



Australian Government

Department of Foreign Affairs and Trade

FOI Ref: 1312-F719
File No: 13/21077
23 January 2014

Peter Timmins
foi+request-486-2a043e05@righttoknow.org.au

Dear Mr Timmins

Re: Freedom of Information (FOI) Request

Thank you for your e-mail of 11 December 2013, seeking access under the Freedom of Information Act 1982 (the FOI Act) to:

A copy of the document or documents that set out relevant considerations, and the instruction to the Australian Mission in New York or the Australian Embassy Washington, to indicate support for the Joint Statement on the Promotion and Protection of Civil Society issued by the White House on 23 September 2013.

In your subsequent e-mail of 31 December, you requested a waiver of the charges associated with the processing of your request. I am the decision-maker with respect to processing charges authorised in accordance with the provisions of Section 23(1) of the FOI Act. I am writing to inform you that I have decided to reduce the charges by 50 percent to \$100 on public interest grounds available under the Act.

Please note that at this stage in the FOI process, no decision has been made as to whether the information you seek will be released or exempt under the provisions of the FOI Act. My decision relates only to the processing charges.

Reasons for my decision – Public Interest Grounds

In considering your application to waive charges on public interest grounds in accordance with Section 29 of the FOI Act, I have taken into account whether release of the documents is in the public interest.

I have considered the general question as to whether the benefit from the release of the information contained in the particular documents will flow to the public at large, or a substantial section of the public, as well as to the specific individual or organisation requesting the documents. In my view, the material will be made available to the public at large via your FOI-related website.

I have also considered whether, in light of the circumstances, release of the material would contribute to public debate. In my view, the documents may contribute some additional information to that which is already in the public domain which may, in turn, contribute to public debate.

I am also of the view, however, that charges in the FOI Act are a vital component of the FOI regime which makes it sustainable and appropriately balanced from a public policy perspective. Significant time and cost to the Australian community is attributable to processing FOI requests. The processing charges are designed to ensure that the Australian community recoups a fair proportion of the costs of processing non-personal FOI requests, given that processing such requests diverts significant community resources away from other key community priorities.

On balance, I have decided to grant a 50 percent reduction of the assessed value of the processing costs pursuant to subsection 29(5)(b) of the FOI Act. I note that this reduction is consistent with review decisions on charges made by the Office of the Australian Information Commissioner.

Therefore, in accordance with section 29 of the Act I have decided that a charge of **\$100** applies to your request. Accordingly and as previously advised, a deposit of 25 percent of the revised charge is to be paid before processing commences where the preliminary assessment of the charge exceeds \$100. I calculate the required deposit for your request to be **\$25**.

If you agree to pay the reduced charge you may lodge payment by cheque, or money order made payable to 'The National Cashier – DFAT' to

Freedom of Information and Privacy law Section
Department of Foreign Affairs and Trade
RG Case Building
John McEwan Crescent
BARTON ACT 0221

Your review rights

Internal review

Under the provisions of section 54 of the FOI Act, you are entitled to request a review of my decision. Your request should be directed to:

Director
Freedom of Information and Privacy Law Section
Department of Foreign Affairs and Trade
R G Casey Building
John McEwen Crescent
BARTON ACT 0221

Australian Information Commissioner

Under the provisions of section 54 of the FOI Act, you are entitled to request a review by the Australian Information Commissioner of my decision. You may also make a complaint to the Australian Information Commissioner under section 70 on the Department's performance of its functions or the exercise of power under the FOI Act.

Your request for review or complaint should be directed to:

GPO Box 2999, Canberra ACT 2601
Telephone: 1300 363 992
Fax: (02) 9284 9666
Email: enquiries@oaic.gov.au

Complaints to the Commonwealth Ombudsman

You may complain to the Ombudsman concerning actions taken by an agency in the exercise of its powers or, more specifically, the performance of its functions under the FOI Act. There is no fee for making a complaint. The Ombudsman will conduct an independent investigation of your complaint.

You may complain to the Ombudsman by calling or writing to:

Commonwealth Ombudsman
GPO Box 442
Canberra ACT 2601

Telephone: 1300 362 072
Fax: (02) 6249 7829

Should you have any queries regarding this matter please contact your FOI case officer, Stephanie Allan on (02) 6261 3499.

Yours sincerely



Indra McCormick
Director
FOI and Privacy Law Section
Corporate Legal Branch



Department of Foreign Affairs and Trade

Credit Card Payment for Freedom of Information (FOI) Charges

Name _____
Address _____

Payment of Charges: (Deposit / In Full)

For a sum of \$ _____ as detailed in the FOI Estimate of Charges letter dated
_____ (FOI ref: 1312-F719)

I authorise the National Cashier of the Department of Foreign Affairs and Trade
to debit my

VISA MASTER CARD

- - - Expiry: ____ / ____

Name appearing on card _____

Signature: _____