

s 22(1)(a)(ii)

**From:** s 22(1)(a)(ii)  
**Sent:** Thursday, 1 December 2022 12:53 PM  
**To:** s 22(1)(a)(ii); Field, Autumn; s 22(1)(a)(ii)  
**Cc:** FOI; s 22(1)(a)(ii)  
**Subject:** RE: FOI Act - Charges Fact Sheet - Processing stages [SEC=OFFICIAL]  
**Attachments:** FOI Act - Charges Fact Sheet - Processing stages (003).docx; FOI Act - Charges Fact Sheet - Processing stages (003) (002).docx

**OFFICIAL**

Hi s 22(1)(a)(ii)

Please see attached the advice re queries in the attached and a clean version.

We will send an invite for a chat this afternoon.

Thanks

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

## *Freedom of Information Act 1982 (FOI Act) – Charges*

### An agency or minister may impose a charge for access to documents

#### Legislative framework

- There is no fee for making a request but section 29 of the FOI Act provides that an agency or minister may, under the regulations, impose a charge for the processing of an FOI request, and the provision of access.
- In deciding to impose a charge the agency or minister must provide the applicant written notice.
- Charges are to be assessed in accordance with the *Freedom of Information (Charges) Regulations 2019* (Regulations).

#### Guidance

- The Information Commissioner has published guidance and advice that helps decision makers identify the steps in calculating a charge. The guidance is available at <https://www.oaic.gov.au/freedom-of-information/guidance-and-advice/calculating-and-imposing-charges-for-foi-access-requests/>

#### Principle factors of imposing a charge

The regulations and guidelines promote consideration for discretion to impose or not impose a charge, and to provide access at the 'lowest reasonable cost'. For example where the cost to assess and impose a charge might exceed the cost to process a request it will generally be appropriate not to impose a charge.

Any decision to impose a charge requires a decision maker to have regard to the objects of the FOI Act.

The legislative framework to impose a charge provides avenues for an applicant to contend the charge and seek review of any decisions to impose. These factors should be considered before an agency or minister determines a charge is appropriate.

Under the regulations the first five hours of decision making is to be undertaken at no cost to the applicant and is to be discounted from any charge assessment.

A charge cannot be imposed where:

- an applicant is seeking access to their own personal information.
- the agency or minister does not make a decision within the statutory timeframe.
- an internal review is requested.

The charge imposed cannot exceed the actual cost incurred by the agency or minister.

The Goods and Services Tax (GST) is not payable on FOI charges

## Charges as listed in the Regulations

Activity item	Charge Australian dollar (AUD)	Schedule 1
Search and retrieval: time we spend searching for or retrieving a document	\$15.00 per hour	Part 1, Item 1
Decision making: time we spend in deciding to grant or refuse a request, including examining documents, consulting with other parties, and making deletions	First five hours: Nil Subsequent hours: \$20 per hour	Part 1, Item 4
Electronic production: provision of information not available in a discrete form in a document by using a computer or other equipment ordinarily used for retrieving or collating stored information	An amount not exceeding the actual cost incurred	Part 1, Item 2 Part 2, Items 4, 5 and 7
Transcript: preparing a transcript from a sound recording, shorthand or similar medium	\$4.40 per page of transcript	Part 1, Item 3 Part 2, Item 8
Photocopy	\$0.10 per page	Part 2, Item 3
Other copies: a copy of a written document other than a photocopy	\$4.40 per page of transcript	Part 2, Item 3
Replay: replaying a sound or film tape	An amount not exceeding the actual cost incurred	Part 2, Item 6
Inspection: supervision by an agency officer of your inspection of documents or hearing or viewing an audio or visual recording at our premises	\$6.25 per half hour (or part thereof)	Part 2, Items 1 and 2
Delivery: sending or delivering a copy of a document at your request	Cost of postage or delivery	Part 2, Item 9

## Estimating a charge

### Search and retrieval

The time spent to search for, or retrieve a document can be estimated by calculating the time to:

- Consult relevant staff to determine if a document exists.
- Searches within digital systems or hardcopy files index to identify the location of a relevant document.
- Searches of the digital database or hardcopy file for the relevant document.
- Removing the relevant document from the digital database or hardcopy file for the purpose of processing the FOI request.

The estimated time spent is to be reasonable and based on the expectation that the agency or minister maintains high quality record keeping practices. Documents should be located within the systems and repositories where they are expected to be created, or received, or stored.

## Decision making

The time spent by the decision maker to decide whether to grant, refuse or defer access to the documents can be estimated by calculating the time to:

- Examine the documents
- Conduct consultation with any person or body
- Make a copy with deletion
- Notify any decision on the request

The first five hours of the estimated time for conducting the above activities is free and cannot be included in the charges estimated.

The agency or minister can include the time spent to prepare a schedule of documents and recommendations for the decision maker. These fall under the decision making activity. However the time of other persons the decision maker consults in the course of making their decision does not ordinarily fall under this activity.

## Notifying a charge

A charge must be notified prior to the statutory deadline for the making of a decision (usually within 30 calendar days). The processing period is suspended once a charge is notified until one of the next steps occurs: the applicant pays, or a decision is taken to not impose the charge.

Providing an applicant with an early indication of a charge provides an opportunity for them to revise or withdraw their FOI request if they wish, and ensures sufficient time for the agency or minister to complete the processing of the request within statutory timeframes.

The FOI applicant must be given written notice that they are liable to pay a charge for the processing of their FOI request, the notice must include:

- That they are liable to pay a charge
- Information about the preliminary assessment of the charge and the basis for the calculation
- Their rights to contest the charge
- That if they contest the charge the agency or minister must take into account if payment would cause financial hardship to the applicant
- The amount of any deposit payable (if required)
- The time the applicant has to reply, and what actions they may take when replying
- That no reply will cause the request to be withdrawn

The notice should also include information about how an applicant can make a payment.

