



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/2014/022

Margo Kingston

Email: foi+request-532-69ad1519@righttoknow.org.au

Dear Ms Kingston

I refer to your correspondence of 22 February 2014, in which you made a request under the *Freedom of Information Act 1982* (FOI Act) in the following terms:

I would like to make a request under the FOI Act 1982 for access to portions of documents, including briefing papers, emails and any other documents, provided to the Prime Minister and the Cabinet which contain factual information about the wages and conditions in the Enterprise Agreement of SPC Ardmona.

The time period for the request is from 1 July 2013 to 22 February 2014.

I agree for the request to exclude any page or portion of a document which does not contain material which could reasonably be considered purely factual material for the purposes of clause 34(6) of Division 2 of Part IV of the *Freedom of Information Act 1982*.

The authorised decision-maker for your request in the Department is Mr Troy Sloan, Assistant Secretary, Taxation, Financial Sector and Employment.

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 paragraph 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:

Task	Rate	Units	Charge
Search & retrieval	\$15 per hour	3.75 hours	\$ 56.25
Decision-making	\$20 per hour	7.5 hours	\$ 150.00
<i>less first 5 hours free</i>		0 hours	\$ -100.00
Photocopies	0.10 per page	0 pages	\$ 0.00
TOTAL			\$ 106.25

The decision-maker notes that, because of the terms of your request, not all of the documents identified as potentially relevant may in fact be relevant. If that should eventuate, the actual charge would be less than this preliminary estimate. Any payment in excess of the final charge would be refunded.

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 \$106.25. 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 \$26.56 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 can be made by cheque or postal order and made out to the "Collector of Public Monies." Alternatively, payment may be paid by direct deposit to:

Account name: PM&C Official Departmental Account
 BSB: 032 722
 Account Number: 132263

If you pay by direct deposit, please use the reference FOI/2014/022 and email FOI@pmc.gov.au letting us know the date you made the direct deposit and the payment amount. Regrettably, the Department does not currently have credit card facilities and payment by credit card is not available at this time.

- (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).

Subsection 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.

Extension of processing period

The Department has formed the view that it may be appropriate to consult one or more third parties in respect of the possible disclosure of information which originated with, or was received from, third parties.

Under section 15(6) of the FOI Act, the statutory period for processing an FOI request is extended by 30 days in this situation. We advise that the timeframe for processing this request will be extended by 30 days if third party consultation is appropriate. Subject to any other extensions or suspension of time allowed by the FOI Act, the date by which we must give you a decision would then be 60 days from the date on which your request was received by the Department.

If you have any queries, I can be contacted by telephone by email by quoting the reference number **FOI/2014/022**, or alternatively by telephone on (02) 6271 5849.

Yours sincerely



FOI Adviser
Legal Policy Branch

2/ March 2014