



Australian Government
Attorney-General's Department

FOI15/176; 15/12372

8 October 2015

Mr Phillip Sweeney

Sent via email: foi+request-1202-ef2dc1c6@righttoknow.org.au

Dear Mr Sweeney

Freedom of Information Request FOI 15/176

I refer to your request for access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to documents relating to invoices for payment for Commissioner Heydon for his services to the Royal Commission into Trade Union Governance and Corruption.

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request. I, Toni Pirani, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

In accordance with section 29 of the FOI Act and the *Freedom of Information Charges Regulations 1982*, my preliminary assessment of the charge you are liable to pay is **\$202.55**.

Basis for my preliminary assessment of the charge

I have assessed the work the Attorney-General's Department would need to do to process your request and have calculated the following breakdown of charges:

Document estimate		
Number of relevant documents		29
Number of relevant pages (or other size descriptor)		60
PROCESSING CHARGES		
Search and retrieval		
Task	Time	Cost @ \$15/hr
Search and retrieval of relevant electronic and registry files	0.17	\$2.55
Search and retrieval of relevant pages in file	2.00	\$30.00
Preparation of schedule of documents	2.00	\$30.00
<i>A. Search and retrieval subtotal</i>	<i>4.17</i>	<i>\$62.55</i>

Decision making		
Task	Time	Cost @ \$20/hr
Examination of documents	1.00	\$20.00
Consultation with third parties	2.00	\$40.00
Preparation of documents for release	5.00	\$100.00
Preparation of notice of access decision	4.00	\$80.00
<i>Decision making subtotal (before deduction of 5 hours)</i>	12.00	\$240.00
<i>B. Decision making subtotal (after deduction of first 5 hours free)</i>	7.00	\$140.00
ACCESS AND DELIVERY CHARGES		
	No. of pages	Cost
Transcription (\$4.40/page)	0.00	\$0.00
Photocopy (\$0.10/page)	0.00	\$0.00
Other copies (\$4.40/page)	0.00	\$0.00
		Cost
Electronic production (actual cost)	0.00	\$0.00
Replay [replaying of sound or film] (actual cost)	0.00	\$0.00
Delivery (actual cost)	0.00	\$0.00
	Time	Cost
Inspection (@ \$6.25 per half hour)	0.00	\$0.00
<i>C. Access and delivery charges subtotal</i>	0.00	\$0.00
ESTIMATED TOTALS AND DEPOSIT		
ESTIMATED TOTAL (total of A, B and C)		\$202.55
REQUIRED DEPOSIT		\$50.64

This preliminary assessment of the charges is based on the number of documents that fall within the scope of your request and an estimate of the number of pages that would need to be examined in order to make a decision on your request.

The purpose of this letter is to advise you of the estimated charges for processing your request and the amount of the deposit, based on that estimate, that you need to pay before we continue. After making a decision on your request, the department is required to calculate the actual amount payable. When we do this, the final charge may be higher than the estimated charge, however the higher amount can only be charged if the department decides to give you access to all documents without deletions and in the form requested.

Please note that the charges imposed reflect the cost of the work undertaken by the department in processing your request, and does not have a bearing on the quantity of documents that may be released to you, which may be reduced as a result of exemptions being applied.

Your right to contend the charge

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed, or
- should be reduced, or
- should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the documents is in the general public interest or in the interest of a substantial section of the public
- any other relevant matter.

Payment of a deposit

As the charge exceeds \$100, a 25 per cent deposit (**\$50.64**) will be payable once you agree to pay the charge.

The deposit is not refundable except in some limited circumstances (for example, if the department fails to make a decision on your request within the statutory time limit), or may be refundable in part if the final charge is less than the deposit paid.

The time you have to respond and what you need to do

You have 30 days to respond in writing to this notice. We therefore expect a response from you by **7 November 2015**. By that date, you must do one of the following things in writing:

- agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge is paid)
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons
- withdraw your request.

Please send your response to:

email: foi@ag.gov.au
post: Freedom of Information and Privacy Section
Office of Corporate Counsel,

Attorney-General's Department,
3-5 National Circuit
Barton, ACT 2600

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. If you do not provide us with a written response by **7 November 2015** your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which the department makes a decision not to impose a charge.

Questions about this notice

If you have any questions or wish to discuss this notice with us, please contact Jo, FOI case officer, by telephone on 02 6141 6666 or by email foi@ag.gov.au.

More information about charges under the FOI Act is available in Fact Sheet 7 on the Office of the Australian Information Commissioner's website: <http://www.oaic.gov.au/freedom-of-information/foi-resources/freedom-of-information-fact-sheets/> and in part 4 of the Australian Information Commissioner's FOI guidelines: <http://www.oaic.gov.au/freedom-of-information/applying-the-foi-act/foi-guidelines/part-4-charges-for-providing-access> .

Yours sincerely



Toni Pirani
Assistant Secretary