



## Australian Government

### Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT  
BARTON

FOI/2018/108

WF

[foi+request-4639-902c6a06@righttoknow.org.au](mailto:foi+request-4639-902c6a06@righttoknow.org.au)

Dear WF

I refer to your email of 11 June 2018 in which you made a request to the Department of the Prime Minister and Cabinet (the Department) under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

*Under the FOI Act, I seek access to email correspondence, falling between the period of 14 May 2018 to the date of this application between the Secretary of the DPMC, Dr Martin Parkinson, and the Public Service Commissioner, Mr John Lloyd (including email documents sent by Dr Parkinson to Mr Lloyd and email documents sent by Mr Lloyd to Dr Parkinson).*

*Documents falling within the scope of my request can be quickly identified and retrieved by searching all items (including archived items) in Dr Parkinson's email account profile according to persons sent to, and received from.*

*I am willing to agree to the redaction, from any relevant document, the personal information of any person mentioned in that document, except where that person was, at the relevant time: i) a public servant; or ii) a member of parliament. Noting paragraphs 6.153-6.154 of the FOI guidelines, this refinement of my request should negate any need for consultation with any third parties under s.27A of the FOI Act.*

By email dated 18 June 2018 the Department acknowledged receipt of your FOI request and sought your advice about whether you were seeking access to any of the following information that the Department redacts as irrelevant information from documents that fall within the scope of a request, unless specifically sought by an applicant:

- any person's signature;
- the names and contact details of Australian Public Service officers not in the Senior Executive Service (SES);
- the mobile or direct numbers of SES officers;
- the names and contact details of Ministerial staff at a level below Chief of Staff.

By email dated 22 June 2018 you advised the Department as follows:

*Yes happy for you to blank the names of everyone other than the Secretary and the APS Commissioner.*

The authorised decision-maker for your request is Mr Peter Rush, Assistant Secretary, Parliamentary and Government Branch.

### **Processing charge**

The FOI Act provides that charges can be imposed for processing requests. Unless a decision is made to waive the processing charge in whole or in part, the combined effect of section 11A(1)(b) of the FOI Act and Regulation 11(1) of the *Freedom of Information (Charges) Regulations 1982* (the Charges Regulations) is that an applicant is required to pay any charge before any access is given.

The Charges Regulations specify different rates for the various activities involved in processing a request with the first five hours of decision-making time free for all FOI applicants.

The decision-maker has decided that you are liable to pay a charge should you wish to proceed with your FOI request. The preliminary assessment of the charge for processing your request is set out below:

<b>Task</b>	<b>Rate</b>	<b>Units</b>	<b>Charge</b>
Search & retrieval	\$15 per hour	2 hours	\$ 30.00
Decision-making	\$20 per hour	17.2 hours	\$ 344.00
<i>less first 5 hours free</i>		5 hours	\$ -100.00
<b>TOTAL</b>			<b>\$ 274.00</b>

Please note that the estimate of decision-making time includes consultation with at least 8 parties comprising third party consultation under section 27A of the FOI Act (documents affecting personal privacy) and courtesy consultations with Australian Government agencies and non-Australian Government entities.

Section 29 of the FOI Act requires you to exercise one of the following options in writing within 30 days of receipt of this letter:

- (1) 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 \$274.00. 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.
  - Alternatively, payment of a deposit in the amount of \$68.50 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 the charge. Regulation 14 of the Charges Regulations provides that 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.

Payment should be made by cheque or postal order and made out to the “Collector of Public Monies.” 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.

- (2) You can contend that the charge has been wrongly assessed, or that it should be reduced or not imposed, or both. You should provide reasons for contending any charge. In determining whether or not to reduce or not impose the charge, the FOI Act requires the Department to take into account whether payment of the charge, or part of it, would cause financial hardship and whether the giving of access would be in the public interest. The Department may also consider any other relevant matters.
- (3) You can withdraw your request.

### **Processing timeframe**

In accordance with section 31 of the FOI Act, the time limit for processing your request is suspended from the day that you receive this letter and will resume on either:

- the day you pay the charge (in full or the required deposit); or
- if you contend under (2) above that charge should be reduced or not imposed and the Department decides not to impose a charge, the day of that decision.

If you contend under (2) above that a charge should be reduced or not imposed and the Department confirms that a charge is payable (either the original amount or a reduced amount), the time limit for processing your request would resume on the day you pay that charge (in full or the required deposit).

Section 29(2) of the FOI Act provides if you do not respond within 30 days of receiving this letter, you will be taken to have withdrawn your request.

### **Notice of extension of time**

The period for processing your request has been extended by 30 days in order to allow the Department to consult with an individual and a foreign government.

#### *Extension of time to consult an individual under section 27A of the FOI Act*

As your request covers documents which contain another individual’s personal information, the Department is required to consult with that individual (under section 27A of the FOI Act) before making a decision on the release of those documents.

For this reason the period for processing your request has been extended by 30 days in order to allow our agency time to consult with that individual (section 15(6) of the FOI Act).

The consultation mechanism under section 27A applies when we believe the individual (or their representative) may wish to contend that the requested documents are exempt for reasons of personal privacy. We will take into account any comments we receive from the individual but the final decision about whether to grant you access to the documents you requested rests with the Department.

*Extension of time to consult a foreign government under section 15(7) of the FOI Act*

As your request covers a document which concerns relations between the Commonwealth and a foreign government, the Department is required to consult with that government under section 15(7) of the FOI Act before making a decision on the release of that document.

For this reason, the period for processing your request has been extended by 30 days in order to allow our agency time to consult with the foreign government (section 15(8) of the FOI Act).

The consultation mechanism under section 15(7) applies when we believe it is appropriate to consult a foreign government or authority of a foreign government to help us determine whether the requested documents are exempt because their release may cause damage to relations between the Commonwealth and the foreign government or may divulge information communicated by that Government in confidence. We will take into account any comments we receive from the foreign government but the final decision about whether to grant you access to the documents you requested rests with the Department.

If you have any queries, I can be contacted by telephone on (02) 6271 5849.

Yours sincerely

Adviser  
FOI and Privacy Section

10 July 2018