



Australian Government

Australian Public Service Commission

Anonymous

By email: foirequest-4012-05b208fc @righttoknow.org.au

Our reference: C17/1516

Dear Applicant,

Freedom of Information Request

I write in response to your email request dated 9 August 2017, seeking access to documents held by the Australian Public Service Commission (the Commission) under the *Freedom of Information Act 1982* (FOI Act), as follows:

I request the Commissioner's diary showing meetings attended since 1 July 2017.

Preliminary Assessment of the Charge

In accordance with section 29 of the FOI Act, I have determined that you are liable to pay a charge for the processing of your request.

My preliminary assessment of that charge is \$1,172.50, calculated as follows:

Search and retrieval time: 1.10 hours, at \$15.00 per hour:	\$16.50
Decision-making time (*after deduction of 5 hours), including consultation with third parties: 57.80 hours, at \$20.00 per hour	\$1,156.00

TOTAL	\$1,172.50
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*I note that the FOI Act provides that the first 5 hours of decision making time be provided free of charge, and confirm that this deduction is reflected in the calculation above.

Required Action

If you would like the department to continue processing your request, you must notify the department in writing within 30 days of receiving this notice that you:

- a) agree to pay the charge;
- b) wish to contend that the charge:
 - i. has been wrongly assessed; or
 - ii. should be reduced or not imposed; or

- iii. both
- c) withdraw the request for access.

If you do not provide a written response in accordance with one of Options A, B or C above within 30 days of receiving this notice, your request will be taken to have been withdrawn under section 29(2) of the FOI Act.

Alternatively you may wish to refine the scope of your FOI request. If you would like to discuss this please contact me for assistance.

Further information on options A, B and C is set out below.

Option A - Pay the charge

As the preliminary assessment of the charge exceeds \$25, you are required to pay a deposit of \$293.13 (being 25% of the preliminary charge) within 30 days of receiving this notice. You may elect to pay the charge in full if preferred.

The amount due should be paid by cheque or money order made out to the Collector of Public Monies. Please quote the reference number FOI C17/1516 with your payment.

Should you elect to pay the charge please email FOI@apsc.gov.au once you have posted your cheque or money order to advise us of your payment.

Option B - seek reduction or non-imposition of the charge

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. Section 29(5) of the FOI Act provides that, in deciding whether to reduce or not to impose a charge, the decision-maker must take into account any relevant reasons, including whether payment of the charge, or part of it, would cause your organisation financial hardship, and whether the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public.

If you wish to contend that the charge has been wrongly assessed or should be reduced or not imposed, please set out your reasons and the evidence in support of your reasons as clearly as possible.

If you believe that payment of the charge would cause your organisation financial hardship, please provide sufficient details of your financial circumstances to enable the decision-maker to make a well-informed decision in this regard.

Option C - withdraw your request

If you wish to withdraw your request you may do so in writing.

Time limits for processing your request

Section 31 of the FOI Act provides that where a notice is sent to an applicant regarding the payment of a charge in respect of a request, the time limit for processing the request is suspended from the date the notice is received until either:

- a) the day following payment of the charge (in full or the required deposit); or

- b) if applicable, the day following the notification to the applicant of a decision not to impose the charge.

Review rights

You are entitled to seek review of this decision. Your rights are set out at **Attachment A** to this letter.

Contacts

If you require clarification of any of the matters discussed in this letter you should contact the Commission's FOI Officer by email at foi@apsc.gov.au.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized, cursive 'M' followed by a long horizontal stroke.

Group Manager, Employment Policy
Authorised FOI decision maker
7 September 2017

REVIEW RIGHTS

If you are dissatisfied with this decision, you have certain rights of review available to you.

Internal Review

Section 54 of the *Freedom of Information Act 1982* (FOI Act) gives you a right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of this decision you must apply for the review, in writing, by whichever date is the later between:

- 30 days of you receiving this notice; or
- 15 days of you receiving the documents to which you have been granted access.

No particular form is required for an application for internal review, but to assist the decision-maker you should clearly outline the grounds upon which you consider the decision should be reviewed.

Applications for internal review can be lodged in one of the following ways:

Email: foi@apsc.gov.au

Post: The FOI Coordinator
Australian Public Service Commission
Level 4, B Block, Treasury Building,
Parkes Place West
Parkes ACT 2600

If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commission for review of the internal review decision if required.

Review by the Office of the Australian Information Commissioner

Section 54L of the FOI Act gives you a right to apply directly to the Australian Information Commissioner (the Information Commissioner) for review of certain decisions made under the FOI Act. If you wish to have the decision reviewed by the Information Commissioner you must apply for the review within 60 days of receiving this notice (decision).

The Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. More information is available on the Australian Information Commissioner's website www.oaic.gov.au.

To assist the Information Commissioner, your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the Information Commissioner about how an agency handled an FOI request, or about other actions the agency took under the FOI Act.

You can contact the Information Commissioner to request a review of a decision or lodge a complaint in one of the following ways:

Email: enquiries@oaic.gov.au

Post: GPO Box 2999
CANBERRA ACT 2601

***Please note:** On 13 May 2014, the Australian Government announced a decision to disband the Office of the Australian Information Commissioner (OAIC). However, the OAIC remains operational until further notice. Information on the OAIC public website advises that Information Commissioner Reviews will continue to be handled by the OAIC and FOI complaints will be referred to the Commonwealth Ombudsman. Please contact the OAIC on the details above if you require further information.

The Commonwealth Ombudsman

You can complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

The Ombudsman will consult with the Information Commissioner before investigating a complaint about the handling of an FOI request.

A complaint to the Commonwealth Ombudsman may be made orally or in writing. No particular form is required to make a complaint to the Ombudsman, but the request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the FOI request should be investigated. The Ombudsman may be contacted in one of the following ways:

Email: ombudsman@ombudsman.gov.au

Post: 1300 362 072 (local call charge)

Post: Level 5, Childers Square,
14 Childers Street
Canberra City ACT 2601