



Our reference: FOI-000463

05 May 2015

Mr James Smith

By email to: foi+request-1864-8d491fe5@righttoknow.org.au

Dear Mr Smith

Freedom of Information request – Preliminary assessment of charges

I refer to your request for access to documents made under the *Freedom of Information Act 1982 (FOI Act)* on 18 April 2016. You sought access to:

1. Current social media policy of the department, which covers departmental use and/or private use by employees in an individual capacity.
2. Any current guidance material which is available for employees to make informed decisions about their private social media use.

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

In accordance with s. 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 **\$86.25**.

Basis for my preliminary assessment of the charge

I have assessed the work we would need to do to process your request (including the time it has taken so far to search for documents relevant to your request and have calculated the following breakdown of charges:

Document estimate	
Number of relevant documents	16
Number of relevant pages (estimate)	67

PROCESSING CHARGES		
Search and retrieval		
Task	Time	Cost @ \$15/hr

Search and retrieval of relevant electronic and registry files	1.75	\$26.25
Search and retrieval of relevant pages in file		
Preparing a schedule of documents	4.0	\$60.00
A. Search and retrieval subtotal	5.75	\$86.25
Decision making		
Task	Time	Cost @ \$20/hr
Examining documents	2.5	\$50.00
Consulting third parties	N/A	
Preparing documents for release	1.5	\$30.00
Preparing the notice of access decision	1.0	\$20.00
Decision making subtotal (before deduction of 5 hours)	5.0	\$100.00
B. Decision making subtotal (after deduction of first 5 hours free)	0.0	N/A
ACCESS AND DELIVERY CHARGES		
	No. of pages	Cost
Transcription (\$4.40/page)	N/A	
Photocopy (\$0.10/page)	N/A	
Other copies (\$4.40/page)	N/A	
		Cost
Electronic production (actual cost)	N/A	
Replay [replaying of sound or film] (actual cost)	N/A	
Delivery (actual cost)	N/A	
	Time	Cost
Inspection (@ \$6.25 per half hour)	N/A	
C. Access and delivery charges subtotal	N/A	
ESTIMATED TOTALS AND DEPOSIT		
ESTIMATED TOTAL (total of A, B and C)		\$86.25
REQUIRED DEPOSIT		\$20.00

To date, it has taken us 1.75 hours to search for and retrieve all the documents relevant to your request and 6.5 hours to prepare the document schedule and examine the documents. This time was needed because our search extended to a wide range of agency publications which reference our social media policy and the guidance material available to employees through corporate training programs and the FWO's Intranet.

In estimating the time it will take us to process the rest of your request, I have used the Australian Government Solicitor's rate calculator (**AGS calculator**), which gives estimates of processing times for standard FOI requests.

I have identified 67 pages (from a total of 208) relevant to your request. In estimating the time will take to prepare the documents for release, I have departed from the AGS calculator which provides between 5 and 15 minutes preparation for each page, depending on the complexity of material and exemptions to be applied. I think the calculator overestimates the time needed to complete this request and instead estimate it will take 1 hour to prepare the documents for release, and one further hour to prepare the notice of my decision.

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 must take into account:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the document(s) 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 \$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 we fail 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.

Cheque or money orders should be made payable to the 'Fair Work Ombudsman' and sent to:

Customer Feedback & Information Access Team
Fair Work Ombudsman
GPO Box 9887
SYDNEY NSW 2001

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 **3 June 2016**. By that date, you must do one of the following things in writing:

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

You can narrow the scope of your request to reduce the amount you have to pay. Please contact us to discuss this option – we can help you identify the documents you want.

Please send your response to foi@fwo.gov.au.

If you do not provide us with a written response by **3 June 2016** your request will be taken to have been withdrawn.

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

Questions about this notice

If you have any questions or wish to discuss this notice, please contact Jennifer Wockner (07) 4699 5876 or by email to foi@fwo.gov.au.

More information about charges under the FOI Act is available in FOI Fact Sheet 7¹ on the Australian Information Commissioner's website and Part 4² of the *Guidelines issued by the Australian Information Commissioner under s 93A of the Freedom of Information Act 1982*.

Yours sincerely



Mark Davidson
Director – Customer Feedback & Information Access Team
Fair Work Ombudsman

¹ [http://www.oaic.gov.au/images/documents/freedom-of-information/foi-factsheets/FOI fact sheet7 charges.pdf](http://www.oaic.gov.au/images/documents/freedom-of-information/foi-factsheets/FOI%20fact%20sheet7%20charges.pdf).

² [http://www.oaic.gov.au/images/documents/freedom-of-information/foi-guidelines/FOI Guidelines Part 4 Oct 2014.pdf](http://www.oaic.gov.au/images/documents/freedom-of-information/foi-guidelines/FOI%20Guidelines%20Part%204%20Oct%202014.pdf).