

Section 22

From: Section 22
Sent: Tuesday, 16 December 2014 3:06 PM
To: Section 22
Cc:
Subject: RE: FOI 1618 - Mr Blair Davies (ATIA) - ER2014/05431 [SEC=UNCLASSIFIED]

Section 22

I have reviewed the draft letter and made one change (moved the 'and' in the list of factors considered in reaching the decision). Looks good to go to the policy area now.

Regards,
Section 22

From: Section 22
Sent: Tuesday, 16 December 2014 10:48 AM
To: Section 22
Subject: FOI 1618 - Mr Blair Davies (ATIA) - ER2014/05431 [SEC=UNCLASSIFIED]

Hi Section 22

I have drafted the decision letter for FOI 1618 and the link is below. It is due on Friday 19 December and will need to go to the policy area as soon as possible.

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

Thanks

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



19 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

I refer to your revised request of 2 December 2014 under the *Freedom of Information Act 1982* (the Act), seeking:

"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 978-1-925220-08-07)."

I am an authorised decision maker under section 23 of the Act. This letter sets out my decision and reasons for the decision in relation to your application.

Materials Relevant to Making of Decision

The materials, information and advice to which I have had reference in making this decision are:

- the terms of your FOI request;
- advice provided by Treasury officers;
- the relevant provisions of the Act;
- guidelines issued by the Australian Information Commissioner; and
- the contents of the documents relevant to your request (as set out in the attached schedule).

Decision

I have identified 47 documents relevant to your request. Of these, 8 documents will be released in full and 39 documents will be released in part. A schedule of each document and details of my decision in relation to each document is attached. My reasons for this decision are set out below.

Reasons for Decision

Where the schedule of documents (attached) indicates an exemption claim has been applied to a document or part of a document, my findings of fact and reasons for deciding that the exemption provision applies to that document or part of document are set out below.

Exemptions claimed**Section 22 – material irrelevant to the request**

Subparagraph 22(1)(a)(ii) of the Act allows an agency to delete irrelevant material from a document which is only partially relevant to an applicant's FOI request. Where section 22 is listed against a document in the attached schedule I have found that the document contains material which is irrelevant to your FOI request. I have withheld or deleted that material accordingly.

As previously advised, 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. You have not been charged for any redactions to documents required as a result of this practice.

Charges

The preliminary assessment of the charge for processing your request was \$29.00. On 10 December 2014 we received payment of charges in full. A receipt for this payment has been sent to you.

Rights of Review

In accordance with paragraph 26(1)(c) of the Act, a statement setting out your rights of review under the Act is attached.

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
Secretary
Competition Policy Review

RIGHTS OF REVIEW — ACCESS REFUSED**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 refusing to grant access to 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 Secretary
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 Australian 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 Australian 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.