



Australian Government
Department of Health

Department Reference: 216-1516

Andrew Thompson
Email: foι+request-1918-4ee813ae@righttoknow.org.au

Dear Mr Thompson

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

I refer to your request of 25 April 2016 to the Department of Health, seeking access under the *Freedom of Information Act 1982* (FOI Act) to:

“Documents relating to potential Conflict of Interest of people chosen to conduct the policy review on the regulation, sale and marketing of e-cigarettes with or without nicotine, and the practice of ‘vaping’.”

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

Subsection 29(1)(f) of the FOI Act provides that you must notify the Department in writing within 30 days after the date of this notice of either 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 (if you wish to contend please see further details below); or
- 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 \$285.94. This has been calculated as follows:

search and retrieval time (including time spent locating relevant files and collating relevant documents contained on those files)	1.72 hours @ \$15.00 per hour	\$25.75
decision making time (including time spent examining the documents, considering exemptions, undertaking consultation, writing the decision and preparing any documents for release)	18.01 hours @ \$20.00 per hour	\$360.19
	First 5 hours free	(\$100.00)
TOTAL		\$285.94

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 \$71.48.

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

OR

FOI Coordinator (MDP 41)
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:

- (a) 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
- (b) 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, 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. Accordingly, it has been determined that the requirements of section 27A, of the FOI Act 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 relevant to your request can be accessed from the Federal Register of Legislation website using the following link:

<https://www.legislation.gov.au/Details/C2016C00067>

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

Yours sincerely



Director
Freedom of Information

24 May 2015