



Australian Government

Department of Finance and Deregulation

Reference: FOI 13/13
Contact: FOI team
Telephone: (02) 6215 2222
e-mail: FOI@finance.gov.au

Mr A. Tomlinson

foi+request-46-f7f38594@righttoknow.org.au

Dear Mr Tomlinson,

Freedom of Information Request – FOI 13/13

I refer to your email dated 19 January 2013 in which you sought access under the *Freedom of Information Act 1982* (FOI Act) to:

...information under the FOI Act in relation to traffic infringements, 8 in total, evidently incurred by the driver(s) of the Prime Minister's private (government funded) car during 2012.

Please provide me the names of the driver(s).....

The statutory period for processing your request commences from the day after Finance received your request. Your request was received by Finance on 19 January 2013.

Finance believes that there may be documents relating to five traffic infringements within the scope of your request, rather than eight.

Policy to exclude junior departmental officer contact details

Finance has adopted a policy to generally exclude the names and contact details (telephone number and email address) of junior staff (non-SES officers) from any documents released under FOI. There may be circumstances where a junior officer is considered to be relevant to administrative action and therefore disclosure of their details may be appropriate. This will be considered on a case by case basis.

This is consistent with paragraph 14.7 of the OAIC Guidelines in relation to publication of materials on Finance's FOI Disclosure Log.

Finance's preference is to reach agreement with FOI applicants to exclude junior officers' names and direct contact details (telephone and email address) 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. If an objection is raised then consideration would be given to the disclosure of names and

contact details in light of the relevant provisions of the FOI Act. Consultation with individual junior officers may need to be undertaken in such circumstances.

Liability to pay a charge

In accordance with section 29 of the FOI Act, the decision-maker has decided that you are liable to pay a charge in respect of the processing of your request. The decision-maker's preliminary assessment of that charge is as follows:

Task	Rate	Units	Charge
Search & retrieval	\$15 per hour	6 hours	\$ 90.00
Decision-making	\$20 per hour	5.5 hours	\$ 110.00
<i>less first 5 hours free</i>		5 hours	\$ -100.00
Photocopies	0.10 per page	1 pages	\$ 0.10
TOTAL			\$ 100.10

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

You should note that this is an *estimate* of charges. If, prior to your request being finalised, another FOI request for the same information is finalised by Finance, these charges may be reduced.

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 **\$100.10**. 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 **\$25.03**.
- 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.

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*.

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.

Extension of Time - Third Party Consultation

The documents falling within the scope of your request may involve the unreasonable disclosure of the personal information of a third party. The decision maker is obliged under section 27A of the FOI Act to consult with the third parties. The third parties must be given the opportunity to make submissions regarding possible disclosure of the documents. The decision maker must take the views of the third party into consideration when determining if 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.

Please contact us if you wish to discuss your request.

Yours sincerely



FOI Team



February 2013