## Processing stages

Processing summary	Responsibility	Indicative Days
Consider the terms of the request and undertake consultation with subject matter experts to determine if records exist and where they are likely to be stored.	Decision maker or FOI Team	5 days
Calculate time to conduct search and retrieval <ul style="list-style-type: none"> <li>It may assist to conduct the search and retrieval and record the actual time spent to identify, retrieve, and extract the document(s)</li> </ul>	Contact officer	7 days
Estimate the time to conduct the decision making activities based on the returned documents, or a sample of the documents <ul style="list-style-type: none"> <li>It may assist to conduct a sample assessment to calculate the time it would take to examine and make an access decision on each document</li> <li>Remember the first five hours are to be calculated at no cost to the applicant</li> </ul>	Decision maker or FOI Team	3 days
Estimate the charge using the above calculations and the charges listed in the regulations	Decision maker or FOI Team	1 day
Issue the FOI applicant with a charge Notice <ul style="list-style-type: none"> <li>The processing period for the FOI request is suspended from this date until one of the actions in section 31(2) occurs</li> </ul>	FOI Team	1 day

## Timeframe for Charges

Activity	Timeframe	FOI Act
Charge notice issued – timeframe for applicant to reply	Within a period of 30 days after the notice was given	Section 29(1)(f)
Charge contested – timeframe for agency or minister to make a decision	Within a period of 30 days after the contest of the fee was notified	Section 29(6)
Charge decision – timeframe for applicant to pay or seek review	It is appropriate to allow a period of 30 days after the decision was given, as this is the timeframe to seek an internal review	Section 54B(1)(a)
Charge decision – timeframe for applicant to seek external review	Within a period of 60 days after the decision was given	Section 54S(1)

s 22(1)(a)(ii)

**From:** Field, Autumn <[Autumn.Field@pmc.gov.au](mailto:Autumn.Field@pmc.gov.au)>

**Sent:** Friday, 2 December 2022 11:49 AM

**To:** s 22(1)(a)(ii) <s 22(1)(a)(ii)>

**Cc:** s 22(1)(a)(ii) <s 22(1)(a)(ii)>; s 22(1)(a)(ii) <s 22(1)(a)(ii)>; s 22(1)(a)(ii) <s 22(1)(a)(ii)>; s 22(1)(a)(ii) <s 22(1)(a)(ii)>; s 22(1)(a)(ii) <s 22(1)(a)(ii)>

**Subject:** FW: Charges Templates [SEC=OFFICIAL]

## OFFICIAL

Dear s 22(1)(a)(ii)

As requested please see attached some charging templates and some additional context below from the team

Kind regards  
Autumn

**From:** s 22(1)(a)(ii) <s 22(1)(a)(ii)>

**Sent:** Friday, 2 December 2022 7:23 AM

**To:** Field, Autumn <[Autumn.Field@pmc.gov.au](mailto:Autumn.Field@pmc.gov.au)>

**Cc:** s 22(1)(a)(ii) <s 22(1)(a)(ii)>; s 22(1)(a)(ii) <s 22(1)(a)(ii)>

**Subject:** Charges Templates [SEC=OFFICIAL]

## OFFICIAL

Hi Autumn,

These are the templates I located. Interestingly there was no template for a charge decision.

s 47C

s 47C

Regards

s 22(1)(a)(ii)

s 22(1)(a)(ii) | Senior Adviser  
FOI and Privacy Section | Legal Policy Branch  
p. s 22(1)(a)(ii) | m. s 22(1)(a)(ii)

FOI

FOI/<insert reference number>

<address details>

Dear <applicant>

I am writing in relation to your request under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

<request details>

On <date> the department wrote to you notifying that you were liable to pay charges should you wish to proceed with your request. I enclose a copy of the department's correspondence.

Subsection 29(2) of the FOI Act provides if you do not respond within 30 days of receiving a notification, the request will be taken to have been withdrawn. As we have not received a response from you in relation to continuing with your request, I am writing to advise that your request has been deemed withdrawn.

Should you wish to discuss any aspect of your request, I may be contacted by telephone on (02) 6271 5849.

Yours sincerely

<signatory>  
Access & Administrative Review  
Government Division

<date>



FOI

FOI/[insert]

[insert applicant address]

Dear [insert]

I refer to your [insert correspondence type] of [insert date] in which you made a request to the Department of the Prime Minister and Cabinet (the Department) under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

[insert terms of the request]

The authorised decision-maker for your request is [insert decision-maker name and position].

### Processing charge

The FOI Act provides that charges can be imposed for processing requests. Unless a decision is made to waive the processing charge in whole or in part, the combined effect of paragraph 11A(1)(b) of the FOI Act and Regulation 11(1) of the *Freedom of Information (Charges) Regulations 1982* (the Charges Regulations) is that an applicant is required to pay any charge before any access is given.

The Charges Regulations specify different rates for the various activities involved in processing a request with the first five hours of decision-making time free for all FOI applicants.

The decision-maker has decided that you are liable to pay a charge should you wish to proceed with your FOI request. The preliminary assessment of the charge for processing your request is set out below:

Task	Rate	Units	Charge
Search & retrieval	\$15 per hour	hours	\$ 0.00
Decision-making	\$20 per hour	hours	\$ 0.00
<i>less first 5 hours free</i>		5 hours	\$ -100.00
Photocopies	0.10 per page	0 pages	\$ 0.00
<b>TOTAL</b>			<b>\$ -100.00</b>

Section 29 of the FOI Act requires you to exercise one of the following options in writing within 30 days of receipt of this letter:

- (1) You can agree to pay the charge. If you agree, processing of your request will resume as soon as the Department receives a payment, either in full or a deposit.
  - Payment in full is \$[insert]. Payment in full entitles you to receive a decision in relation to your request, a schedule which lists the documents relevant to your request, and any documents released.
  - Alternatively, payment of a deposit in the amount of \$[insert] entitles you to receive a decision in relation to your request and a schedule which lists the documents relevant to your request. Relevant documents would only be released on payment of the balance of the charge. Regulation 14 provides that a deposit paid by an applicant is not refundable unless the Department decides to waive the charge or fails to make a decision on the applicant's FOI request within the statutory time limit, including any extension.

**Payment should be made by EFT to:**

The Department of the Prime Minister and Cabinet Official Departmental Account

BSB: s 22(1)(a)(ii)

Account no: s 22(1)(a)(ii)

- (2) You can contend that the charge has been wrongly assessed, or that it should be reduced or not imposed, or both. You should provide reasons for contending any charge. In determining whether or not to reduce or not impose the charge, the FOI Act requires the Department to take into account whether payment of the charge, or part of it, would cause financial hardship and whether the giving of access would be in the public interest. The Department may also consider any other relevant matters.
- (3) You can withdraw your request.

**Processing timeframe**

In accordance with section 31 of the FOI Act, the time limit for processing your request is suspended from the day that you receive this letter and will resume on either:

- the day you pay the charge (in full or the required deposit); or
- if you contend under (2) above that charge should be reduced or not imposed and the Department decides not to impose a charge, the day of that decision.

If you contend under (2) above that a charge should be reduced or not imposed and the Department confirms that a charge is payable (either the original amount or a reduced amount), the time limit for processing your request would resume on the day you pay that charge (in full or the required deposit).

Subsection 29(2) of the FOI Act provides if you do not respond within 30 days of receiving this letter, you will be taken to have withdrawn your request.

