



OFFICE OF THE PRIME MINISTER

FOI Reference: PM/22/024

To BE

Email: foi+request-9640-a900fe81@righttoknow.org.au

Dear BE

Thank you for your email dated 1 December 2022 regarding a request to access documents under the *Freedom of Information Act 1982* (the Act).

Terms of FOI request

You set out your FOI request in the following terms:

I request access to the Prime Minister's ministerial calendar for the period 1 October until today, formatted to either one day per page or one week to a page.

Authorised decision-maker

I am authorised to make a decision in this matter on the Prime Minister's behalf.

Notice of liability to pay a charge

The purpose of this notice is to advise that I consider you are liable to pay a charge under section 29 of the Act. This notice also provides information to assist you to respond.

Preliminary assessment of the charge

In making a preliminary assessment of the amount of the charge I have had regard to the estimated time to process your request and the corresponding rates specified in Schedule 1 of the *Freedom of Information (Charges) Regulations 2019*.

In order to provide a reasonable estimate of the charge, I have reviewed and analysed a sample period of the Prime Minister's diary against the requirements of the Act.

Based on this analysis, I estimate that it would take (on average, and being conservative):

- 2.5 minutes to consider the entries for each day against section 4 of the Act and the Information Commissioner guidelines to determine whether particular entries are "official documents of the Minister" and subject to disclosure under the Act.
- 30 seconds to consider the entries for each day and identify any third parties who will require consultation, prior to a decision on access being made

- 13 minutes to consider the entries for each day that are subject to disclosure under the Act against the exemption provisions, including review of the public record, consultation with relevant advisers (by exception, as needed) and considering the operation of the exemptions, as appropriate
- 2 minutes (not including administrative support) to prepare a redacted version of each day of the diary

For a 65 day period, this is a total of approximately 19.5 hours of work for the authorised decision-maker. In addition I anticipate there will be a need for third party consultation. Assuming consultation takes 20 minutes per consultation for an estimated 40 individuals, this would increase the time required to process the request by a total of 13 hours and 20 minutes.

Finally, having regard to the wide ranging nature of the Prime Minister's engagements and that a significant number of exemptions may potentially be engaged, I estimate it would take at least 10 hours to prepare reasons for decision.

I thus estimate that the decision-making time involved in the processing of your request will be 43 hours. Pursuant to the Regulations, the rate for decision-making is \$20 per hour after the first 5 hours (ie \$20 for 38 hours), for a total of \$760.

I have decided not to charge for the search and retrieval process. Having regard to the objects of the Act and public interest considerations, I have also decided to apply a 20% discount to the charge amount.

My preliminary assessment of the amount of the charge is thus \$608.

Your options

The Act requires you to exercise one of the following options in writing within 30 days of receipt of this notice (by 15 February 2023):

- (1) You can agree to pay the charge, and make a payment in full or pay only the deposit. Details on how to pay are below.
- (2) You may contend that the charge has been wrongly assessed, should be reduced or not imposed. You should provide reasons for your contention. In determining whether or not to reduce or not impose the charge, the Act requires the decision-maker to take into account whether payment of the charge would cause financial hardship, and whether the giving of access would be in the general public interest.
- (3) You can withdraw your request.

If you do not respond within 30 days of receiving this notice the Act provides the request is deemed to have been withdrawn.¹ If this occurs, the Office will take no further action.

How to pay a charge

You can choose to pay the full amount or a 25% deposit of \$152.

¹ Section 29(2) of the Act

You may pay by direct debit into the following account:

Account Name:	Department of the Prime Minister and Cabinet Official Departmental Account
BSB:	092-009
Account:	147252
Reference:	FOI-PM-22-024

Please advise the Department of the Prime Minister and Cabinet at foi@pmc.gov.au once you have made payment. The Department will send you a receipt upon payment confirmation.

Once you agree to pay the charge and a payment is received (or, if you contend the charge should be reduced or not imposed, once the amount of any charge you are liable to pay is determined and paid), the processing period will recommence and we will continue to deal with your application under the Act. In that event, you will be notified when a decision on access is made, and any documents will only be provided to you after any outstanding charge is paid.

Calculation of 30 day period

In accordance with section 31 of the Act the processing time for your request excludes the period from the day that we send this notice until the day payment is received, and will resume on either:

- the day after you pay the charge (or the deposit);
- if the amount of the charge is changed, the day after you pay the amended charge (or the deposit); or
- if a decision is made not to impose a charge, the day after you are notified of that decision.

Contact officer

Should you wish to discuss any aspect of your request, please contact Janelle at the Department of the Prime Minister and Cabinet, you can contact her by email at foi@pmc.gov.au or by phone 02 6271 5849, quoting reference number PM-22-024.

Yours sincerely



Simona Gory
Senior Legal Adviser
16 January 2023