



**Australian Government**  
**Department of Finance**

Reference: FOI 17/82  
Contact: FOI Team  
Telephone: (02) 6215 1783  
e-mail: [foi@finance.gov.au](mailto:foi@finance.gov.au)

Mr Mark Newton  
Right to Know

**via email:** [foi+request-3588-1ad28188@righttoknow.org.au](mailto:foi+request-3588-1ad28188@righttoknow.org.au)

Dear Mr Newton

**Freedom of Information Request – FOI 17/82**

Thank you for your email to the Department of Finance (Finance) in which you sought access to the following under the *Freedom of Information Act 1982* (FOI Act).

*... I require disclosure of the following documents:*

- 1. The "Application for a Waiver of Debt owed to the Government" form submitted by Mr. Day, or any other correspondence from Mr. Day or his agents which serve the purpose of an application for waiver of debt,*
- 2. The report of the advisory committee which considered the appropriateness of the Minister's authorisation authorisation for debt waiver, pursuant to sections 24(2) and 24(3) of the Public Governance, Performance and Accountability Rule 2014 (Federal Register of Legislation F2017L00203),*
- 3. The names and positions held of the advisory committee's members,*
- 4. Submissions from affected non-corporate Commonwealth Entities (NCEs) to the advisory committee established in (2) above, and/or provided to Mr. Day,*
- 5. Minutes, notes, or other annotations which show that the relevant Minister received the advisory committee's report and considered it,*
- 6. Records which indicate the amount of time elapsed between the application in (1) above and the Minister's decision; and*
- 7. Notification from the decision maker to Mr. Day...*

## 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. My preliminary assessment of that charge is as follows:

Task	Rate	Units	Charge
Search & retrieval	\$15 per hour	1.82 hours	\$ 27.25
Decision-making	\$20 per hour	28.19 hours	\$ 563.71
<i>less first 5 hours free</i>		5.00 hours	\$ -100.00
Photocopies	\$0.10 per page	22 pages	\$ 2.20
<b>TOTAL</b>			<b>\$ 493.16</b>

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

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

Payment in full is **\$493.16**. 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 Finance can receive a deposit. The required deposit for this request is **\$123.29**. 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 Finance 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 and Assurance Branch  
Department of Finance  
One Canberra Avenue  
FORREST ACT 2603

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

If you wish to pay by direct debit, please direct your payment to:

- DoF – Official Departmental Bank Account
- BSB: 062-900
- Account number: 10139661

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 my consideration of your contentions. In deciding whether to reduce or not impose a charge, I 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 Finance 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 Finance 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 *Public Governance, Performance and Accountability Act 2013*.

### **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 the 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 documents falling within the scope of your request may involve the unreasonable disclosure of the business/personal information of a third party, I am 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 documents. I 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.

### **Policy To Exclude Junior Officer Details**

Finance has adopted a policy to generally exclude the names and contact details of junior staff (non-SES officers) and staff employed under the *Members of Parliament (Staff) Act 1984* (advisor level and below) 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 under section 22 of the FOI Act, on the basis that these details are irrelevant to the request.

## Publication

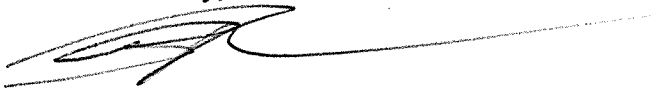
The FOI Act requires Commonwealth agencies to publish:

- 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](http://www.finance.gov.au)) as soon as possible. Finance's policy is to publish the documents within one working day after they are released to you.

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

Yours sincerely,



Brent Heaver  
Assistant Secretary  
COMCAR Branch  
Ministerial and Parliamentary Services Division  
8 June 2017