If you have any queries, I can be contacted by telephone on (02) 6271 [insert].

Yours sincerely

[insert]

Adviser

Legal Policy Branch

[insert] 2013

FOI/2021/xxx

Applicant Name

By email: Email (or insert postal address)

Dear Mr/Ms

I refer to your email of [date] in which you made a request to the Department of the Prime Minister and Cabinet (the **Department**) under the *Freedom of Information Act 1982* (the **FOI Act**) in the following terms:

*[Scope of request]*

#### Authorised decision-maker

The authorised decision-maker for your request is [Name], [position], [branch name].

#### Processing charge

The FOI Act provides that charges can be imposed for processing requests. Unless a decision is made to waive the processing charge in whole or in part, the combined effect of paragraph 11A(1)(b) of the FOI Act and subsection 11(1) of the *Freedom of Information (Charges) Regulations 2019* (the **Charges Regulations**) is that an applicant is required to pay any charge before access is given to a document.

The Charges Regulations specify different rates for the various activities involved in processing a request with the first five hours of decision-making time free for all FOI applicants.

The decision-maker has decided that you are liable to pay a charge should you wish to proceed with your request. The preliminary assessment of the charge for processing your request is set out below:

<b>TASK</b>	<b>Rate</b>	<b>UNIT</b>	<b>CHARGE</b>
Search and retrieval	\$15 per hour	XXX hours	XXXX
Decision-making	\$20 per hour	XXX hours	XXXX
Less first 5 hours free			-\$ 100.00
<b>TOTAL</b>			<b>XXXX</b>

Section 29 of the FOI Act requires you to exercise one of the following options in writing within 30 days of receipt of this letter:

- (1) You can agree to pay the charge. If you agree, processing of your request will resume as soon as the Department receives a payment, either in full or a deposit.
  - Payment in full is \$XXXX. Payment in full entitles you to receive a decision in relation to your request, a schedule which lists the documents relevant to your request, and any documents released.
  - Alternatively, payment of a deposit in the amount of \$XXXX entitles you to receive a decision in relation to your request and a schedule which lists the documents relevant to your request. Relevant documents would only be released on payment of the balance of the charge. The deposit paid by an applicant is not refundable unless the Department decides to waive the charge, or fails to make a decision on the FOI request within the statutory time limit including any extension, or may be refundable in part if the final charge is less than the deposit paid.
  - You may pay by direct debit or by credit card.

#### **Direct debit**

You may pay by direct debit into the following account:

Account Name: Department of the Prime Minister and Cabinet Official  
Departmental Account  
BSB: s 22(1)(a)(ii)  
Account: s 22(1)(a)(ii)  
Reference: FOI/2021/003

#### **Credit card**

You may pay by credit card over the phone by contacting the Department's Accounts Receivable team on 02 6271 6000 select option 4 then option 3.

- Please advise the FOI and Privacy Section at [foi@pmc.gov.au](mailto:foi@pmc.gov.au) once you have made payment. Once the Department receives your payment, the Department will send you a receipt.
- (2) You can contend that the charge has been wrongly assessed, or that it should be reduced or not imposed, or both. You should provide reasons for contending any charge. In determining whether or not to reduce or not impose the charge, the FOI Act requires the Department to take into account whether payment of the charge, or part of it, would cause financial hardship and whether the giving of access would be in the public interest. The Department may also consider any other relevant matters.

(3) You can withdraw your request.

### **Processing timeframe**

In accordance with section 31 of the FOI Act, the time limit for processing your request is suspended from the day that you receive this letter and will resume on either:

- the day you pay the charge (in full or the required deposit); or
- if you contend under (2) above that charge should be reduced or not imposed and the Department decides not to impose a charge, the day of that decision.

If you contend under (2) above that a charge should be reduced or not imposed and the Department confirms that a charge is payable (either the original amount or a reduced amount), the time limit for processing your request would resume on the day you pay that charge (in full or the required deposit).

Subsection 29(2) of the FOI Act provides that if you do not respond within 30 days after this notice was given, you will be taken to have withdrawn your request.

### **No guarantee of access**

Please be aware that even if you pay the charge (in full or the required deposit), there is still no guarantee that documents will ultimately be released. That is a matter for the decision-maker to decide in the usual manner after examining the relevant documents.

If you have any queries, please contact the FOI and Privacy Section on (02) 6271 5849 or [foi@pmc.gov.au](mailto:foi@pmc.gov.au).

Yours sincerely

Senior Adviser  
FOI and Privacy Section

Month 2021

FOI

FOI/[insert]

[insert applicant address]

Dear [insert]

I refer to your [insert correspondence type] of [insert date] in which you made a request to the Department of the Prime Minister and Cabinet (the Department) under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

[insert terms of the request]

The authorised decision-maker for your request is [insert decision-maker name and position].

### Processing charge

The FOI Act provides that charges can be imposed for processing requests. Unless a decision is made to waive the processing charge in whole or in part, the combined effect of paragraph 11A(1)(b) of the FOI Act and subsection 11(1) of the *Freedom of Information (Charges) Regulations 2019* (the Charges Regulations) is that an applicant is required to pay any charge before access is given to a document.

The Charges Regulations specify different rates for the various activities involved in processing a request with the first five hours of decision-making time free for all FOI applicants.

The decision-maker has decided that you are liable to pay a charge should you wish to proceed with your FOI request.

The preliminary assessment of the charge for processing your request is [insert amount \$ / set out below]:

Task		Rate		Units		Charge
Search & retrieval	\$15	per hour		hours	\$	0.00
Decision-making	\$20	per hour		hours	\$	0.00
<i>less first 5 hours free</i>			5	hours	\$	-100.00
Photocopies	0.10	per page	0	pages	\$	0.00
<b>TOTAL</b>					<b>\$</b>	<b>-100.00</b>

Section 29 of the FOI Act requires you to exercise one of the following options in writing within 30 days of receipt of this letter:

- (1) You can agree to pay the charge. If you agree, processing of your request will resume as soon as the Department receives a payment, either in full or a deposit.
  - Payment in full is \$[insert]. Payment in full entitles you to receive a decision in relation to your request, a schedule which lists the documents relevant to your request, and any documents released.
  - Alternatively, payment of a deposit in the amount of \$[insert] entitles you to receive a decision in relation to your request and a schedule which lists the documents relevant to your request. Relevant documents would only be released on payment of the balance of the charge. The deposit paid by an applicant is not refundable unless the Department decides to waive the charge, or fails to make a decision on the FOI request within the statutory time limit including any extension, or may be refundable in part if the final charge is less than the deposit paid.
  - You may pay by direct debit or by credit card.

