

Section 22

From: Section 22
Sent: Monday, 17 November 2014 3:19 PM
To: Section 22
Cc:
Subject: TRIM: FOI 1618 - Mr Blair Davies (Australian Taxi Industry Association - ER2014/05431 [SEC=UNCLASSIFIED])
Attachments: 1618 - Initial request.pdf; 1618 - DM Document Search Checklist.docx; 1618 - Schedule of all documents.xlsx; 050 - Schedule of all documents (Sample).pdf; 1618 - FOI flow chart - next steps.xlsx; 030 - Exemptions list.pdf; 1618 - Schedule of documents to PMC.xlsx

Good afternoon

We received a new FOI Request from Mr Blair Davies (Australian Taxi Industry Association), which I'd be grateful if you could confirm should be assigned to your area.

Next steps

The due date for the decision is around 12 December 2014.

We like to have the charges letter to the applicant in the **first 7-10** days of receipt of the application. For this to occur, you will need to arrange for a search for documents and complete the 'schedule of documents'.

To assist, I have **attached** the:

- Initial request;
- Document search checklist;
- Schedule of documents;
- Sample schedule of documents;
- Flow chart - steps
- Exemptions checklist.

As an alternative to preparing a schedule of documents, you can forward us an estimate of the following:

- Number of documents;
- Number of relevant pages;
- Number of fully exempt pages (estimate only);
- 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, an estimate of exempt pages is fine).

Cabinet documents

If you identify Cabinet Documents in the schedule, you will need to prepare a separate schedule of the Cabinet documents and notify the FOI team ASAP as these documents need to go to PM&C now (PM&C require up to **3 weeks** to provide advice on Cabinet exemptions).

- A PM&C schedule is **attached** for this purpose.

If the FOI Team can be of any assistance, please do not hesitate to call us.

Kind regards

Section 22

Analyst
Ministerial & Legal Team
Ministerial & Communications Division
Corporate Strategy and Services Group
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Section 22

From: Section 22
Sent: Monday, 17 November 2014 3:05 PM
To: Section 22
Subject: Freedom of Information request [SEC=UNCLASSIFIED]

From: foi@treasury.gov.au [<mailto:foi@treasury.gov.au>]
Sent: Friday, 14 November 2014 5:58 PM
To: FOI
Subject: Freedom of Information request [SEC=UNCLASSIFIED]

Name

Mr Blair Davies

Organisation

Australian Taxi Industry Association

Phone

07 3467 3560

Email

Section S47F [@atia.com.au](mailto:)

Address Line 1

PO Box 1388

Address Line 2

Suburb/Town

North Lakes

State

Queensland

Postcode

4509

Country

Australia

Documents sought after

1. All records (including e-mails, text messages, memos, file notes, letters, source documents, reference documents, advices, briefing papers, working papers, position papers, documented analysis, reports or other documentation) held in the Commonwealth Treasury Department relating to the preparation, and / or publishing, of "Box 1.1: Regulatory treatment of the 'sharing economy' - the example of Uber", on page 19 of the Competition Policy Review - Draft Report September 2014 (ISBN 978-1-925220-08-7).

2 All records (including e-mails, text messages, memos, file notes, letters, and other documentation) of advice, analysis, briefing papers, working papers, position papers, reports or other documentation held in the Commonwealth Treasury Department that mentions or otherwise references the company Uber

Australia Pty Ltd, Uber's products and / or services, or ride-sharing services in general (including ridesharing, rideshare services, and ride-share services).



