, or should be reduced or not imposed, such a contention is **not** a request for internal review. You will be advised of your review rights under section 54 of the FOI Act following the decision-maker's consideration of your contentions. In deciding whether to reduce or not impose a charge, the decision-maker must, amongst other things, take into account whether payment of the charge, or part of it, would cause you financial hardship and whether the giving of access to the documents is in the general public interest.

If you fail to notify this Department in a manner described above within 30 days of the date on this notice, it will be taken that you have withdrawn your request.

Please **note** that should you forward a deposit in accordance with section 29 of the FOI Act, you will then accept liability for settlement of the debt with the Department upon completion of processing the FOI request. The outstanding charge amount is a debt created in favour of the Commonwealth and therefore, Finance is obliged to pursue recovery of the debt in accordance with the *Financial Management and Accountability Act 1997*.

Processing Time

In relation to the preliminary assessment of charges, in accordance with section 31 of the FOI Act, the time period for processing your request is suspended from the date of this notice and resumes on either day you pay the deposit or the day on which Finance makes a decision not to impose a charge. However, the actual processing time may also be affected by third party consultation.

Extension of Time - Third Party Consultation

As document/s falling within the scope of your request may involve the unreasonable disclosure of the business/personal information of a third party, the decision maker is obliged under sections 27 and 27A of the FOI Act to consult with the third parties and give them an opportunity to make submissions regarding possible disclosure of the document/s. The decision maker must take their views into account in determining whether a document is an exempt document.

To enable time for the consultation process, subsection 15(6) of the FOI Act extends the period in which to respond to your request by an additional 30 days. You will be notified of the due date once you have advised the Department in relation to the charges.

Publication

The FOI Act requires Commonwealth agencies to publish:

- information in documents to which the agency routinely gives access in response to FOI requests except where that information is exempt under the FOI Act; and
- information in documents released under the FOI Act.

Subject to certain exceptions, any documents provided to you under the FOI Act will be published on Finance's FOI Disclosure Log (www.finance.gov.au) as soon as possible after they are released to you, usually 1 – 2 working days.

Policy to exclude junior departmental officer contact details

Finance has adopted a policy to generally exclude the names and contact details of junior staff (non-SES officers) from any documents released under FOI. Finance's preference is to reach agreement with FOI applicants to exclude these details from the scope of the request. Where there is no objection, the names and contact details of junior officers are redacted on the basis of sections 22, 47E(d) and 47F of the FOI Act. This is on the basis of proper and efficient conduct of the operation of an agency, personal privacy and that these details are irrelevant to the request.

Please contact the FOI Team on the above contact details if you wish to discuss your request.

Yours sincerely



Sue Chong
Acting Assistant Secretary
Accountability and Reporting Branch

5 August 2013