#### **Direct debit**

You may pay by direct debit into the following account:

Account Name: Department of the Prime Minister and Cabinet Official  
Departmental Account

BSB: § 22(1)(a)(ii)

Account: § 22(1)(a)(ii)

Reference: [insert FOI reference number]

#### **Credit card**

You may pay by credit card over the phone by contacting the Department's Accounts Receivable team on 02 6271 6000 select option 4 then option 3.

- Please advise the FOI and Privacy Section at [foi@pmc.gov.au](mailto:foi@pmc.gov.au) once you have made payment. Once the Department receives your payment, the Department will send you a receipt.
- (2) You can contend that the charge has been wrongly assessed, or that it should be reduced or not imposed, or both. You should provide reasons for contending any charge. In determining whether or not to reduce or not impose the charge, the FOI Act requires the Department to take into account whether payment of the charge, or part of it, would cause financial hardship and whether the giving of access would be in the public interest. The Department may also consider any other relevant matters.
  - (3) You can withdraw your request.

#### **Processing timeframe**



In accordance with section 31 of the FOI Act, the time limit for processing your request is suspended from the day that you receive this letter and will resume on either:

- the day you pay the charge (in full or the required deposit); or
- if you contend under (2) above that charge should be reduced or not imposed and the Department decides not to impose a charge, the day of that decision.

If you contend under (2) above that a charge should be reduced or not imposed and the Department confirms that a charge is payable (either the original amount or a reduced amount), the time limit for processing your request would resume on the day you pay that charge (in full or the required deposit).

Subsection 29(2) of the FOI Act provides if you do not respond within 30 days of receiving this letter, you will be taken to have withdrawn your request.

If you have any queries, I can be contacted by telephone on (02) 6271 [insert].

Yours sincerely

[insert]

Adviser  
Legal Policy Branch

[day, month, year]

**From:** s 22(1)(a)(ii)  
**To:** s 22(1)(a)(ii) s 22(1)(a)(ii) pm.gov.au; s 22(1)(a)(ii)  
**Cc:** s 22(1)(a)(ii) s 22(1)(a)(ii) s 22(1)(a)(ii)  
**Subject:** RE: Draft Charges [SEC=OFFICIAL]  
**Date:** Wednesday, 11 January 2023 5:07:00 PM  
**Attachments:** [DRAFT \(CHARGES\) FOL PM-22-024.docx](#)  
[image002.png](#)

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## OFFICIAL

Hi All

Updated draft for your consideration.

Thanks

s 22(1)(a)(ii)

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**From:** s 22(1)(a)(ii)  
**Sent:** Wednesday, 11 January 2023 2:40 PM  
**To:** s 22(1)(a)(ii) s 22(1)(a)(ii) @pm.gov.au <s 22(1)(a)(ii) @pm.gov.au>; s 22(1)(a)(ii) s 22(1)(a)(ii) @pm.gov.au  
**Cc:** s 22(1)(a)(ii) s 22(1)(a)(ii) @pmc.gov.au; s 22(1)(a)(ii) s 22(1)(a)(ii) @pmc.gov.au; s 22(1)(a)(ii) s 22(1)(a)(ii) @pm.gov.au  
**Subject:** Draft Charges [SEC=OFFICIAL]

## OFFICIAL

Dear s 22(1)(a)(ii)

Please see attached a draft charge notice for your consideration. Please let me know any edits or changes that may be required. FYI - I have not completed the applicant details at this stage.

s 47C

Thanks

s 22(1)(a)(ii)

s 22(1)(a)(ii) | Senior Adviser  
FOI and Privacy Section | Legal Policy Branch  
p. s 22(1)(a)(ii) | m. s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

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**From:** s 22(1)(a)(ii) <s 22(1)(a)(ii)@pmc.gov.au>  
**Sent:** Wednesday, 11 January 2023 5:08 PM  
**To:** s 22(1)(a)(ii) <s 22(1)(a)(ii)@pmc.gov.au>; s 22(1)(a)(ii) s 22(1)(a)(ii) @pmc.gov.au>  
**Cc:** s 22(1)(a)(ii) <s 22(1)(a)(ii)@pmc.gov.au>; s 22(1)(a)(ii) s 22(1)(a)(ii) @pmc.gov.au>; s 22(1)(a)(ii) <s 22(1)(a)(ii)@pmc.gov.au>; s 22(1)(a)(ii) <s 22(1)(a)(ii)@pmc.gov.au>  
**Subject:** RE: Draft Charges [SEC=OFFICIAL]

**OFFICIAL**

Hi All

Updated draft for your consideration.

Thanks

s 22(1)

**From:** s 22(1)(a)(ii)

**Sent:** Wednesday, 11 January 2023 2:40 PM

**To:** s 22(1)(a)(ii) s 22(1)(a)(ii) <[s 22\(1\)\(a\)\(ii\)@pm.gov.au](mailto:s 22(1)(a)(ii)@pm.gov.au)> s 22(1)(a)(ii) <[s 22\(1\)\(a\)\(ii\)@pm.gov.au](mailto:s 22(1)(a)(ii)@pm.gov.au)>

**Cc:** s 22(1)(a)(ii) <s 22(1)(a)(ii) <[s 22\(1\)\(a\)\(ii\)@pmc.gov.au](mailto:s 22(1)(a)(ii)@pmc.gov.au)>; s 22(1)(a)(ii) <[s 22\(1\)\(a\)\(ii\)@pmc.gov.au](mailto:s 22(1)(a)(ii)@pmc.gov.au)>; s 22(1)(a)(ii) <[s 22\(1\)\(a\)\(ii\)@pm.gov.au](mailto:s 22(1)(a)(ii)@pm.gov.au)>

**Subject:** Draft Charges [SEC=OFFICIAL]

## OFFICIAL

Dear s 22(1)(a)(ii)

Please see attached a draft charge notice for your consideration. Please let me know any edits or changes that may be required. FYI - I have not completed the applicant details at this stage.

s 47C , s 47E(d)

Thanks

s 22(1)(a)(ii)

s 22(1)(a)(ii) | Senior Adviser  
FOI and Privacy Section | Legal Policy Branch  
p. s 22(1)(a)(ii) | m. s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

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**From:** s 22(1)(a)(ii) s 22(1)(a)(ii) <[s 22\(1\)\(a\)\(ii\)@pmc.gov.au](mailto:s 22(1)(a)(ii)@pmc.gov.au)>

**Sent:** Friday, 13 January 2023 5:29 PM

**To:** s 22(1)(a)(ii) <[s 22\(1\)\(a\)\(ii\)@pmc.gov.au](mailto:s 22(1)(a)(ii)@pmc.gov.au)>; s 22(1)(a)(ii)

s 22(1)(a)(ii) <[s 22\(1\)\(a\)\(ii\)@pmc.gov.au](mailto:s 22(1)(a)(ii)@pmc.gov.au)>

**Cc:** Field, Autumn <[Autumn.Field@pmc.gov.au](mailto:Autumn.Field@pmc.gov.au)>; s 22(1)(a)(ii) s 22(1)(a)(ii) <[s 22\(1\)\(a\)\(ii\)@pmc.gov.au](mailto:s 22(1)(a)(ii)@pmc.gov.au)>

**Subject:** RE: s 42 ] [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Dear All

Please see attached an updated version with new comments and some parts that still need settlement.

