



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI/2014/125

By email: foi+request-677-483996e6@righttoknow.org.au

Dear Henare Degan

I refer to your email of 12 July 2014 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:

This is an application for all documents, reports and emails etc. since January 1, 2014 regarding the two recent appointments to the Nomination Panel for ABC and SBS Appointments of Dr Janet Albrechtsen and the Hon Neil Brown QC.

Please treat this as a request for administrative access. If for some reason the request cannot be dealt with in this way, please treat it as a formal application under the Freedom of Information Act

The authorised decision-maker for your request is Neil Williams, Assistant Secretary, Industry & Communications 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 Regulation 11(1) of the *Freedom of Information (Charges) Regulations 1982* (the Charges Regulations) is that an applicant is required to pay any charge before any access is given.

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	2.03 hours	\$ 30.45
Decision-making	\$20 per hour	9.58 hours	\$ 191.67
<i>less first 5 hours free</i>		5 hours	\$ -100.00
Photocopies	0.10 per page	0 pages	\$ 0.00
TOTAL			\$ 122.12

If not all of the documents identified as potentially relevant are in fact relevant, or exemptions apply to the documents identified as relevant, the actual charge may be less than this preliminary estimate. If the final charge is less than estimated, the balance would be waived.

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 \$122.12. 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 \$30.53 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. Regulation 14 of the Charges Regulations provides that a deposit paid by an applicant is not refundable unless the Department decides to waive the charge or fails to make a decision on the applicant's FOI request within the statutory time limit, including any extension.

Payment can be made by cheque or postal order and made out to the "Collector of Public Monies." If you wish to pay by credit card, you should email or forward a letter which sets out the credit card details and authorises the Department to charge that amount to the card.

Alternatively, payment may be paid by direct deposit to:

Account name: PM&C Official Departmental Account
 BSB: 032 722
 Account Number: 132263

If you pay by direct deposit, please use the reference **FOI/2014/125** and email FOI@pmc.gov.au letting us know the date you made the direct deposit and the payment amount.

- (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.

Extension of processing period

The Department has formed the view that it may be appropriate to consult one or more third parties in respect of the possible disclosure of information which originated with, or was received from, third parties.

Under section 15(6) of the FOI Act, the statutory period for processing an FOI request is extended by 30 days in this situation. Subject to any other extensions or suspension of time allowed by the FOI Act, we advise that the timeframe for processing this request will be extended by 30 days if third party consultation is appropriate.

If you have any queries, I can be contacted by telephone by email at FOI@pmc.gov.au by quoting the reference number **FOI/2014/125**, or alternatively by telephone on (02) 6271 5849.

Yours sincerely



FOI Adviser
Legal Policy Branch

20 August 2014