



Office of the Treasurer

“Anonmouse”
foi+request-619-0942eb80@righttoknow.org.au

25 July 2014
Our ref: ER2014/02304
1501

Dear Sir/Madam

FREEDOM OF INFORMATION REQUEST — RESPONSE TO CONTESTING CHARGES

I refer to your email of 17 May 2014 in which you requested, under subsection 29(5) of the *Freedom of Information Act 1982* (FOI Act), that processing charges not be imposed in relation to your freedom of information (FOI) request for:

“I seek any correspondence between the Treasurer and his office with Margaret, 72, from Langwarrin Victoria. Margaret’s story was referenced in the speech at The National Press Club after the delivery of the 2014 budget.

I specifically seek: (1) Any written correspondence, from Margaret, Mr Hockey and/or the Treasurer’s Office; and (2) Metadata of telephone calls between Margaret and Mr Hockey including the date, time and duration of these telephone calls.”

Background

On 25 June 2014, you indicated you would like the charges for the request to be waived as the information you are seeking “*could be gathered in a few minutes using the built in search functions of email clients and online phone billing*”.

You have contended that the charge should be waived as a disclosure would be in the public interest. You indicated that this is on the basis that the public deserves to have the information to know what led to the Treasurer handing down this budget and this FOI request will in part do that by addressing the issue of Mr Hockey’s seeking council from members of the public which he himself raised.

I am an authorised decision maker under section 23 of the Act and the following is my decision and the reasons for my decision in relation to your request for waiver of the charge.

Decision

I have decided to uphold the charge of \$30.00.

Reasons for decision

I have taken the following material into account in making my decision:

- my letter sent to you on 10 June 2014, notifying you of the charge of \$30.00;
- your email received 25 June 2014 seeking waiver of the charge;
- the FOI Act;
- the *Freedom of Information (Charges) Regulations 1982* (the Charges regulations); and
- the guidelines issued by the Australian Information Commissioner (the guidelines).

Calculation of the charge

The Treasurer's Office uses the same approach for calculation of all FOI requests. It is based on the schedule to the Charges regulations and is designed to take into account the length and complexity of the documents that fall within the scope of FOI requests.

I am satisfied that the charge of \$30.00 was correctly assessed in line with the Charges regulations and fairly reflects the work that would need to be done in processing your request.

Reduction or waiver of the charge

In considering an application for reduction or waiver of charges, the FOI Act requires an agency to consider whether such charges would cause:

- financial hardship;
- whether the giving of access is in the general public interest; and
- any other relevant matter (see FOI Guidelines on charges available at: <http://www.oaic.gov.au/publications/guidelines.html>).

Public interest

I have considered whether processing your FOI request would be expected to give rise to a benefit to the public. The guidelines provide that, for the purposes of paragraph 29(5)(b) of the FOI Act, it is necessary to find that there is a benefit flowing more generally to the public or a substantial section of the public from disclosure, not just a benefit to the FOI applicant.

I consider there is little benefit flowing to the public in the documents under review that would warrant a waiver of the charge.

Financial hardship

I have considered whether the charge should be waived on the grounds of financial hardship.

I note that you are not seeking a reduction or waiver of the charge on financial hardship grounds, nor have you provided evidence of financial hardship. I have not considered this matter further.

Other relevant matters

There is a broad discretion under Regulation 3 of the Charges regulations to decide whether to impose a charge for processing an FOI request. Subsection 29(4) of the Act also gives a general discretion to reduce or not to impose a charge which goes beyond matters of financial hardship and public interest. Paragraph 4.46 of the guidelines states that 'in addition to considering those two matters, an agency or minister may consider any other relevant matter, and in particular should give genuine consideration to any contention or submission made by an applicant as to why a charge should be reduced or waived'.

I do not consider there to be any other matter relevant to your request for a reduction of the charge.

Options to proceed with your request

I have reached a decision that the access charges imposed are fair and commensurate with the costs incurred by the Office in processing your request and, therefore, should not be reduced. Therefore, if you wish to proceed with the current scope of this request you will need to either:

- pay the charge in full (\$30.00); or
- withdraw your request.

Options for payment are at **Attachment A**.

Information on your rights of review in relation to charging is at **Attachment B**.

Should you not do one of the options above within 30 days of receipt of this letter, it will be taken that you have withdrawn your request.

Yours sincerely



Alistair Campbell
Assistant Adviser

FOI Decision-Maker for and on behalf of the Treasurer

Department of Treasury Payment Options

Customer Name: _____

Customer Address: _____

Option 1: Bank Cheque or Australian Money Order – made out to “Collector of Public Monies”

Attached

Option 2: Please debit my credit card as follows:

AMEX

VISA

Mastercard

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Card Number

 /

Expiry Date

CCV Number

 \$

Total Amount

Name on Card

Signature of card holder

Office Use Only			
<i>File Number:</i>		<i>Trim Number:</i>	
<i>Cost Centre:</i>		<i>GL Code:</i>	
<i>Customer Number:</i>		<i>DAN Number:</i>	

RIGHTS OF REVIEW, WHERE CHARGES IMPOSED**INFORMATION ON RIGHTS OF REVIEW****1. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER
(INFORMATION COMMISSIONER) FOR REVIEW OF DECISION**

Section 54L of the Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision.

Applications for review must be in writing and must:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should send your application for review to:

The Information Commissioner
Office of the Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

AND/OR**2. COMPLAINTS TO THE INFORMATION COMMISSIONER**

Section 70 of the Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

The Information Commissioner
Office of the Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.