



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/2020/172

Trav S

By email: foi+request-6535-36db7e85@righttoknow.org.au

Dear Trav S

I refer to your email of 28 July 2020 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:

On 19 April 2004, PM&C wrote to the Minister responsible for honours policy recommending they seek the Governor-General declare service in Iraq eligible for the Humanitarian Overseas Service Medal.

PM&C advised the Minister that:

"Following an assessment of service of service in Iraq and consultation with DFAT and Defence, it was agreed that service in Iraq meets the criteria of the medal's regulations and should be declared as eligible service for the medal".

We request a copy of:

- 1. the assessment of service in Iraq, and*
- 2. the documents recording, or evidencing the consultations with DFAT and Defence.*

Authorised decision-maker

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

Processing charge

The Department has to date identified 61 documents relevant to 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 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 request. The preliminary assessment of the charge for processing your request is set out below:

TASK	Rate	UNIT	CHARGE
Search and retrieval	\$15 per hour	7.63 hours	\$ 114.45
Decision-making	\$20 per hour	6.06 hours	\$ 121.20
Less first 5 hours free			-\$ 100.00
TOTAL		13.69 hours	\$ 135.65

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 \$135.65. 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.
 - Alternatively, payment of a deposit in the amount of \$33.91 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/2020/172

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 that if you do not respond within 30 days after this notice was given, you will be taken to have withdrawn your request.

No guarantee of access

Please be aware that even if you pay the charge (in full or the required deposit), there is still no guarantee that documents will ultimately be released. That is a matter for the decision-maker to decide in the usual manner after examining the relevant documents.

If you have any queries, please contact the FOI and Privacy Section on (02) 6271 5849 or foi@pmc.gov.au.

Yours sincerely



A/g Senior Adviser
FOI and Privacy Section
24 August 2020