

FOI Reference: LEX2125
File No: 20/15968
11 August 2020

Mr Timmins
By email to: foi+request-6413-96a89396@righttoknow.org.au

Dear Mr Timmins

Re: Freedom of Information (FOI) Request – request for waiver of charges

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

a copy of the audit report on Australia's engagement in key multilateral institutions mentioned and summarised in the speech by the Minister to the National Security College on 16 June.

On 9 July 2020, you requested a waiver of the charges imposed for the processing of your FOI request. I am an officer authorised under section 23 of the FOI Act to make decisions on the waiver of charges for processing your request.

Decision

I have decided to reduce the charges by 50 per cent to **\$54.33**.

Reasons for my decision

In considering whether to reduce or waive charges, section 29(5) of the FOI Act requires me to take into account:

- whether payment of the charge would cause financial hardship, and
- whether giving access to the document is in the general public interest, or in the interest of a substantial section of the public.

I may also take into account other factors as relevant.

In reaching my decision I have had regard to the factors that I must take into account under section 29(5) of the FOI Act, and also the purpose of the charges regime under the FOI Act. I have also taken into account the reasons provided by you in support of your request for waiver of the charges.

You have submitted that there is a strong general public interest in access to the document you seek, on the basis that access will enable transparency and accountability in the use of public funds on issues that are of major significance to Australia's foreign policy. You have also submitted that giving access will help inform the community of the Government's conduct on international

affairs, contribute to debate on matters of public importance and enable scrutiny of performance in the achievement of government policies and goals.

I accept that this matter may be of some public interest. However, I am not satisfied the giving of access to the specific document in question would be *in* the general public interest, nor of interest to a substantial section of the public.

I note that you have indicated that while you have submitted your health care card and referred to your finances having "...taken a hammering...". You make reference to general financial hardship in the context of the current economic climate but do not wish to make a "special case for financial hardship".

Charges are a vital component to the FOI process that make it sustainable and appropriately balanced from a public policy perspective. Significant public resources are engaged in processing non-personal FOI requests. Processing charges are designed to ensure that the Australian community recoups a proportion of the costs of processing these types of FOI requests, given that processing such requests diverts significant resources from policy areas away from other priorities.

On the basis of the factors outlined above, I have decided not to waive the processing charges. I am however of the view that a reduction of charges is appropriate and have decided to reduce the charges by a rate of 50 per cent to \$54.33.

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

You now have 30 days within which to:

- pay the charges deposit of \$20.00
- seek review of my decision (your review rights are enclosed); or
- withdraw your FOI request.

If we do not receive a response from you as outlined above within 30 days of your receipt of this letter, your request will be deemed to have been withdrawn, in accordance with section 29 of the FOI Act. Your review rights are attached.

Should you have any queries, or wish to discuss revising the terms of your request, please contact me by email at foi@dfat.gov.au.

Yours sincerely



Lindsay Buckingham
Director
Freedom of Information and Privacy Law Section

Your review rights

Internal review

You may apply for internal review of the decision (section 54 of the FOI Act).

The internal review application must be made within 30 days of the date of this letter.

Where possible, please attach reasons why you believe review of the decision is necessary.

The internal review will be carried out by another officer within 30 days.

Any request for internal review should be directed via email to foi@dfat.gov.au or addressed to:

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

Australian Information Commissioner

You may apply within 60 days of the date of this letter to the Australian Information Commissioner to review my decision (section 54L of the FOI Act).

You may also make a complaint to the Australian Information Commissioner about the Department's actions in relation to this decision (section 70 of the FOI Act).

Making such a complaint about the way the Department has handled your FOI request is a separate process to seeking review of my decision.

Further information on applying for an Australian Information Commissioner review is available at: <https://www.oaic.gov.au/freedom-of-information/foi-review-process>

Further information about how to make a complaint is available at: <http://www.oaic.gov.au/freedom-of-information/foi-complaints>

