

Section 22

From: Section 22
Sent: Wednesday, 10 December 2014 3:32 PM
To: Section 22
Cc: Section 22
Subject: RE: FOI 1618 - Mr Blair Davies (Australian Taxi Industry Association) - ER2014/05431 [SEC=UNCLASSIFIED]

Thanks, Section 22

I have marked a few changes in revision marks.

Regards,
Section 22

From: Section 22
Sent: Wednesday, 10 December 2014 12:22 PM
To: Section 22
Subject: FOI 1618 - Mr Blair Davies (Australian Taxi Industry Association) - ER2014/05431 [SEC=UNCLASSIFIED]

Hi

I have drafted up a charges/refusal letter for 1618.
Could you please have a look at it as soon as possible as it needs to be sent out today hopefully to stop the clock.

[http://tweb/sites/cssg/mcd/foi/1415Cases/Davies%20Blair%20\(Australian%20Taxi%20Industry%20Association\)/1618/1618%20-%20Notify%20charges.docx](http://tweb/sites/cssg/mcd/foi/1415Cases/Davies%20Blair%20(Australian%20Taxi%20Industry%20Association)/1618/1618%20-%20Notify%20charges.docx)

Schedule of documents from Policy Area is here:

[http://tweb/sites/cssg/mcd/foi/1415Cases/Davies%20Blair%20\(Australian%20Taxi%20Industry%20Association\)/1618/1618%20-%20Schedule%20of%20all%20documents.xlsx](http://tweb/sites/cssg/mcd/foi/1415Cases/Davies%20Blair%20(Australian%20Taxi%20Industry%20Association)/1618/1618%20-%20Schedule%20of%20all%20documents.xlsx)

Charges calculator used is here:

[http://tweb/sites/cssg/mcd/foi/1415Cases/Davies%20Blair%20\(Australian%20Taxi%20Industry%20Association\)/1618/1618%20-%20Charges%20calculator%20Nov%202010.xlsx](http://tweb/sites/cssg/mcd/foi/1415Cases/Davies%20Blair%20(Australian%20Taxi%20Industry%20Association)/1618/1618%20-%20Charges%20calculator%20Nov%202010.xlsx)

Section 22

Analyst
Ministerial & Legal Team
Ministerial & Communications Division
Corporate Strategy and Services Group
The Treasury, Langton Crescent, Parkes ACT 2600
phone: (02) 6263 Section 22
email: Section 22 [@treasury.gov.au](mailto:Section22@treasury.gov.au) , or
Section 22 [@treasury.gov.au](mailto:Section22@treasury.gov.au)

ESTIMATE

FOI CHARGES ESTIMATE (NOV 2010)		
(insert data in shaded boxes only)		
BASIC DATA ESTIMATE		
Number of relevant files	2	
Number of relevant pages	50	
Number of relevant documents	2	
Number of fully exempt pages	0	
Number of pages released with deletions	0	
Number of documents for access via inspection	0	
Percentage of request relating to applicant's own personal information	0%	
Number of third parties to consult	0	
PROCESS - search and retrieval		
	TIME (in hours)	COST @ \$15 per hr
Search and retrieval (10 mins per file)	0.33	\$5.00
Search files and tag relevant pages (45 mins average per file)	1.50	\$22.50
preparing schedules detailing all relevant documents (30 minutes per 10 documents)	0.10	\$1.50
<i>Search & Retrieval Subtotal</i>	1.93	\$29.00
PROCESS - decision-making		
	TIME (in hours)	COST @ \$20 per hr
examine relevant pages for decision making (5 mins per relevant page).	2.00	\$40.00
exempted pages (5 mins extra per page to cover additional consideration of complexity of material).	0.00	\$0.00
pages released with deletions (5 mins extra per page to cover time needed to redact the material)	0.00	\$0.00
consult third parties (2 hours per third party)	0.00	\$0.00
preparation and notification of decision (4 hours per 250 relevant pages) - NB if several exemptions are involved, further time may be required.	0.80	\$16.00
<i>Decision-making Subtotal (before deduction of 5 hours)</i>	2.80	\$56.00
<i>First five hours free - reduction in cost</i>	5.00	(\$56.00)
<i>Decision-making Subtotal (after deduction of first 5 hours free for all)</i>	0.00	0
ACCESS - view / inspect		
	TIME (in hours)	COST @ \$6.25 per 1/2 hr
Access given through inspection of documents (10 min per document, rounded up to nearest 1/2 hour)	0.00	0.00
Access given through hearing and/or viewing of documents e.g audio/visual material - insert duration of files and add 1/2 hour set-up and pack-up time (rounded up to nearest 1/2 hour)		0.00
<i>Inspection/Viewing Subtotal</i>	0.00	\$0.00
ACCESS - copy and post		
	PAGES	COST @ 10c a page
Photocopies of estimated released docs (including those with deletions)	0	\$0.00
Packaging and postage-insert estimated cost	N/A	
<i>Photocopying & Postage Subtotal</i>		\$0.00
ESTIMATED TOTALS		
NUMBER OF RELEASED PAGES		50
TIME (in hours)		1.93
TOTAL COST		\$29.00
Financial hardship/public interest discount		\$0.00
TOTAL COST (after discount)		\$29.00
DEPOSIT REQUIRED		\$20.00
USING THIS TOOL		
This tool assists in generating an estimate but should not be considered definitive or binding. It is based on a number of assumptions which are described in column A. The appropriateness of those assumptions to the particular circumstances should be tested on each occasion - for example, repetitious material can be dealt with more quickly, as can publicly available documents.		The percentage discount to be applied if agency takes into account financial hardship or public interest under s 29 of the FOI Act.

