



FOI17/044; 17/3011

2 June 2017

Mr Darren Dickson

By email: [REDACTED]

Dear Mr Dickson

Freedom of Information Request FOI17/044

I refer to your email of 4 May 2017 in which you requested a waiver of charges under section 29(5)(b) of the *Freedom of Information Act 1982* (FOI Act), on the grounds of public interest.

I, Autumn O'Keeffe, A/g Assistant Secretary, being an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests, have decided not to vary the original assessment of the charge.

However, through the processing of your request we have excluded a number of duplicate documents. Accordingly, this has reduced the charges applicable to your request to \$361.67 from the original estimate of \$393.33.

The reasons for my decision under section 29(4) are set out below.

Reasons for my decision

On 4 May 2017 you responded to the department's notice of charges of 7 April 2017. You advised that you wish to contend the charges on the basis that the charge should not be imposed on the basis of public interest. Specifically you advised the following:

*Is it not in the interest of the public to know what the Government is doing with our money?
YES! I believe this request should be exempt due to public interest...*

Relevantly to your contention subsection 29(5) provides that:

Without limiting the matters the agency or Minister may take into account in determining whether or not to reduce or not impose the charge, the agency or Minister must take into account:

(b) Whether the giving of access to the document in question is in the general public interest or in the interest of a substantial section of the public.

In your response to the department's notice of charges you have not identified any public interest in relation to the scope of your request or the subject matter.

I do not consider that there is significant public interest in release of the documents within the scope of Item 1 your request of 3 March 2017. While there may be some public interest in how the

Government funds Unidroit, the majority of this information is publicly available at: <http://www.unidroit.org/meetings/general-assembly>. The documents held by the department within the scope of your request do not add in any significant way to information that is already in the public domain. Therefore, I do not consider that there is a general public interest in, or that a substantial section of the public that would benefit from, the disclosure of these documents.

Your review rights

If you are dissatisfied with my decision in relation to the charge, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the Attorney-General's Department for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter, and be lodged in one of the following ways:

email: foi@ag.gov.au
post: Freedom of Information and Privacy Section
Strategy and Delivery Division
Attorney-General's Department,
3-5 National Circuit
BARTON ACT 2600

Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

Information Commissioner review

Under section 54L of the FOI Act, you may apply directly to the Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: <https://forms.business.gov.au/aba/oaic/foi-review/>
post: GPO Box 5218, SYDNEY NSW 2001
in person: Level 3, 175 Pitt Street, SYDNEY NSW 2000

Next steps in processing your request

In accordance with section 31 of the FOI Act, the 60 day time limit (including the extension of time for consulting a third party) is suspended from the date you were notified of the charge until the earliest occurring of the following days:

- the day you pay the amount of the deposit
- if the amount of the charge is changed following review under the FOI Act – the day you pay the revised charge or deposit
- if, following review under the FOI Act, a decision is made not to impose a charge – the day you are notified of that decision.

If you agree to pay the charge we will provide you with an invoice for the deposit and instructions on how you can make the payment.

Questions about this decision

If you wish to discuss this decision, please contact Alex, FOI case manager, by telephone on (02) 6141 6666 or by email foi@ag.gov.au.

Yours sincerely



Autumn O'Keeffe
A/g Assistant Secretary