Thanks

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

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**From:** s 22(1)(a)(ii) <s 22(1)(a)(ii)@pmc.gov.au>  
**Sent:** Friday, 13 January 2023 4:09 PM  
**To:** s 22(1)(a)(ii) <s 22(1)(a)(ii)@pmc.gov.au>  
**Cc:** Field, Autumn <Autumn.Field@pmc.gov.au>; s 22(1)(a)(ii) s 22(1)(a)(ii)@pmc.gov.au; s 22(1)(a)(ii) s 22(1)(a)(ii)@pmc.gov.au  
**Subject:** FW: s 42 ] [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

Hi s 22(1)(a)(ii)

s 42

. We're reviewing as well.

Subject to your views on the letter, we would be happy to edit/finalise (including dept payment details, which I don't have to hand at the moment).

s 47C

).

Very happy to discuss

s 22(1)(a)(ii)

s 22(1)(a)(ii) | A/g Assistant Secretary  
Legal Policy Branch  
Department of the Prime Minister and Cabinet  
s 22(1)(a)(ii) | s 22(1)(a)(ii)  
e: s 22(1)(a)(ii)@pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

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s 42

**From:** [FOI](#)  
**To:** s 22(1)(a)(ii) s 22(1)(a)(ii)  
**Cc:** s 22(1)(a)(ii) [FOI](#)  
**Subject:** FOI Request PM/22/024 [SEC=OFFICIAL]  
**Date:** Monday, 16 January 2023 8:11:13 PM  
**Attachments:** [PM22024 - FOI Request SECOFFICIAL.msg](#)

---

## OFFICIAL

Dear s 22(1)(a)(ii)

For your records please see attached the charge notice issued to the FOI applicant today.

Regards

s 22(1)(a)(ii)

s 22(1)(a)(ii) | Senior Adviser  
FOI and Privacy Section | Legal Policy Branch  
p. s 22(1)(a)(ii) | m. s 22(1)(a)(ii)

**From:** FOI  
**To:** s 22(1)(a)(ii)  
**Cc:** s 22(1)(a)(ii) s 22(1)(a)(ii) Field, Autumn; FOI; s 22(1)(a)(ii)  
**Subject:** FW: PM/22/024 - FOI Request [SEC=OFFICIAL]  
**Date:** Thursday, 19 January 2023 8:08:59 AM

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**OFFICIAL**

Dear s 22(1)(a)(ii)

s 22(1)(a)(ii) has replied to the Charges Notice. A contention has been made to reduce/waive the charge. The contention is set out in the below email.

The Act requires the decision-maker to consider the contention, the matters set out in the Act (i.e. financial hardship and PI), and provide a decision no later than 30 days from the date the contention was received. Therefore a decision on the charge is due on or before 20 February 2023.

Please consider and advise how you would like to proceed.

Kind Regards

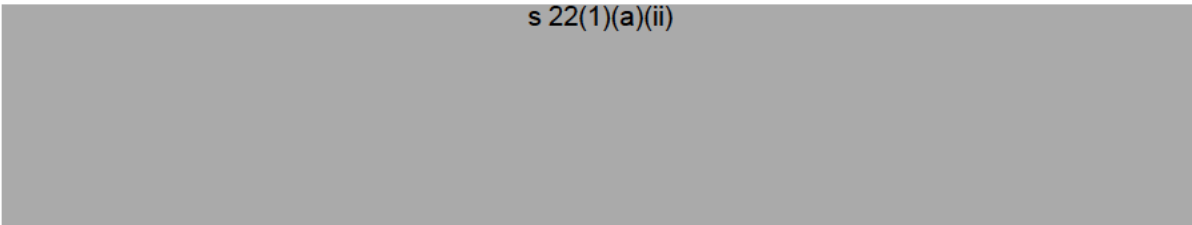
s 22(1)(a)(ii)

s 22(1)(a)(ii) | Senior Adviser  
FOI and Privacy Section | Legal Policy Branch  
p. s 22(1)(a)(ii) | m. s 22(1)(a)(ii)

s 22(1)(a)(ii)



s 22(1)(a)(ii)



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**From:** s 22(1)(a)(ii) <s 22(1)(a)(ii)@pmc.gov.au>

**Sent:** Thursday, 12 January 2023 3:56 PM

**To:** s 22(1)(a)(ii) <s 22(1)(a)(ii)@pm.gov.au>; s 22(1)(a)(ii) <s 22(1)(a)(ii)@pmc.gov.au>


**Cc:** s 22(1)(a)(ii) <s 22(1)(a)(ii)@pmc.gov.au>

**Subject:** Estimate for charges - 197 days from diary [SEC=OFFICIAL]

**OFFICIAL**

Hi s 22(1)(a)(ii)

s 47C , s 47E(d)



Thanks

s 22(1)(a)(ii)

(a)(ii) | Senior Adviser  
FOI and Privacy Section | Legal Policy Branch  
p. s 22(1)(a)(ii) | m. s 22(1)(a)(ii)

**From:** s 22(1)  
**To:** s 22(1)(a)(ii), s 22(1)(a)(ii)@pm.gov.au; s 22(1)(a)(ii)  
**Cc:** s 22(1)(a)(ii)  
**Subject:** RE: Charge estimate for s 22f request [SEC=OFFICIAL]  
**Date:** Monday, 16 January 2023 4:36:00 PM  
**Attachments:** PM-22-025 Draft Charge Notice.docx

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**OFFICIAL**

Dear s 22(1)(a)(ii)

Please see attached the draft charge notice for PM-22-0025.

Please advise of any edits.

