



Australian Government
Department of Health

Department Reference: 292-1415

Mr Martin Hardie
Email: foi+request-1080-f1505585@righttoknow.org.au

Dear Mr Hardie

**FREEDOM OF INFORMATION REQUEST:
NOTICE OF LIABILITY TO PAY A CHARGE
NOTICE OF THIRD PARTY CONSULTATION**

I refer to your request of 5 June 2015 to the Department of Health, for access under the *Freedom of Information Act 1982* (FOI Act) to:

“all documents including correspondence, briefings, file notes and telephone records of communications made between 1 January 2013 and 10 February 2013 between the Department (including Mr Richard Eccles and his staff) and:

- Prime Minister and the Department of Prime Minister and Cabinet*
- Minister for Sport*
- Australian Sports Anti-Doping Authority*
- Australian Crime Commission*
- Australian Football League, including its Commissioners (in either their private or official capacities) and*
- Australian Sports Commission, including its Chairman and Board members (in either their private or official capacities)*

in relation to the preparation and publication of the ACC Report on Project Aperio and the proposed or actual investigation by ASADA into the Essendon Football Club, including the joint press conference held on 7 February 2013, and the arrangements for the AFL/ASADA joint investigation.”

I have decided, in accordance with section 29 of the FOI Act, that you are liable to pay a charge in respect of your request.

Under paragraph 29(1)(f) of the FOI Act you are required to notify the Department in writing within 30 days after this notice was given to you one of the following:

- that you agree to pay the charge;
- that you wish to make a contention that the charge has been wrongly assessed or should be reduced or not imposed; or
 - if you wish to contend please see further details below.
- that you withdraw your request.

Preliminary Assessment

In accordance with paragraph 29(1)(b) of the FOI Act my preliminary assessment of the charge is \$567.00. This has been calculated as follows:

search and retrieval time (including time spent locating relevant files and collating relevant documents contained on those files)	3.0 hours @ \$15.00 per hour	\$45.00
decision making time (including time spent examining the documents, considering exemptions, undertaking consultation, writing the decision and preparing any documents for release)	29.91 hours @ \$20.00 per hour	\$598.00
photocopies of documents	First 5 hours free	(\$100)
		\$24.00
TOTAL		\$567.00

Deposit

I have also decided that you are required to pay a deposit. As the preliminary assessment is greater than \$100.00 a deposit of 25% is required, this being \$142.00

Payment of a deposit will be taken as your authority for us to proceed with the processing of your request and your agreement to pay the full charge in which case you will become liable to the Commonwealth for the full cost of the processing charge. Your deposit payment (cheque or credit card) should be sent to either of the following:

FOI@health.gov.au

FOI Coordinator (MDP 350)
Department of Health
GPO Box 9848
CANBERRA ACT 2601

Contention that the charge has been wrongly assessed, should be reduced or not imposed

Under the FOI Act you have the right to contend that the charge has been wrongly assessed, should be reduced or not imposed. If you choose to make such a contention the matters that I am required by subsection 29(5) of the FOI Act to take into account include:

- whether the payment of the charge, or part of it, would cause financial hardship to you or the person on whose behalf the application was made; and
- whether the giving of access to the document[s] in question is in the general public interest or in the interest of a substantial section of the public.

Notice of Third Party Consultation and timeframe for providing you with a decision

The date for providing you with a decision will be later than that previously advised because:

- it appears to me, from the documents to which you seek access, that a third party may reasonably wish to make a contention concerning possible exemption of some of the

documents. I have, accordingly, determined that the requirements of sections 27 make it appropriate to extend the time frame for dealing with your request.

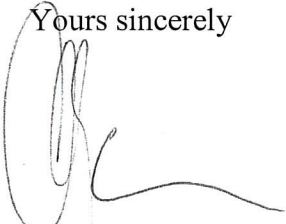
- for the purposes of subsection 15(6) of the FOI Act, the 30 day period for providing you with a decision has been extended by a further 30 days; and
- processing your request is suspended from the date you receive this notice. Counting of the 60 calendar days will resume when either you pay a deposit or any contention about the charge has been resolved.

Relevant provisions

The FOI Act, including the provisions referenced in this notice can be accessed from the ComLaw website using the following link: <http://www.comlaw.gov.au/Series/C2004A02562>

If you require clarification of any of the matters discussed in this letter you should contact the Department's FOI Coordinator on (02) 6289 1666, or by email at FOI@health.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to be 'AG', with a long horizontal flourish extending to the right.

Mr Andrew Godkin
Sports Integrity Adviser
National Integrity of Sport Unit

3 July 2015