Australian Government

The Treasury

MINUTE

FOI search checklist — Mr Blair Davies (Australian Tax Industry Association)— FOI 1618 – ER2014/05431

Searches

Completed

1. Files and all other paper records including, but not limited to, documents:
- in filing cabinets;
 - held by Records Management Unit;
 - in desk and desk drawers;
 - in bookshelves and cupboards;
 - in safes; and
 - in personal folders and diaries.
2. All electronic records including, but not limited to, the following:
- TRIM files;
 - emails;
 - voice mail messages;
 - CD's; and
 - information stored on databases.
3. Any other necessary searches (please specify)
4. Additional comments (if any)

I certify that all necessary searches including the above searches have been undertaken, and that I have identified all the documents falling within the scope of the FOI request. I acknowledge that I may be required to give evidence in the Administrative Appeals Tribunal or to the Information Commissioner, in relation to the searches for documents undertaken.

Signature

Name

Position

Group/Division

Date

The Treasury

FOI Schedule of Documents

FILE: ER20
FOI:

Doc No	Author	Addressee	Date	Description	No of pages	Release	Exempt in Part	Exempt in Full	Not relevant S22
Total					0	0	0	0	0

THE TREASURY

Schedule of documents – FILE Ref

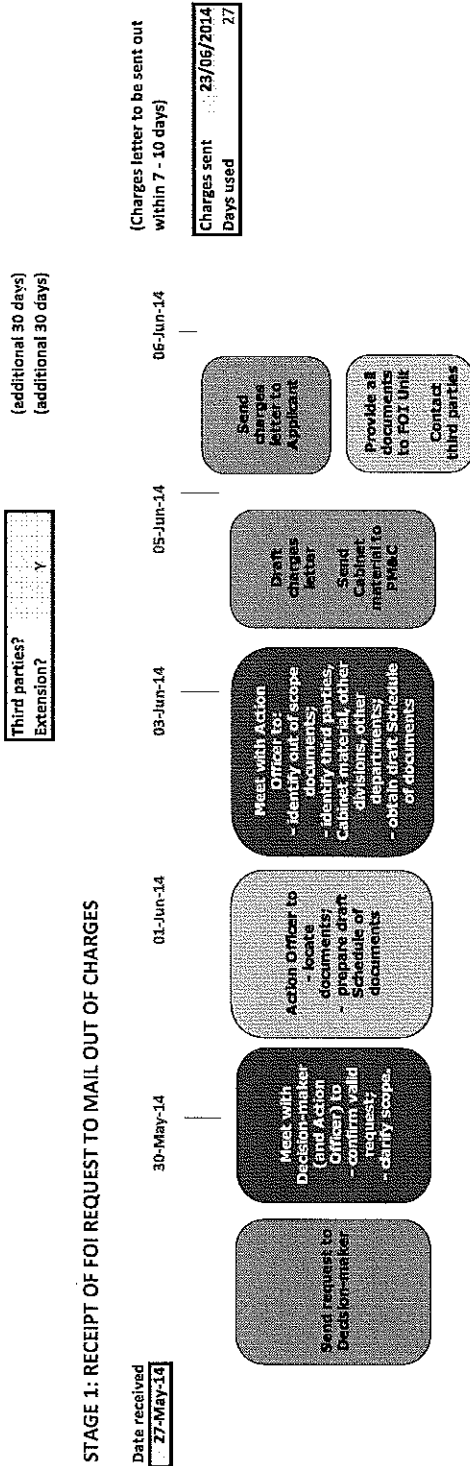
Doc No	Author	Addressee	Date	Description	No of pages	Release	Exempt in Part	Exempt in Full	Not Relevant S22
1	Joe Bloggs	Jane Doe	xx/xx/xx	Executive Minute – Topic of executive minute	7	P2-4		S45 P1	P5-7
2	Joe Bloggs	Jane Doe	xx/xx/xx	Letter – Topic of letter	3	Pp1-3	S47C Pp1-3		
3	Joe Bloggs	Jane Doe	xx/xx/xx	Report – Topic of report	23	P2, 6, 10-23, Pp 1, 3, 5	S34 Pp1, 3, 5	S34 P4, 7-9	
4	Joe Bloggs	Jane Doe	xx/xx/xx	Email – Topic of email	4	P1-4			
5	Joe Bloggs	Jane Doe	xx/xx/xx	Minute – Topic of minute	5			S34 P1-5	
6	Joe Bloggs	Jane Doe	xx/xx/xx	Newsletter – Topic of newsletter	2	P1			P2
7	Joe Bloggs	Jane Doe	xx/xx/xx	Draft Report – Topic of report	15	Pp1, 3-5	S47F Pp2 S47C Pp1, 3-5	S33 P6-15	Pp2
Total pages					59	33	11	20	5