Regards

s 22(1)(a)(ii)

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**From:** s 22(1)(a)(ii)  
**Sent:** Monday, 16 January 2023 4:29 PM  
**To:** s 22(1)(a)(ii), s 22(1)(a)(ii)@pm.gov.au, s 22(1)(a)(ii)@pm.gov.au>  
**Cc:** s 22(1)(a)(ii) <s 22(1)(a)(ii)@pmc.gov.au>  
**Subject:** Charge estimate for s 22f request [SEC=OFFICIAL]

**OFFICIAL**

s 47C , s 47E(d)

s 22(1)(a)(ii) | Senior Adviser  
FOI and Privacy Section | Legal Policy Branch  
p. s 22(1)(a)(ii) | m. s 22(1)(a)(ii)

**From:** s 22(1)(a)  
**To:** s 22(1)(a)(ii) FOI; s 22(1)(a)(ii)  
**Subject:** RE: s 22(1) decision [SEC=OFFICIAL:Sensitive]  
**Date:** Monday, 16 January 2023 7:07:56 PM  
**Attachments:** [PM-22-025 Draft Charge Notice - s 22\(1\) decision.docx](#)  
[PM-22-025 Charge Notice.pdf](#)

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**OFFICIAL: Sensitive**

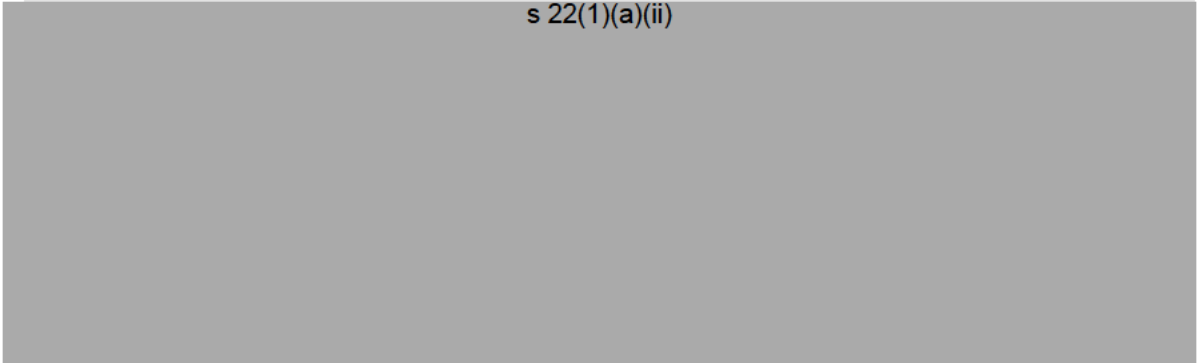
Hi s 22(1)(a)(ii)

Please see attached.

Regards

s 22(1)(a)(ii)

s 22(1)(a)(ii)



**From:** s 22(1)(a)  
**To:** s 22(1)(a)(ii) s 22(1)(a)(ii)  
**Cc:** s 22(1)(a)(ii) [FOI](#)  
**Subject:** FOI Request PM/22/025 [SEC=OFFICIAL]  
**Date:** Monday, 16 January 2023 8:01:41 PM  
**Attachments:** [PM2022025 - FOI Request\\_SECOFFICIAL.msg](#)

---

**OFFICIAL**

Dear s 22(1)(a)(ii)

For your records please see attached the charge notice issued to the FOI applicant today.

Regards

s 22(1)(a)(ii)

(a)(ii) | Senior Adviser  
FOI and Privacy Section | Legal Policy Branch  
p. s 22(1)(a)(ii) | m. s 22(1)(a)(ii)

**From:** [FOI](#)  
**To:** s 22(1)(a)(ii) s 22(1)(a)(ii)  
**Cc:** s 22(1)(a)(ii) [Field, Autumn](#); [FOI](#)  
**Subject:** FW: PM/2022/025 - FOI Request [SEC=OFFICIAL]  
**Date:** Tuesday, 17 January 2023 9:12:53 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image006.png](#)

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## OFFICIAL

Reference: FOI PM/22/025

Dear s 22(1)(a)(ii)

s 22(1)(a)(ii) has replied to the Charges Notice. He has made a payment so as to restart the processing of the request, he puts forward an interpretation that there is no suspension to the processing period, and put forward a contention that the charge has been wrongly assessed. His contention is set out in the below email.

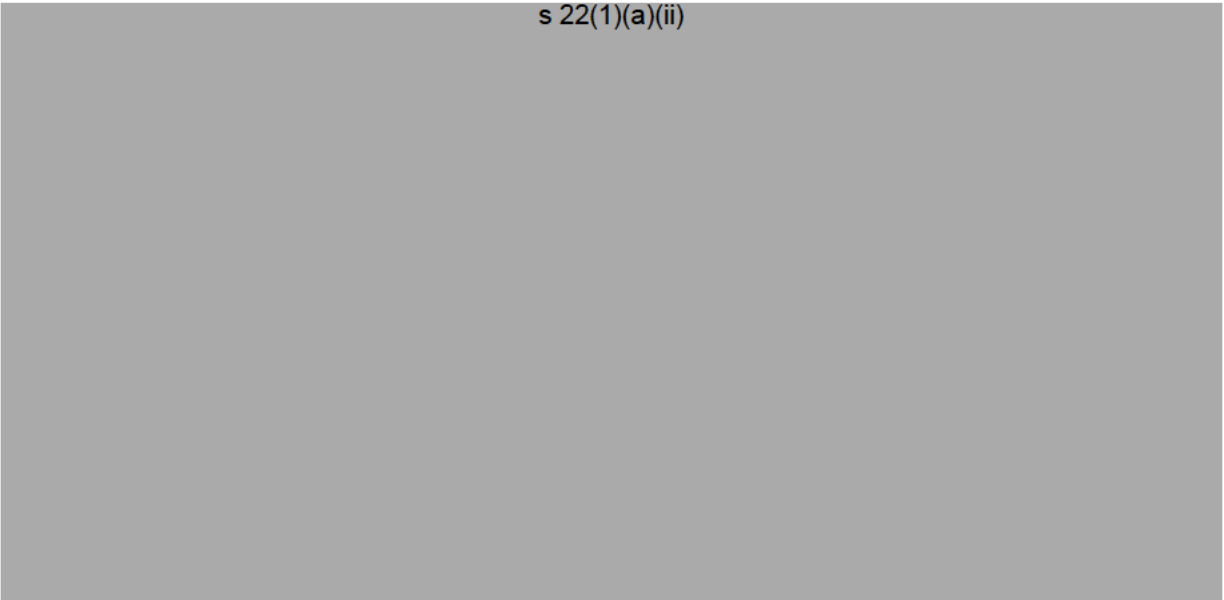
Please consider and advise how you would like to proceed. The first part of the reply would be to address the processing period, and while the Act would have allowed for 30 days for you to consider the contention the decision due date would fall prior to this and also requires you to consider if you decide to a) impose the charge, and b) make any necessary adjustments to the charge if the processing of the request is less than the estimate.

