



Australian Government
Department of Finance

Reference: FOI 14/14
Contact: FOI Team
Telephone: (02) 6215 1783
e-mail: foi@finance.gov.au

Elias Housen

via email: foi+request-511-f6e8215c@righttoknow.org.au

Dear Mr Housen,

Freedom of Information Request – FOI14/14

Thank you for your email to the Department of Finance (Finance) in which you sought access to the following under the *Freedom of Information Act 1982* (FOI Act).

...copies of any determinations made under Section 12 of the Members of Parliament (Staff) Act 1984 made after September 18, 2013.

Liability to pay a charge

In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge in respect of the processing of your request. My preliminary assessment of that charge is as follows:

Task	Rate	Units	Charge
Search & retrieval	\$15 per hour	1.02 hours	\$ 15.30
Decision-making	\$20 per hour	0.2 hours	\$ 4.00
<i>less first 5 hours free</i>		5 hours	\$ -100.00
Photocopies	0.10 per page	2 pages	\$ 0.20
TOTAL			\$ 15.50

In accordance with the *Freedom of Information (Charges) Regulations 1982*, this estimate has included 5 hours of decision making time free of charge.

You can agree to pay the charge. If you agree, processing of your request will resume as soon as Finance receives payment, in full.

Payment in full is \$15.50. 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.

Your cheque/money order should be made payable to the Collector of Public Monies and addressed to:

FOI Coordinator
Legal and Strategic Support Branch
Department of Finance
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 Finance to charge that amount to the card. Please note that Finance only accepts Mastercard and Visa.

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 my consideration of your contentions. In deciding whether to reduce or not impose a charge, I 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 Finance 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 Finance 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*.

Processing Time

In relation to the preliminary assessment of charges, in accordance with section 31 of the FOI Act, the time period for processing your request is suspended from the date of this notice and resumes on either the day you pay the deposit or the day on which Finance makes a decision not to impose a charge. However, the actual processing time may also be affected by third party consultation.

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.

Please contact the FOI Team on the above contact details if you wish to discuss your request.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Tony Nairn', written over a horizontal line.

Tony Nairn
Acting Assistant Secretary
Entitlements Policy Branch
18 February 2014