P= Full page

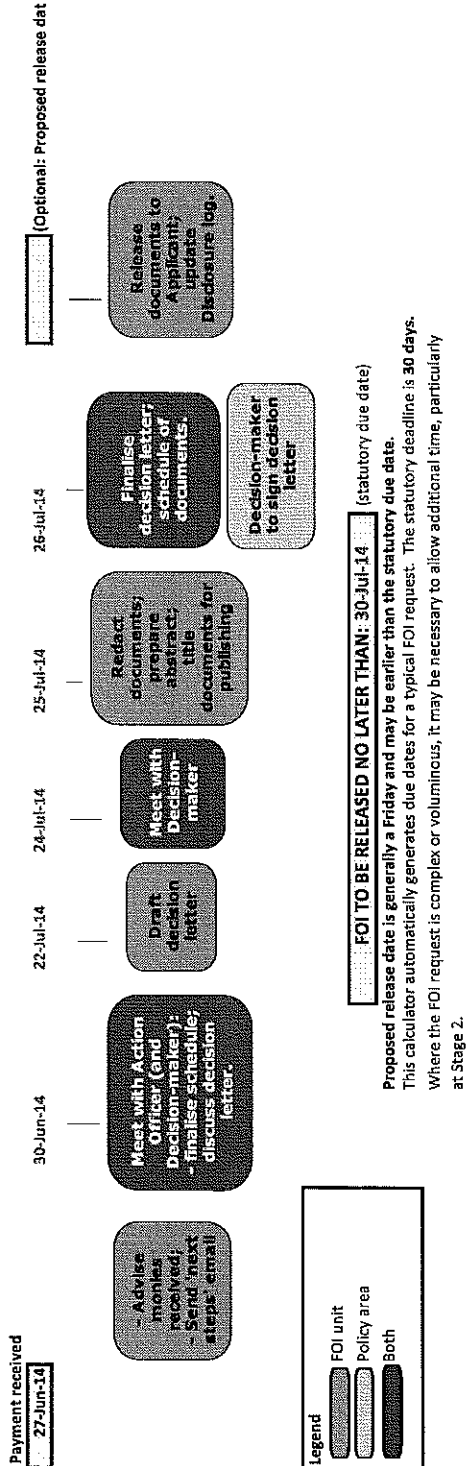
Pp = Part page

FOI PROCESS MAP

Instructions Enter dates into the yellow 'date received', 'charges sent' and 'payment received' fields to generate due dates. The proposed release date is *optional*. If this is not input, the timeline will calculate time-frames based on the statutory due date.



