

Section 22

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**From:** Section 22  
**Sent:** Wednesday, 3 December 2014 2:23 PM  
**To:** Section 22  
**Cc:**  
**Subject:** RE: FOI 1618 - Blair Davies (Australian Taxi Industry Association) - ER2014/05431 [SEC=UNCLASSIFIED]

I'm also ready now.

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**From:** Section 22  
**Sent:** Wednesday, 3 December 2014 2:09 PM  
**To:** Section 22  
**Cc:**  
**Subject:** RE: FOI 1618 - Blair Davies (Australian Taxi Industry Association) - ER2014/05431 [SEC=UNCLASSIFIED]

Happy to chat whenever people are ready.

Section 22

Principal Adviser  
Competition Policy Review Secretariat

The Treasury, Langton Crescent, Parkes ACT 2600  
phone: (02) 6263 Section 22  
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**From:** Section 22  
**Sent:** Wednesday, 3 December 2014 12:05 PM  
**To:** Section 22  
**Subject:** RE: FOI 1618 - Blair Davies (Australian Taxi Industry Association) - ER2014/05431 [SEC=UNCLASSIFIED]

Can we please discuss later today.

Thanks, Section 22

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**From:** Section 22  
**Sent:** Wednesday, 3 December 2014 11:59 AM  
**To:** Section 22  
**Cc:**  
**Subject:** FOI 1618 - Blair Davies (Australian Taxi Industry Association) - ER2014/05431 [SEC=UNCLASSIFIED]

Good morning

We have received a revised request from Mr Davies. Could you please advise if this can be processed and if so we will need to issue charges as soon as possible. To enable us to do this will need to prepare the schedule of documents, and/or forward us an estimate of the following:

- Number of relevant pages
- Number of documents
- Number of fully exempt pages
- Number of pages released with deletions
- Number of third parties to consult

From these the FOI team will prepare a charges letter. (Exemption numbers are not required at the charges stage).

To assist you with processing the FOI I have attached with following documents:

- Schedule of Documents (incl example)
- Exemptions list
- Revised request

We have used 16 days of the 30 days allowed to process this application. Once charges are issued the clock stops until payment is received. The due date for this FOI, if charges are paid immediately, is **12 December 2014**. (this is because we issue our decisions on a Friday).

Also, if you identify Cabinet Documents in the schedule, you need to prepare a separate schedule of the cab docs and notify the FOI team asap as these documents need to go to PM&C (PM&C require up to **2 weeks** to process).

When we have received a payment we will advise you of the next steps. We will provide you with updates and reminders along the way.

Kind regards

Section 22

Analyst

Ministerial & Legal Team

Ministerial & Communications Division

Corporate Strategy and Services Group

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Section 22

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**From:** Section 22  
**Sent:** Wednesday, 3 December 2014 9:38 AM  
**To:** Section 22  
**Subject:** TRIM: FOI 1618 - Revised Scope - ER2013/05431 [SEC=UNCLASSIFIED]

**From:** Blair Davies Section 47F @atia.com.au]  
**Sent:** Tuesday, 2 December 2014 6:25 PM  
**To:** FOI  
**Subject:** Re: Freedom of Information Request to Treasury [SEC=UNCLASSIFIED]

Dear Sir/Madam

Thank you for the email below and attachment.

Further to my phone conversation with Section 22, Senior Adviser - Parliamentary and Legal Services Unit, today (02/12/14: 1414-1445 AEDST), I confirm the following -

1. Subject to the Commonwealth Treasury Department confirming in writing that a large number of documents *will in fact* fall within the scope of Part 2 of my Freedom of Information Request (FOI Ref 1618), I wish to amend Part 2 of my request by restricting its scope to the Competition Policy Review Panel and Secretariat rather than the whole Commonwealth Treasury Department.
2. Subject to the Commonwealth Treasury Department confirming in writing that a large number of documents *will in fact* fall within the scope of Part 2 of my Freedom of Information Request (FOI Ref 1618), as amended in point 1 above, I wish to withdraw Part 2 of my request entirely.
3. Please note, Section 22 letter dated 28 November 2014 only states that, "initial searches *suggest* that a large number of documents *could* fall within the scope". As currently framed, Section 22 intention to refuse Part 2 of FOI Ref 1618 appears to represent unsatisfactory compliance with her obligations under the Freedom of Information Act 1982.
4. I confirm that on 14 November 2014, I called the Competition Policy Review secretariat to make enquiries about the drafting Box 1.1 in the Competition Policy Review draft report (September 2014). Section 22 (?) returned my call the same day (14/11/14: 15.31-1554 AEDST) and advised the following –
  - o Box 1.1 was drafted by a "person near him";
  - o the drafter was unavailable to answer enquiries;
  - o the drafter did not rely on any submission to draft Box 1.1 because any such source would have been acknowledged if that had been the case;
  - o the drafter rather relied on the "general understanding" of the matters presented in Box 1.1 and not any specific sources (e.g. particular media reports) or representations (e.g. meetings with Uber) or experiences (e.g. using or supplying Uber products);
5. The advice provided in relation to Part 1 of FOI Ref 1618 by Section 22 in her letter is not consistent or reconcilable with the advice provided by Section 22. Whereas Section 22 advised that Box 1.1 was prepared without reliance on specific submission material, reference material or media reports, Section 22 letter states that, "*four source documents used in the preparation of Box 1.1.*" On inspection the documents Section 22 letter refers to comprise -
  - o 1 submission (NSW Government);
  - o 1 overseas document (CPUC); and
  - o 2 media reports (SMH articles).
6. While Section 22 letter may have provided an appropriate answer to my enquiry of Section 22 on 14 November 2014, it is not at all satisfactory as a response to Part 1 of FOI Ref 1618. Please note, Part 1 of FOI Ref 1618 includes *all records* in relation to the preparation and publishing of Box 1.1. Importantly, it therefore includes all communications in relation to the preparation and

publishing of Box 1.1. It also includes all drafts and revisions of Box 1.1. The supply of the 4 references is manifestly incomplete for the purposes of the scope of FOI Ref 1618.

7. As currently presented, Section 22 intention to refuse Part 1 of FOI Ref 1618 also appears to represent unsatisfactory compliance with her obligations under the Freedom of Information Act 1982.
8. For completeness, I confirm that I do *not* wish to revise Part 1 of FOI Ref 1618.

Regards

Blair Davies  
CEO  
Australian Taxi Industry Association

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On 28 Nov 2014, at 3:30 pm, FOI <[FOI@treasury.gov.au](mailto:FOI@treasury.gov.au)> wrote:

Dear Mr Davies

Please find attached correspondence in relation to your FOI request of 14 November 2014.

Regards

FOI Team  
Parliamentary and Legal Services Unit  
Ministerial and Communications Division  
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<FOI 1618 Letter to Mr Davies.pdf>