Number of agency's files that contain at least one relevant document.

Total number of pages of all documents relevant to the request (including exempt pages)

Number of agency documents falling within the terms of the request.

Number of pages of relevant documents to be exempted in full.

Number of pages of relevant documents to be released in part.

Number of documents for which access is by supervised inspection of the document.

Agencies may not charge for FOI requests to the extent that they relate to personal information about the FOI applicant

Applies to non-Commonwealth consultees (e.g. individuals, businesses, other governments). Only count each party once if referred to in multiple documents.

This amount takes into account any reductions to the cost as a result of the application involving personal information



11 December 2014

File: ER2014/05431
FOI Ref: 1618

Mr Blair Davies
Australian Taxi Industry Association
PO Box 1388
NORTH LAKES QLD 4509

Section 47F [@atia.com.au](mailto:atia.com.au)

Dear Mr Davies

FREEDOM OF INFORMATION REQUEST: ESTIMATE OF CHARGES

I refer to your email of 17 November 2014 in which you sought access to documents under the *Freedom of Information Act 1982* (the Act). A copy of this request is attached.

On 28 November 2014 we advised our intention to refuse your request under section 24AA of the Act because the work involved in processing the request, in particular part 2, would substantially and unreasonably divert the resources of the agency from its other operations.

On 2 December 2014 you contacted Section 22 to discuss your request, the option of discussing the scope of your request with me with a view to narrowing its scope, which you declined. You subsequently emailed a revised request to FOI at Treasury. A copy of the revised request is attached.

A very large number of documents have been identified as possibly falling within the scope of Part 2 of your request. These documents would then need to be examined and decisions taken as to whether to grant, refuse or defer access. Consultation with third parties could be required as well as copying and redacting of the documents. Part 2 also covers documents that may be held in other divisions of Treasury which would require search and retrieval time across a further three divisions.

Accordingly, I am refusing Part 2 of your request under subparagraph 24AA(1)(a)(i) of the Act because the work involved in processing either the original or revised request would substantially and unreasonably divert the resources of the Treasury from its other operations. I note that you advised you would withdraw Part 2 of your request upon receiving this written notification.

Part 1 of your request is sufficiently narrow that I am able to process the request. The *Freedom of Information (Fees and Charges) Amendment Regulations 2010* (the Regulations) prescribe that charges can be levied in respect of a request for access to documents. These charges are set out by the Regulations and are for search and retrieval of documents, decision making and provision.

I have decided that you are liable to pay a charge in respect of the processing of Part 1 of your request.

My preliminary assessment of the charge is \$29.00 (see table for detail of charges).

Search and retrieval, tag relevant pages	\$29.00
Decision-making (after deducting first five hours free)	\$00.00
<ul style="list-style-type: none"> • examine relevant pages for decision making (includes exempted pages and pages released with deletions)(first five hours free) • preparing schedules and preparation and notification of decision 	
TOTAL COST	\$29.00

The charges set out above are determined in line with the Regulations to reflect fairly the work involved in processing a request, such as for search and retrieval of documents, decision making and provision of access and are not indicative of the level of access that may be granted to the documents sought.

