



Australian Government
Australian Public Service Commission

D Watson

By email: Foi+request-4880-a8fd2cee@righttoknow.org.au

Our reference: C18/1974

Dear D Watson

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

1. I refer to your email correspondence dated 13 October 2018 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:

I refer to the FOI request made of the APSC as set out here:

https://www.righttoknow.org.au/request/hadgkiss_and_lloyd

Under the FOI Act, I seek access to similar information. Specifically, I seek copies of email correspondence between Mr John Lloyd (in his capacity as Public Service Commissioner or otherwise), and Mr Nigel Hadgkiss (in his capacity as Australian Building and Construction Commissioner or otherwise), from 1 January 2015, onwards.

I am willing to agree to the personal information of any third party individuals or information relating to any third party organisations to be redacted from any relevant document.

Further, I am willing to exclude from the scope of my request:

- *any document attached to any relevant email; and*
- *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)...'*

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 \$202.94, calculated as follows:

Search, retrieval and production of document(s):	\$ 58.00
Decision-making time:	\$ 295.67
Less first five hours of decision making time (free)	\$ 100.00
Less 20% discount for public interest	\$ 50.73
Total payable	\$ 202.94

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).

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

Documents: 44 documents

Totalling: 84 pages

4. While I consider that there may be a limited amount of public interest in a small portion of the documents, I have decided to apply a discount amount to 20%. This discount has been reflected in the above estimate.
5. I note that as provided for under the FOI Act, the first 5 hours of decision-making time are free of charge. This deduction has also 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 **\$50.73** (being 25% of the preliminary charge) within 30 days of receiving this notice. You may 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 C18/1974** followed by 'Surname'

9. Please quote the reference number **FOI C18/1974** with your payment and any email communications. Once you have paid the charge please email FOI@apsc.gov.au once you have made 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

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. You should note that in this case, I have determined that only a small portion of the documents may attract a public interest. I have therefore applied a discount to the charge amounting to 20% relating to those 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 22 November 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.

Yours sincerely



Kerren Crosthwaite
Group Manager
Employment Policy

24 October 2018