STAGE 2: RECEIPT OF PAYMENT (DEPOSIT OR IN FULL) TO RELEASE



Legend

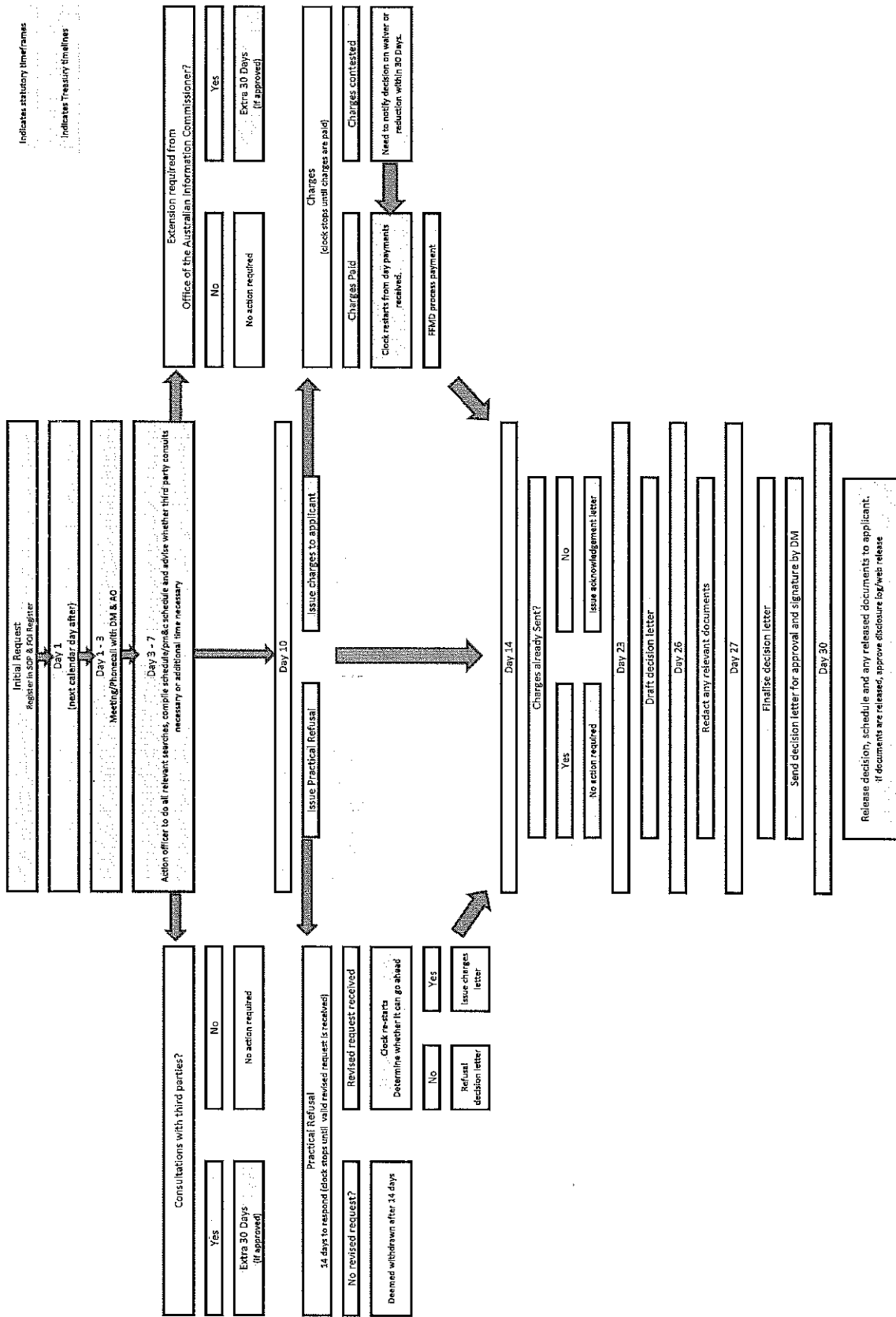
- FOI unit
- Policy area
- Both

FOI TO BE RELEASED NO LATER THAN: 30-Jul-14 (statutory due date)

Proposed release date is generally a Friday and may be earlier than the statutory due date. This calculator automatically generates due dates for a typical FOI request. The statutory deadline is 30 days. Where the FOI request is complex or voluminous, it may be necessary to allow additional time, particularly at Stage 2.

Indicates statutory timeframes

Indicates Treasury timelines



Office of the Australian Information Commissioner?

No Yes

No action required Extra 30 Days (if approved)

Charges (clock stops until charges are paid)

Charges Paid Charges contested

Clock restarts from day payments received. Need to notify decision on waiver or reduction within 30 days.

