

Section 22

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

FYI - Section 22 I will come around to discuss with you shortly.

From: Section 22
Sent: Wednesday, 3 December 2014 8:55 AM
To: Section 22
Subject: FOI 1618 - Revised Scope - ER2013/05431 [SEC=UNCLASSIFIED]

Please see the below email from the applicant revising the scope of the request for FOI 1618.

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 \[SEC=UNCLASSIFIED\]](mailto:@atia.com.au)

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 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

Section 47F
m:
p: +61 7 3467 3560
f: +61 7 3054 7227
a: PO Box 1388, North Lakes QLD 4509
e: Section 47F @atia.com.au
w: www.atia.com.au



IMPORTANT NOTICE: This email message and any attachments are confidential. If you are not the intended recipient, any use, interference with, disclosure or copying of this material is unauthorised and prohibited.

On 28 Nov 2014, at 3:30 pm, FOI <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
The Treasury, Langton Crescent, Parkes ACT 2600
Phone: (02) 6263 2800

Email: foi@treasury.gov.au

Please Note: The information contained in this e-mail message and any attached files may be confidential information and may also be the subject of legal professional privilege. If you are not the intended recipient, any use, disclosure or copying of this e-mail is unauthorised. If you have received this e-mail by error please notify the sender immediately by reply e-mail and delete all copies of this transmission together with any attachments.

<FOI 1618 Letter to Mr Davies.pdf>