



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI/2019/285

Mr Jason Potts
foi+request-5660-d4aeedbf@righttoknow.org.au

Dear Mr Potts

I refer to your email of 1 October 2019 in which you made a request to the Department of the Prime Minister and Cabinet (the Department) under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

Under the FOI Act, I seek access to email correspondence, falling between the period of 2 July 2018 to the date of this application, between Mr John Lloyd and his loyal friend and colleague, Stephanie Foster (including email documents sent by Mr Lloyd to Ms Foster and email documents sent by Ms Foster to Mr Lloyd).

The authorised decision-maker for your request is Mr Peter Rush, Assistant Secretary, Parliamentary and Government Branch.

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 subsection 11(1) of the *Freedom of Information (Charges) Regulations 2019* (the Charges Regulations) is that an applicant is required to pay any charge before access is given to a document.

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	0.5 hours	\$ 7.50
Decision-making	\$20 per hour	9.44 hours	\$ 188.80
<i>less first 5 hours free</i>		5 hours	\$ -100.00
TOTAL			\$ 96.30

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 \$96.30. 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 \$20.00 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. The deposit paid by an applicant is not refundable unless the Department decides to waive the charge, or fails to make a decision on the FOI request within the statutory time limit including any extension, or may be refundable in part if the final charge is less than the deposit paid.
 - You may pay by direct debit or by credit card.

Direct debit

You may pay by direct debit into the following account:

Account Name: Department of the Prime Minister and Cabinet Official
Departmental Account

BSB: 032-722

Account: 132263

Reference: FOI/2019/285

Credit card

You may pay by credit card over the phone by contacting the Department's Accounts Receivable team on 02 6271 6000 select option 4 then option 3.

- Please advise the FOI and Privacy Section at foi@pmc.gov.au once you have made payment. Once the Department receives your payment, the Department will send you a receipt.
- (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.

Notification of extension of time for third party consultation

As your request covers documents which contain another individual's personal information, the Department is required to consult with that individual (under section 27A of the FOI Act) before making a decision on the release of those documents.

For this reason the period for processing your request has been extended by 30 days in order to allow our agency time to consult with that individual (section 15(6) of the FOI Act). The extension of time will apply from the date that the processing period for your FOI request resumes.

The consultation mechanism under section 27A applies when we believe the individual (or their representative) may wish to contend that the requested documents are exempt for reasons of personal privacy. We will take into account any comments we receive from the individual but the final decision about whether to grant you access to the documents you requested rests with the Department.

If you have any queries, I can be contacted by telephone on (02) 6271 5849 or by email to foi@pmc.gov.au.

Yours sincerely

Adviser
FOI and Privacy Section
Legal Policy Branch

30 October 2019