



Ref no. 15/002777

21 October 2015

Julie Simpson

By email: foi+request-1246-4afa3e09@righttoknow.org.au

Dear Julie Simpson

Notice under section 29 of the *Freedom of Information Act 1982*

I refer to your request under section 15 of the *Freedom of Information Act 1982 (FOI Act)* dated 24 September 2015 (**FOI request**), seeking:

"The Applicant refers to a letter dated 16 March 2006 to Mr Julian Marks, Manager - South West Region APRA from the Trustee Corporate Combined Superannuation Pty Ltd {CCSL}(RSE Licence L0000758) signed by Nicholas D J Brookes.

The letter states that the "Trust Deed for the Fund plus Amendments" have been attached. Attached to this letter also was a copy of an executed Deed appointing CCSL as the sole Trustee of the Fund.

The Applicant is seeking a copy of this Deed of appointment".

Notice of charge in respect of processing the FOI Request

I am writing to advise you of my decision under regulation 3 of the *Freedom of Information (Charges) Regulations 1982 (the Regulations)* that you are liable to pay a charge in respect of processing the FOI request.

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 \$90.00. The following table details the basis of that assessment:

Basis for my preliminary assessment of the charge	Time	Cost
Search and retrieval time @ \$15.00 per hour	4 hours	\$60.00
Decision making time @ \$20.00 per hour (Noting that the first five hours are free of charge)	5 hours	nil
TOTAL		\$60.00

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.

If you contend that the charge has been wrongfully assessed, or should be reduced or not imposed, you should give full reasons for so contending. In deciding whether a charge should be reduced or not imposed, the decision maker in APRA must take into account:

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

Payment of a deposit

As the charge exceeds \$25, a deposit of \$20 will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances (for example, if APRA 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.

Payment of any deposit or charge should be made by crossed cheque made out to "Australian Prudential Regulation Authority". Please send the cheque directly to:

The FOI Officer
Australian Prudential Regulation Authority
GPO Box 9836
SYDNEY NSW 2001

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

You are required to notify APRA in writing within 30 days of receipt of this letter if you:

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

We therefore expect a response from you by 18 November 2015. If you do not provide us with a written response by this date your request will be taken to have been withdrawn.

Section 29 of the FOI Act does not provide that an Applicant may make a revised request in response to a notice of charge. APRA does not propose to enter into further correspondence about the scope of this request by way of this notice, nor process this request should the scope be modified.

If any documents are located, the decision whether to release those documents would only be made by APRA after consultation with any affected parties and on the basis of any applicable exemptions under the FOI Act, such as documents to which statutory secrecy provisions apply. Accordingly, it is possible that notwithstanding your payment of the charge, APRA may fail to locate any documents, decide not to release any documents, or decide to release some of the relevant documents retrieved and examined.

Time period for processing the FOI request

In accordance with section 31 of the FOI Act, the time period for processing your FOI request is suspended from the day that you receive this notice and resumes on either the day that the charge (in full or the required deposit) is received by APRA or the day on which APRA makes a decision not to impose a charge.

Questions about this notice

Please contact me with any questions in respect of this notice or this FOI request.

Yours sincerely



Ben Carruthers
FOI Officer
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