



## Australian Government

### Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT  
BARTON

FOI/2019/094

Freedom Fighter of Information

Only by email: [foi+request-5362-9f818e90@righttoknow.org.au](mailto:foi+request-5362-9f818e90@righttoknow.org.au)

Dear Freedom Fighter of Information

I refer to your request, dated 8 April 2019, to the Department of the Prime Minister and Cabinet (the Department) for access under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

*I would like copies of the documents that were included in Justin Heyhurtz folder for the April 2019 session of the Senate Committee for Finance and Public Administration.*

#### Authorised decision-maker

The authorised decision-maker for the request is Angela Macdonald, Assistant Secretary, Middle East, Americas, North Asia, and Europe.

#### Timeframe for receiving your decision

We received the request on 8 April 2019 and the 30-day statutory period for processing your request commenced from the day after that date. The period of 30 days may be extended in certain circumstances (such as where a charge is payable).

#### Processing charge

The Department has identified approximately 30 documents comprising 270 pages within the scope of your request.

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:

<b>TASK</b>	<b>Rate</b>	<b>UNIT</b>	<b>CHARGE</b>
Search and retrieval	\$15 per hour	0.75 hours	\$ 11.25
Decision-making	\$20 per hour	31.17 hours	\$ 623.40
Less first 5 hours free			-\$ 100.00
<b>TOTAL</b>		31.92 hours	\$ 534.65

Please note that the task of ‘decision-making’ in the preliminary assessment includes third-party consultation under section 27 (business documents) and/or section 27A (documents affecting personal privacy) under the FOI Act.

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 one of the following:
  - Payment in full for the amount of \$534.65. 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.
  - Payment of a deposit in the amount of \$133.66 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 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 should be made by cheque or postal order and made out to the “Collector of Public Monies.” If you wish to pay by credit card, please contact the Department on the details provided at the end of this letter for further information.

- (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.

### **Publication of documents**

Please note that information released under the FOI Act may later be published online on our disclosure log at <http://www.dpmc.gov.au/pmc/accountability-and-reporting/freedom-information/foi-disclosure-logs/foi-disclosure-log>, subject to certain exceptions. If you think you might wish to raise any objections to the publication of any of the information which may be released to you please contact us by email at [foi@pmc.gov.au](mailto:foi@pmc.gov.au). If you do wish to object to the publication of information, you would need to provide supporting reasons.

### **Exclusion of officers' names and contact details**

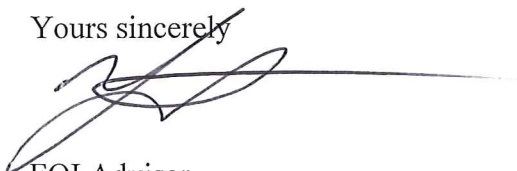
For documents that fall within scope of the request, it is the Department's policy to withhold:

- any person's signature;
- the names and contact details of Australian Public Service officers not in the Senior Executive Service (SES);
- the mobile or direct numbers of SES officers;
- the names and contact details of Ministerial staff at a level below Chief of Staff.

The names and other details of SES officers will not be withheld unless there is some reason for that information to be exempt from release. If you require signatures, the names and contact details of non-SES officers or Ministerial staff below the level of Chief of Staff, or the mobile or direct numbers of SES officers please let us know at [foi@pmc.gov.au](mailto:foi@pmc.gov.au) so the decision-maker may consider; otherwise we will take it that you agree to that information being excluded from the scope of your request (that is, the information will be treated as irrelevant and redacted from any documents for release).

If you have any queries, please contact the FOI and Privacy Section by telephone on (02) 6271 5849, or by email to [foi@pmc.gov.au](mailto:foi@pmc.gov.au).

Yours sincerely



FOI Adviser  
FOI and Privacy Section  
Legal Policy Branch

3 May 2019