Regards

s 22(1)(a)(ii)

l(a)(ii) | Senior Adviser  
FOI and Privacy Section | Legal Policy Branch  
p. s 22(1)(a)(ii) | m. s 22(1)(a)(ii)

s 22(1)(a)(ii)



**From:** [FOI](#)  
**To:** s 22(1)(a)(ii) [FOI](#); s 22(1)(a)(ii)  
**Cc:** s 22(1)(a)(ii) s 22(1)(a)(ii)  
**Subject:** RE: FOI PM-22-025 [SEC=OFFICIAL]  
**Date:** Wednesday, 18 January 2023 2:33:56 PM  
**Attachments:** [DRAFT PRCN - FOI PM-22-025 \(002\).docx](#)

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**OFFICIAL**

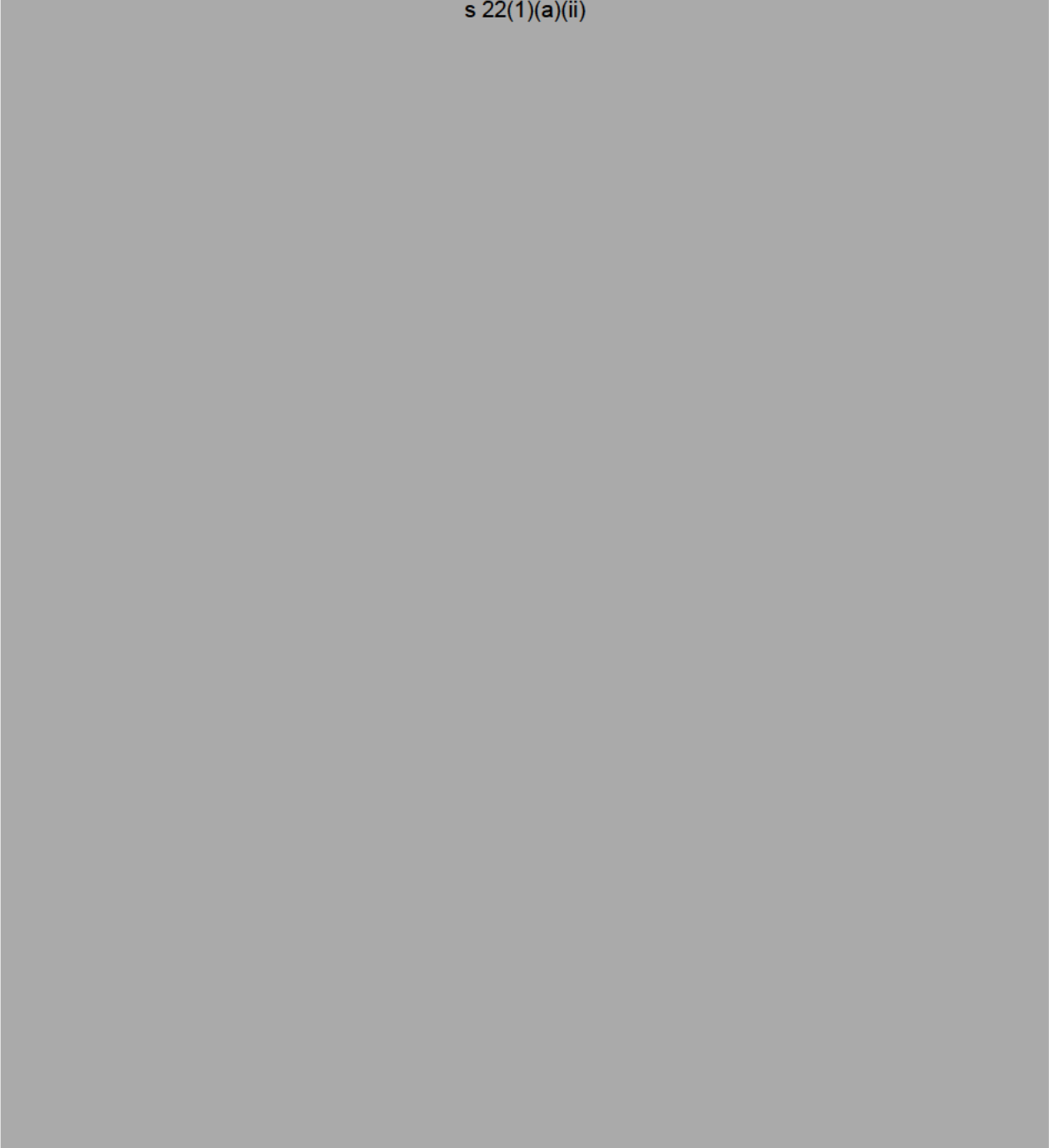
Hi s 22(1)(a)(ii)

Please see attached. After reviewing the contention from the applicant he has raised that the assessment was wrongly calculated and this is a little different to a waiver/reduction contention.

Thanks

s 22(1)(a)(ii)

s 22(1)(a)(ii)



s 22(1)(a)(ii)

---

**From:** FOI <FOI@pmc.gov.au>

**Sent:** Wednesday, 18 January 2023 2:34 PM

**To:** s 22(1)(a)(ii) <s 22(1)(a)(ii)@pmc.gov.au>; FOI <FOI@pmc.gov.au>; s 22(1)(a)(ii) <s 22(1)(a)(ii)@pmc.gov.au>

**Cc:** s 22(1)(a)(ii) <s 22(1)(a)(ii)@pmc.gov.au>; s 22(1)(a)(ii) <s 22(1)(a)(ii)@pmc.gov.au>

**Subject:** RE: FOI PM-22-025 [SEC=OFFICIAL]

**OFFICIAL**

Hi s 22(1)(a)(ii)

Please see attached. After reviewing the contention from the applicant he has raised that the assessment was wrongly calculated and this is a little different to a waiver/reduction contention.

