



Australian Government
Australian Public Service Commission

Pat Bristow
By email: foi+request-5334-4118a695@righttoknow.org.au

Our reference: C19/652

Dear Applicant,

Freedom of Information Request

1. I refer to your email dated 28 March 2019 to Australian Public Service Commission (**the Commission**), requesting access under the *Freedom of Information Act 1982 (the FOI Act)* to:

...email correspondence, falling between the period of 11 December 2017 to 8 August 2018 (inclusive) between Ms Stephanie Foster and Mr John Lloyd (including email documents sent by Ms Foster to Mr Lloyd and email documents sent by Mr Lloyd to Ms Foster).

Documents falling within the scope of my request can be quickly identified and retrieved by searching all items (including archived items) in Mr Lloyd's email account profile according to persons sent to, and received from. Such documents are likely to include further prima facie evidence to support an allegation that Ms Foster has acted illegally.

I am willing to agree to the APSC redacting, 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.

(Your FOI request).

Preliminary Assessment of the Charge

2. Section 29 of 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. For reasons set out below, I have decided a charge should be imposed for the processing of your request.
3. I have therefore decided that you are liable to pay a charge for the processing of your request. My preliminary assessment of that charge is \$1,118.75, calculated under Schedule 1 of the *Freedom of Information (Charges) Regulations 1982 (the FOI Regulations)* as follows:

Task	Rate	Units	Charge
Search and retrieval	\$15.00 per hour	6.25	\$ 93.75
Decision-making	\$20.00 per hour	56.25	\$ 1,125.00
5 hours free	\$20.00 per hour	5	\$ -100.00
TOTAL			\$1,118.75

4. Please note that this preliminary assessment is based on a random 10% sample of documents that fall within scope of your request, given the volume of documents in scope. The 'decision-making'

component of the preliminary assessment is based on a very short review of each page within scope, and does not include the task of consultation of third parties required (which will be required). I have also incorporated a 25% discount on estimated decision-making time to account for variations in the random 10% sample.

5. I am not satisfied that grounds exist to exercise discretion to reduce or waive the charge in this matter.
6. I am not satisfied that giving access to the documents you have requested is in the general public interest or in the interest of a substantial section of the public.

Action Required

7. 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 on your options are set out below.

8. 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 subsection 29(2) of the FOI Act.

Option A - Pay the charge

9. As the preliminary assessment of the charge exceeds \$25.00, you are required to pay a deposit of \$279.69 (being 25% of the preliminary charge) within 30 days of receiving this notice. You can pay the charge in full if preferred.
10. The deposit can be paid by cheque or money order made out to the Collector of Public Monies. Please quote the reference number **FOI C19/652** with your payment. Details for alternative payment methods are available on request.
11. If paying the charge please email **FOI@apsc.gov.au** once you have posted your cheque or money order. 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

12. You may make submissions that the charge has been wrongly assessed or that the charge should be reduced or not imposed. Subsection 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 you 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.

13. If you believe that the charge has been wrongly assessed or that the charge should be reduced or not imposed, please provide submissions which identify reasons and evidence in support of your view.

14. If you believe that payment of the charge would cause you financial hardship, please provide submissions which contain sufficient information about your financial circumstances.

Option C - withdraw your request

15. If you wish to withdraw your request you may do so in writing.

Time limits for processing your request

16. 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

17. If you have questions about this letter please contact the Commission's FOI Officer by email at foi@apsc.gov.au.

Yours sincerely



Sayuri Grady
General Counsel

Authorised FOI decision maker
24 April 2019