



**Australian Government**  
**Australian Public Service Commission**

I Whittaker

By email: [foi+request-4241-574c4c86@righttoknow.org.au](mailto:foi+request-4241-574c4c86@righttoknow.org.au)

Our reference: C18/2040

Dear I Whittaker

**Freedom of Information Request - Charges Estimate – Section 29 of the FOI Act**

1. I refer to your email correspondence dated 22 October 2018 received by the Australian Public Service Commission (the **Commission**), seeking access under the *Freedom of Information Act 1982* (Cth) (the **FOI Act**) to the following documents:

*‘...for a copy of the briefing notes/Q and As/talking points document prepared for APSC officials for their attendance before the senate estimates session today, 22 October 2018.’*

**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 \$392.05, calculated as follows:

Search, retrieval and production of document(s):	\$ 101.75
Decision-making time and consultation of 3 parties:	\$ 391.33
Less first five hours of decision making time (free):	<b>\$ 100.00</b>
Less 50% discount for public interest:	<b>\$ 196.54</b>
Total payable:	<b><u>\$ 196.54</u></b>

3. My preliminary assessment, as outlined above, in accordance with the applicable charges set down at Schedule 1 of the *Freedom of Information (Charges) Regulations 1982* (the FOI Charges Regulations).

Upon preliminary review of the documents, I have estimated there are:

Documents:	44 documents
Totalling:	147 pages*

\*There are a further 166 pages of documents captured within the scope of your request, which were subsequently released under an FOI request in June 2018. These documents will also be released to you. However, I have not included these documents in the calculation of your charges estimate and therefore there will be no charge applicable to the additional 166 pages.

4. I consider that there may be some public interest in the documents, and therefore I have decided to apply a generous discretionary discount amounting to 50%. This discount has been reflected in the above estimate.

5. I note that as provided for under the FOI Act, and the FOI Charges Regulations, the first 5 hours of decision-making time are free of charge. This deduction has been reflected in the above charges estimate.

#### Action Required

6. You must notify the Commission 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 regarding your options, is detailed below.

7. 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

8. As the preliminary assessment of the charge exceeds \$25.00, you are required to pay a deposit of **\$49.14** (being 25% of the preliminary charge), within 30 days of receiving this notice. You may however elect to pay the charge in full if preferred.

The amount due should be paid by electronic funds transfer to:

Bank Account Name: APSC Official Account  
BSB: 092-009  
Account Number: 121220  
Reference: **FOI C18/2040** followed by 'Whittaker'

9. Please quote the reference number **FOI C18/2040** with your payment and any email communications. Once you have paid the charge please email [FOI@apsc.gov.au](mailto:FOI@apsc.gov.au) to confirm your payment has been made. You will be notified of the final determination of applicable charges on release of the Commission's decision in this matter. In the event that the charge is reduced once the final assessment of the documents has been completed, you will be provided with a refund.

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

10. 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.

11. As indicated above, I have determined that that the documents may attract a public interest. I have therefore applied a discount to the charge amounting to 50% relating to the documents.
12. 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 provide evidence in support of your reasons. Further, if you believe that payment of the charge would cause you or 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*

13. If you wish to withdraw your request you may do so at anytime, prior to 2 December 2018.

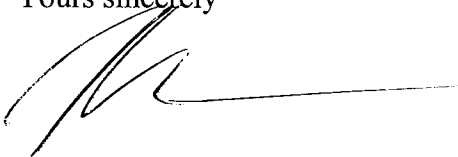
*Time limits for processing your request*

14. 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*

15. If you require clarification of any of the matters discussed in this letter, please contact the Commission's FOI Officer by email at [foi@apsc.gov.au](mailto:foi@apsc.gov.au).

Yours sincerely



Kerren Crosthwaite  
Group Manager  
Employment Policy

6 November 2018