



**FEDERAL COURT OF AUSTRALIA  
PRINCIPAL REGISTRY**

LEVEL 17  
LAW COURTS BUILDING  
QUEENS SQUARE  
SYDNEY NSW 2000

22 May 2023

Watson Norwood  
Right to Know

By email: [foi+request-10275-ecb08b6b@righttoknow.org.au](mailto:foi+request-10275-ecb08b6b@righttoknow.org.au)

Dear Mr Norwood,

**Request for access to documents under the *Freedom of Information Act 1982***

I acknowledge receipt of your request, dated 6 May 2023 and communicated by email to [External.FOI@fedcourt.gov.au](mailto:External.FOI@fedcourt.gov.au), for access to documents under the *Freedom of Information Act 1982* (Cth) (**FOI Act**).

A preliminary assessment has been undertaken of your Freedom of Information (**FOI**) request and the Court has determined that you are liable to pay a charge.

The charges applicable to your request are set at the following rates by the *Freedom of Information (Charges) Regulations 2019* (**Charges Regulations**):

<b>Item</b>	<b>Applicable charge</b>
Search and retrieval: time spent in searching for or retrieving the document requested	\$15.00 per hour
Decision-making: time spent in deciding whether to grant, refuse or defer access to the document or to grant access to a copy of document with deletions, including time spent: <ul style="list-style-type: none"><li>• In examining the document; or</li><li>• In consultation with any person or body; or</li><li>• In making a copy with deletions; or</li><li>• In notifying any interim or final decision on the request.</li></ul>	\$20.00 for each hour after the first 5 hours

On the basis of the applicable charges outlined above, an estimate of your charge is set out in the following table:

<b>Item</b>	<b>Description</b>	<b>Estimated hours</b>	<b>Estimated charge</b>
Search and retrieval	<ul style="list-style-type: none"> <li>• Searches of the electronic document &amp; records system conducted by staff of the FOI team and senior staff of the Court.</li> </ul>	15 minutes	\$15.00 x 0.25 = \$3.75
Decision-making	<ul style="list-style-type: none"> <li>• Examination of document/s retrieved</li> <li>• Consulting individuals in relation to personal information</li> <li>• Deciding to grant or refuse access to document/s requested</li> <li>• Preparing reasons for decision</li> </ul>	5.25 hours	\$20.00 x 0.25 = \$5.00 (No charge for first 5 hours)
<b>TOTAL ESTIMATED CHARGE</b>			<b>\$8.75</b>
<b>DEPOSIT PAYABLE</b>			<b>\$0.00</b>

Please be aware that the estimated charges provided in the table above are an estimate only. Following the processing of your FOI request, the actual charge may be higher as it is not possible to know the precise amount of time that staff of the Court will spend searching for and retrieving documents and/or making a decision in relation to documents you have requested.

#### *Deposit*

Subsection 12(2) of the Charges Regulations only allows a deposit to be charged in circumstances where the agency's preliminary assessment of the charge exceeds \$25.00. Having regard to the total estimated charge for processing your FOI request, and in accordance with the FOI Act and Charges Regulations, the Court does not require you to pay a deposit.

#### *Right to contest charge*

Under s 29(1)(f) of the FOI Act, you may make an application to contest the charge if you believe it has been wrongly assessed, or should be reduced or not imposed. In accordance with s 29(1)(f), your application contesting the charge must:

- Be made in writing;
- Be made to the Court within 30 days of receiving the notice of charge; and
- Provide reasons for contending that the charge has been wrongly assessed, or should be reduced or not imposed.

In considering whether or not to reduce, or not impose, the charge, the Court must take into account the following factors under s 29(5) of the FOI Act:

- Whether payment of the charge would cause financial hardship to you; and
- Whether giving access to the documents requested is in the general public interest or in the interest of a substantial section of the public.

However, the Court can also take other matters into account, in addition to financial hardship and the public interest.

In relation to any claim you make that the imposition of the charge will cause financial hardship to you, you should consider providing evidence regarding the financial hardship. This will better enable the Court to assess whether the charge will cause financial hardship to you.

*Your obligations*

Under s 29(1)(f) of the FOI Act, you must notify the Court in writing within 30 days of receiving this notice of charge that you:

- agree to pay the charge; or
- wish to contest the charge; or
- withdraw your FOI request.

In accordance with s 29(1)(g) of the FOI Act, if you fail to respond to this notice of charge in writing within 30 days, your FOI request will be taken to have been withdrawn.

You should also be aware that, under s 31(2) of the FOI Act, the processing period for your FOI request will temporarily cease on the day you receive this notice of charge and will not recommence until the earliest of the following occurs: you pay the charge (in the circumstances set out in either ss 31(2)(a) or 31(2)(b)) OR following a review under the FOI Act, a decision is made by the Court not to impose a charge.

Yours sincerely,

FOI Officer