The charge for search and retrieval is based on a search of the Treasury's electronic records systems and of files held by individuals in areas for which the subject matter contained in the request is potentially of relevance. A number of documents have been identified as potentially falling within the scope of your request. Most of these documents will require a decision on access and I estimate that will take around two hours. The first five hours of decision making time are free of charge. Therefore you will not be charged for decision making time.

The Regulations prescribe that where a charge is imposed and exceeds \$25.00 but is less than \$100.00, a deposit of \$20.00 may be sought and where the charge exceeds \$100.00, a deposit of up to 25 per cent of the estimated charges may be sought. Based on the preliminary estimate of charges for your request which is \$29.00, I have decided you are required to pay a deposit of \$20.00.

Within 30 days of receipt of this notice you are required to either:

- pay the charge; or
 - pay a deposit with the remainder to be paid prior to receipt of documentation, or
 - contend that the charge
 - has been wrongly assessed, or
 - should be reduced, or
 - not imposed, or both; or
- } You should give
} full reasons for so
} contending
- withdraw your request.

Options for payment are attached.

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. In deciding whether to reduce or not to impose a charge, the decision maker has discretion to consider reduction or remission of charges for any reason, including the following reasons:

- the payment of the fee or a part of the fee would cause financial hardship to the applicant or person on whose behalf the application was made; or
- the giving of access is in the general public interest or in the interest of a substantial section of the public.

If you wish to contest the charges, you should give full reasons for doing so.

If you fail to notify the Treasury in a manner mentioned above within 30 days of receipt of this notice it will be taken that you have withdrawn your request.

The Treasury considers the names, email addresses and other contact details of public service officers to be irrelevant to an FOI request. These details will not be released pursuant to section 22 of the Act. We will provide you with the designations (for example, Analyst, Senior Adviser, Manager) of authors and addressees of documents in the schedule of documents accompanying the decision letter so that their relative seniority is known. You have not been charged for any redactions to documents required as a result of this practice.

The Treasury treats documents that are publicly available (for example, documents published on a publicly accessible website) as irrelevant to an FOI request. This means that you will not be charged for, or be provided with, publicly available documents under FOI.

In accordance with section 31 of the Act, the 30 day limit for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

The Treasury publishes all documents disclosed in response to FOI requests (other than personal or business information that would be unreasonable to publish) on the Treasury website at the same time as the applicant receives the response. This is consistent with the arrangements established by section 11C of the Act, which formally commenced operation on 1 May 2011.

Yours sincerely

Section 22
General Manager
Competition Policy Review Secretariat

Department of Treasury Payment Options

Customer Name: _____

Customer Address: _____

Option 1: Bank Cheque or Australian Money Order – made out to “Collector of Public Monies”

Attached

Option 2: Please debit my credit card as follows:

AMEX

VISA

Mastercard

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Card Number

Expiry Date

CCV Number

Total Amount

Name on Card

Signature of card holder

Office Use Only			
<i>File Number:</i>		<i>Trim Number:</i>	
<i>Cost Centre:</i>		<i>GL Code:</i>	
<i>Customer Number:</i>		<i>DAN Number:</i>	

RIGHTS OF REVIEW, WHERE CHARGES IMPOSED

INFORMATION ON RIGHTS OF REVIEW

1. APPLICATION FOR INTERNAL REVIEW OF DECISION

Section 54 of the Freedom of Information Act gives you the right to apply for an internal review of the decision to impose a charge for documents in accordance with your request.

Application for a review of the decision must be made in writing within 30 days of receipt of this letter.

No particular form is required but it would assist the decision-maker if you could set out in the application the grounds on which you consider that the decision should be reviewed.

Application for a review of the decision should be addressed to:

The Treasury
Langton Crescent
PARKES ACT 2600

Attention: Parliamentary and Legal Services Unit

OR

2. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER (INFORMATION COMMISSIONER) FOR REVIEW OF DECISION

Section 54L of the Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision.

Applications for review must be in writing and must:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should send your application for review to:

The Information Commissioner
Office of the Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

AND/OR

3. COMPLAINTS TO THE INFORMATION COMMISSIONER

Section 70 of the Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

The Information Commissioner
Office of the Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.