



Australian Government

Australian Public Service Commission

Fliccy

By email: foi+request-4192-53e33be4@righttoknow.org.au

Our reference: C17/2088

Dear Applicant,

Freedom of Information Request

1. I refer to your email correspondence dated 2 November 2017 as received by the Australian Public Service Commission (the **Commission**), requesting access under the *Freedom of Information Act 1982* (Cth) (the **FOI Act**) to the following documents:

<https://www.righttoknow.org.au/request/ipa> and [hr_hicholls_society_docu](#) and specifically, the production of a 13 page document by APSC staff (titled "Examples of 'soft' arrangements in Commonwealth enterprise agreements" (the "APSC produced document for the IPA") beginning at page 16 of this document

<https://www.righttoknow.org.au/request/3471/response/9986/attach/4/Documents%20C17%201026.pdf>) for the use and benefit of far right wing political extremist group, the Institute of Public Affairs (the 'IPA') – a political group for which the current Public Service Commissioner is a contributing member, and former director.

I request access to all documents held by the APSC that relate to the APSC produced document for the IPA.

To narrow the scope of my request I am willing for it to relate only to email documents (ie. emails and any attachments to those emails) and I am willing for the APSC to disregard all but the last email in email chains/threads (but only on the basis that the preceding emails in those email chains will be included in the last email of those email chains). I am also willing for the APSC to disregard any documents within the scope of my request that have already been made available here:

<https://www.righttoknow.org.au/request/3471/response/9986/attach/4/Documents%20C17%201026.pdf>

(your FOI request)

Preliminary Assessment of the Charge

2. In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge for the processing of your request and write to you accordingly. My preliminary assessment of that charge is \$233.77, calculated as follows:

Search, retrieval and production of document(s):	\$77.50
Decision-making time:	\$156.27

3. My preliminary assessment, as outlined above, is in line with the applicable charges set down at Schedule 1 of the *Freedom of Information (Charges) Regulations 1982* (the **FOI Regulations**). I note that as provided for under the FOI Act, the first 5 hours of decision-making time are free of charge. This has been reflected in the above charges assessment.

Action Required

4. You must notify the department in writing within 30 days of receiving this notice that you either:
 - A. Agree to pay the preliminary charge, noting that additional charges may apply for making a decision in relation to your request; or
 - B. Wish to contend that the charge has been wrongly assessed and/or should be reduced or not imposed; or
 - C. Withdraw your request.

Further information on your options are set out below.

5. If you do not provide a written response in accordance with one of the options listed 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.

Option A - Pay the charge

6. As the preliminary assessment of the charge exceeds \$25.00, you are required to pay a deposit of \$58.44 (being 25% of the preliminary charge) within 30 days of receiving this notice. You may elect to pay the charge in full if preferred.
7. 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 C17/2088 with your payment. Details for alternative payment methods are available on request.
8. 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. You will be notified of the final determination of applicable charges on release of the Commission's decision in this matter.

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

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

11. 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

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

Time limits for processing your request

13. 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.

Contacts

14. 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



Acting General Counsel
Authorised FOI decision maker
15 November 2017