FOI Ref: 1405-F835
File No: 14/17106

30 June 2014

Brendan Molloy
Councillor
Pirate Party Australia

Sent by email: foi+request-636-872816ba@righttoknow.org.au

Dear Mr Molloy,

Re: Freedom of Information (FOI) Request

I refer to your current request for access under the *Freedom of Information Act 1982* (the FOI Act) to:

"All correspondence from the Minister for Trade and Investment regarding the progress of the Trans-Pacific Partnership Agreement since January 2014."

In your email of 19 June 2014, you requested a waiver of the charges associated with the processing of your request. I am the decision-maker with respect to processing charges authorised in accordance with the provisions of section 23(1) of the FOI Act. I am writing to inform you that I have decided to reduce the charges by 50 per cent to **$122.76** on public interest grounds available under the Act.

Please note that at this stage in the FOI process, no decision has been made as to whether the information you seek will be released or exempt under the provisions of the FOI Act. My decision relates only to the processing charges.

Reasons for my decision – Public Interest Grounds

In considering your application to waive charges on public interest grounds in accordance with section 29 of the FOI Act, I have taken into account whether release of the documents is in the public interest.

I have considered the general question as to whether the benefit from the release of the information contained in the particular documents will flow to the public at large, or a substantial section of the public, as well as to the specific individual or organisation requesting the documents. In my view, the material will be made available to the public at large via your website.

I have also considered whether, in light of the circumstances, release of the material would contribute to public debate. In my view, the documents may contribute some additional information to that which is already in the public domain which may, in turn, contribute to public debate. I note in this regard that your request relates to the progress of the Trans-Pacific Partnership, and that there has been a significant level of media reporting on this general subject.

I am also of the view, however, that charges in the FOI Act are a vital component of the FOI regime which makes it sustainable and appropriately balanced from a public policy perspective. Significant time and cost to the Australian community is attributable to processing FOI requests. The processing charges are designed to ensure that the Australian community recoups a fair proportion of the costs of processing non-personal FOI requests, given that processing such requests diverts significant community resources away from other key community priorities.

On balance, I have decided to grant a 50 per cent reduction of the assessed value of the processing costs pursuant to subsection 29(5)(b) of the FOI Act. I note that this reduction is consistent with review decisions on charges made by the Office of the Australian Information Commissioner.

Therefore, in accordance with section 29 of the Act I have decided that a charge of **$122.76** applies to your request. Accordingly and as previously advised, a deposit of 25 per cent of the revised charge is to be paid before processing commences where the preliminary assessment of the charge exceeds $100. I calculate the required deposit for your request to be **$30.69**.

If you agree to pay the reduced charge you may lodge payment of **$122.76** by cheque, or money order made payable to 'The National Cashier – DFAT' to

>Freedom of Information and Privacy Law Section
>Department of Foreign Affairs and Trade
>R G Casey Building
>John McEwan Crescent
>BARTON ACT 0221

If the Department does not receive a response to this letter within 30 days, your request will be deemed to be withdrawn, in accordance with section 29 of the FOI Act.

Your review rights

Internal review
Under the provisions of section 54 of the FOI Act, you are entitled to request a review of my decision. Your request should be directed to:

>Director
>Freedom of Information and Privacy Law Section
>Department of Foreign Affairs and Trade
>R G Casey Building
>John McEwen Crescent
>BARTON ACT 0221

Australian Information Commissioner

Under the provisions of section 54 of the FOI Act, you are entitled to request a review by the Australian Information Commissioner of my decision. You may also make a complaint to the Australian Information Commissioner under section 70 on the Department's performance of its functions or the exercise of power under the FOI Act.

Your request for review or complaint should be directed to:

> GPO Box 2999
> Canberra ACT 2601
> Telephone: 1300 363 992
> Fax: (02) 9284 9666
> Email: enquiries@oaic.gov.au

Complaints to the Commonwealth Ombudsman

You may complain to the Ombudsman concerning actions taken by an agency in the exercise of its powers or, more specifically, the performance of its functions under the FOI Act. There is no fee for making a complaint. The Ombudsman will conduct an independent investigation of your complaint.

You may complain to the Ombudsman by calling or writing to:

> Commonwealth Ombudsman
> GPO Box 442
> Canberra ACT 2601
> Telephone: 1300 362 072
> Fax: (02) 6249 7829

Should you have any queries regarding this matter please contact your FOI case officer Ms Stephanie Allan on (02) 6261 2541.

Yours sincerely

Indra McCormick
Director
Freedom of Information and Privacy Law Section

Department of Foreign Affairs and Trade

☐   **Payment of Charges: (Deposit / In Full)**

For the sum of $_____ as detailed in the FOI Estimate of Charges letter
dated _____ (FOI ref: 1405-F835)

Credit Card Payment for Freedom of Information (FOI) Charges

Name   _____

Address   _____

                       _____

                       _____

I authorise the National Cashier of the Department of Foreign Affairs and Trade
to debit my

☐ VISA   ☐ MASTER CARD

☐☐☐☐-☐☐☐☐-☐☐☐☐-☐☐☐☐ Expiry: _____/_____

Name appearing on card _____

Signature: _____

Payment by Direct Debit

Account Name: Department of Foreign Affairs and Trade
BSB No.:   092-009
Account No.:   110329

Please include your <u>surname and 'FOI'</u> in the reference field.