HMD process payment

Day 14

Charges already Sent?

Yes No

No action required Issue acknowledgement letter

Day 23

Draft decision letter

Day 26

Redact any relevant documents

Day 27

Finalise decision letter

Send decision letter for approval and signature by DM

Day 30

Release decision, schedule and any released documents to applicant. If documents are released, approve disclosure log/web release

Consultations with third parties?

Yes No

No action required Extra 30 Days (if approved)

Practical Refusal (clock stops until valid revised request is received)

14 days to respond (clock stops until valid revised request is received)

No revised request? Deemed withdrawn after 14 days

Revised request received?

Clock restarts. Determine whether it can go ahead.

Yes No

Issue charges letter Refusal decision letter

Exemptions

Section of the Act	Description
33	Documents affecting national security, defence or international relations
34	Cabinet documents
37	Documents affecting enforcement of law and protection of public safety
38	Documents to which secrecy provisions of enactments apply
42	Documents subject to legal professional privilege
45	Documents containing material obtained in confidence
46	Documents disclosure of which would be contempt of Parliament or contempt of court
47	Documents disclosing trade secrets or commercially valuable information
47A	Electoral rolls and related documents

Conditionally exempt documents – Public interest

(Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest)

Section of the Act	Description
47B	Public interest – Commonwealth-State relations
47C	Public interest – deliberative processes
47D	Public interest – financial or property interests of the Commonwealth
47E	Public interest – certain operations of agencies
47F	Public interest – personal privacy
47G	Public interest – Business Affecting business affairs Monetary value
47H	Public interest – research
47J	Public interest – the economy

Part III Access to documents

Section 11B

Exemptions and conditional exemptions

- (4) The agency or Minister is not required by this Act to give the person access to the document at a particular time if, at that time, the document is an exempt document.

Note: Access may be given to an exempt document apart from under this Act, whether or not in response to a request (see section 3A (objects—information or documents otherwise accessible)).

- (5) The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

Note 1: Division 3 of Part IV provides for when a document is conditionally exempt.

Note 2: A conditionally exempt document is an exempt document if access to the document would, on balance, be contrary to the public interest (see section 31B (exempt documents for the purposes of Part IV)).

Note 3: Section 11B deals with when it is contrary to the public interest to give a person access to the document.

- (6) Despite subsection (5), the agency or Minister is not required to give access to the document at a particular time if, at that time, the document is both:
- (a) a conditionally exempt document; and
 - (b) an exempt document:
 - (i) under Division 2 of Part IV (exemptions); or
 - (ii) within the meaning of paragraph (b) or (c) of the definition of *exempt document* in subsection 4(1).

11B Public interest exemptions—factors

Scope

- (1) This section applies for the purposes of working out whether access to a conditionally exempt document would, on balance, be contrary to the public interest under subsection 11A(5).
- (2) This section does not limit subsection 11A(5).

Factors favouring access

- (3) Factors favouring access to the document in the public interest include whether access to the document would do any of the following:
- (a) promote the objects of this Act (including all the matters set out in sections 3 and 3A);
 - (b) inform debate on a matter of public importance;
 - (c) promote effective oversight of public expenditure;
 - (d) allow a person to access his or her own personal information.

Irrelevant factors

- (4) The following factors must not be taken into account in deciding whether access to the document would, on balance, be contrary to the public interest:
- (a) access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
 - (aa) access to the document could result in embarrassment to the Government of Norfolk Island or cause a loss of confidence in the Government of Norfolk Island;
 - (b) access to the document could result in any person misinterpreting or misunderstanding the document;
 - (c) the author of the document was (or is) of high seniority in the agency to which the request for access to the document was made;
 - (d) access to the document could result in confusion or unnecessary debate.

Guidelines

- (5) In working out whether access to the document would, on balance, be contrary to the public interest, an agency or Minister must have regard to any guidelines issued by the Information Commissioner for the purposes of this subsection under section 93A.