Thanks

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

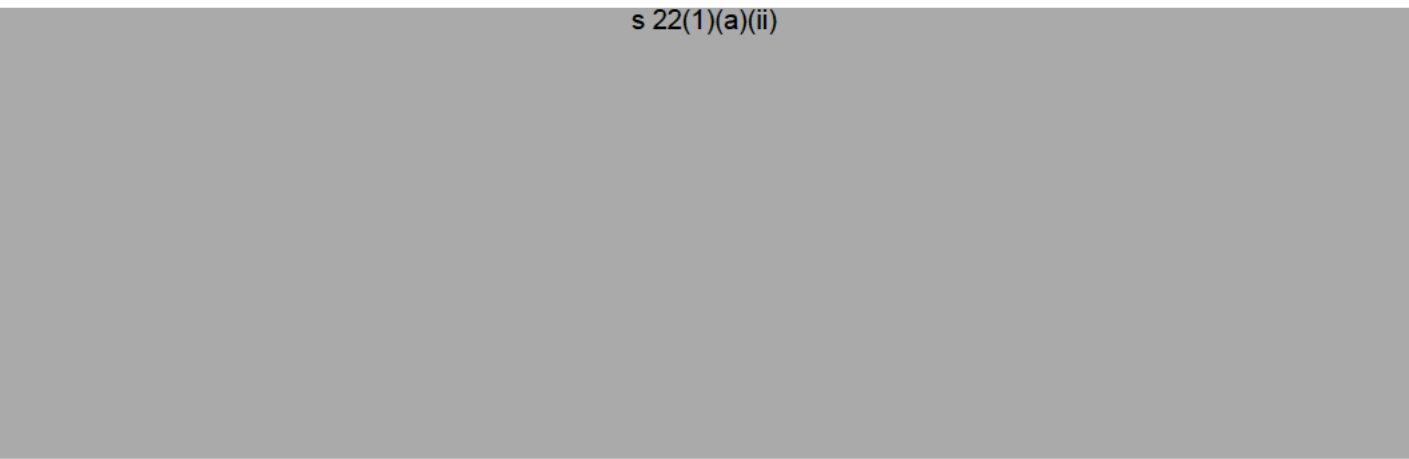
---

**From:** FOI  
**Sent:** Wednesday, 18 January 2023 5:23 PM  
**To:** s 22(1)(a)(ii) FOI; s 22(1)(a)(ii)  
**Cc:** s 22(1)(a)(ii) s 22(1)(a)(ii)  
**Subject:** RE: FOI PM-22-025 [SEC=OFFICIAL]  
**Attachments:** DRAFT PRCN - FOI PM-22-025 (002) (003).docx; DRAFT PRCN - FOI PM-22-025 (002) (003).pdf

**OFFICIAL**

See attached

s 22(1)(a)(ii)



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**From:** FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)>  
**Sent:** Wednesday, 18 January 2023 2:34 PM  
**To:** s 22(1)(a)(ii) <s 22(1)(a)(ii) @pm.gov.au>; FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)>; s 22(1)(a)(ii) <s 22(1)(a)(ii) @pm.gov.au>  
**Cc:** s 22(1)(a)(ii) s 22(1)(a)(ii) @pmc.gov.au; s 22(1)(a)(ii) s 22(1)(a)(ii) @pmc.gov.au  
**Subject:** RE: FOI PM-22-025 [SEC=OFFICIAL]

**OFFICIAL**

Hi s 22(1)(a)(ii)

Please see attached. After reviewing the contention from the applicant he has raised that the assessment was wrongly calculated and this is a little different to a waiver/reduction contention.

Thanks

s 22(1)(a)(ii)



s 22(1)(a)(ii)



**From:** [FOI](#)  
**To:** [FOI](#); [s 22\(1\)\(a\)\(ii\)](#)  
**Cc:** [s 22\(1\)\(a\)\(ii\)](#) [s 22\(1\)\(a\)\(ii\)](#) [Field, Autumn](#); [s 22\(1\)\(a\)\(ii\)](#)  
**Subject:** RE: PM/22/025 - FOI Request [SEC=OFFICIAL]  
**Date:** Thursday, 19 January 2023 1:14:14 PM  
**Attachments:** [image005.png](#)  
[DRAFT FOI decision PM-22-025.docx](#)

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## OFFICIAL

Reference: PM/22/025

Dear [s 22\(1\)\(a\)\(ii\)](#)

As instructed please see attached a draft decision for your settlement. I propose that we can correspond with [s 22\(1\)\(a\)\(ii\)](#) separately with respect to making arrangements for the refund as we require some details from him to process this. Alternatively we could incorporate that into the letter.

I removed the information about processing period being suspended as this request has been stopped twice but restarted twice on the very next day each time.

Happy to discuss

[s 22\(1\)\(a\)\(ii\)](#)

[s 22\(1\)\(a\)\(ii\)](#) | Senior Adviser  
 FOI and Privacy Section | Legal Policy Branch  
 p. [s 22\(1\)\(a\)\(ii\)](#) | m. [s 22\(1\)\(a\)\(ii\)](#)

[s 22\(1\)\(a\)\(ii\)](#)

s 22(1)(a)(ii)

**From:** FOI  
**Sent:** Thursday, 19 January 2023 6:18 PM  
**To:** s 22(1)(a)(ii) FOI  
**Cc:** s 22(1)(a)(ii) s 22(1)(a)(ii) Field, Autumn; s 22(1)(a)(ii)  
**Subject:** RE: PM/22/025 - FOI Request [SEC=OFFICIAL]  
**Attachments:** DRAFT FOI decision PM-22-025 s 22(1)(a)(ii) docx; FOI decision PM-22-025.pdf

**OFFICIAL**

Hi s 22(1)(a)(ii)

See attached for finalisation. The dates were all correct.

Regards

s 22(1)(a)(ii)

s 22(1)(a)(ii)

**From:** FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)>

**Sent:** Thursday, 19 January 2023 1:14 PM

**To:** FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)>; s 22(1)(a)(ii) <s 22(1)(a)(ii)@pm.gov.au>

**Cc:** s 22(1)(a)(ii) <s 22(1)(a)(ii)@pm.gov.au>; s 22(1)(a)(ii) <s 22(1)(a)(ii)@pmc.gov.au>; Field, Autumn <[Autumn.Field@pmc.gov.au](mailto:Autumn.Field@pmc.gov.au)>; s 22(1)(a)(ii) <s 22(1)(a)(ii)@pm.gov.au>

**Subject:** RE: PM/22/025 - FOI Request [SEC=OFFICIAL]

**OFFICIAL**

**Reference:** PM/22/025

Dear s 22(1)(a)(ii)

As instructed please see attached a draft decision for your settlement. I propose that we can correspond with s 22(1)(a)(ii) separately with respect to making arrangements for the refund as we require some details from him to process this. Alternatively we could incorporate that into the letter.

I removed the information about processing period being suspended as this request has been stopped twice but restarted twice on the very next day each time.

Happy to discuss

s 22(1)(a)(ii)

s 22(1)(a)(ii) | Senior Adviser

FOI and Privacy Section | Legal Policy Branch

p. s 22(1)(a)(ii) | m. s 22(1)(a)(ii)

s 22(1)(a)(ii)

