



2 January 2025
FOI 3750

Mr Harold Kitch

By email: foi+request-12095-00685cd7@righttoknow.org.au

FREEDOM OF INFORMATION REQUEST – CHARGE DECISION

I am writing to notify you of my decision in response to your contention on 31 December 2024 of the Treasury's charge of \$309.33, notified on 19 November 2024, to process your request of 28 September 2024 for access, under the *Freedom of Information Act 1982 (FOI Act)*, to the following:

Emails and notes from officials regarding Armaguard. I request the emails and notes as taken by Treasury staff who travelled with the Australian Banking Association and the RBA on their trip with McKinsey consultants.

Your contention was made outside the permitted 30-day period after the date of the notice in which to contend the charge. However, pursuant to section 29(1)(f) of the FOI Act, I have decided to extend time for your contention to 31 December 2024.

Your submissions

On 20 November 2024, you responded to the charge notice as follows:

The objects of the FOI Act provide the basis for the following principles relevant to charges under the FOI Act:

A charge must not be used to unnecessarily delay access or to discourage an applicant from exercising the right of access conferred by the FOI Act.

A charge should fairly reflect the work involved in providing access to documents.

Charges are discretionary and should be justified on a case-by-case basis.

Agencies should encourage administrative access at no charge, where appropriate.

Agencies should assist applicants to frame FOI requests (s 15(3) of the FOI Act).

Agencies should draw an applicant's attention to opportunities to obtain free access to a document or information outside the FOI Act (s 3A(2)(b)).

A decision to impose a charge should be transparent.

It is clear that you are attempting to deliberately delay and discourage access to these documents through imposing absurd fees. Please advise of the appeals process.

I will be writing to Senators who are interested in this topic, drawing their attention to this cover up.

As your email queried the process for contending a charge, I did not interpret this correspondence as a contention of the charge itself. Accordingly, on the same day, you were advised of the charge contention process.

On 31 December 2024, you made the following further submissions in support of your charge contention:

I am writing to request an internal review of Department of the Treasury's handling of my FOI request 'Emails and notes from officials regarding Armaquard'.

Treasury is deliberately trying to obscure reasonable access to a very small sample of documents which determine how cash is used in this country. It effects all Australians, and it is reasonable to understand what Treasury officials said on taxpayer funded international journeys.

If this request is denied again by way of imposing unreasonable fees, I will be making representations to Malcolm Roberts, Andrew Bragg and John Adams. All of whom will be very interested in why Treasury has chosen to very selectively deny this request via introducing needless fees.

I am an authorised decision maker under section 23 of the FOI Act.

Decision

Having reviewed your various submissions in support of your charge contention, I have decided to waive the charge in full on public interest grounds. The Treasury will accordingly recommence processing your request.

Right of review

A statement setting out your review rights regarding my decision is attached.

Yours sincerely,

Tim Baird

Tim Baird
Assistant Secretary
Financial System Division

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.

An 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.

An application for a review of the decision should be emailed to FOI@Treasury.gov.au.

OR

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

Section 54L of the FOI 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.

An application 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 FOI 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 FOI 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.