



20 June 2016

In reply please quote:

FOI Request FA 16/05/02461

File Number ADF 2016/23555

Mr Sam Everingham

Sent via email: foi+request-1962-21d9d891@righttoknow.org.au

Freedom of Information – notice that applicant is liable to pay a charge (s.29(1))

Dear Mr Everingham,

This letter refers to your request received on 24 May 2016 seeking access under the *Freedom of Information Act 1982* (the Act) to the following documents:

I am seeking statistics on the number of citizenship applications received by the Department relating to children born through international surrogacy arrangements by country of birth for the following six financial years:

2013/14

2012/13

2011/12

2010/11

2009/10

2008/09

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

As provided under s.29 of the Act and the *Freedom of Information (Charges) Regulations 1982* (the Regulations), I have undertaken a preliminary assessment of the amount of charges you are liable to pay and have assessed that to be \$15.

Basis for my preliminary assessment of the charge

I have assessed the work the Department would need to do to process your request and have calculated the following breakdown of charges.

Processing charges

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant electronic and registry files	1.00	\$15.00
Search and retrieval of relevant pages in file	0.00	\$0.00
Preparation of schedule of documents	0.00	\$0.00
Search and retrieval subtotal	1.00	\$15.00

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	0.08	\$1.67
Preparation of documents for release	0.00	\$0.00
Consultation with third parties	0.00	\$0.00
Preparation of notice of access decision	3.02	\$60.32
Decision making subtotal (before deduction of 5 free hours)	3.10	\$61.99
Decision making subtotal (after deduction of 5 free hours)	0.00	\$0.00

Estimated totals	
Estimated total	\$15.00

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

The Act provides you with 30 days to respond, in writing, to this notice, which is Wednesday, **20 July 2016**.

Therefore, by this date you must do one of the following things:

- agree to pay the charge;
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons; or
- withdraw your request.

In deciding whether a charge should be reduced or not imposed, s.29(5) of the Act requires me to 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
- any other relevant matter.

Please note that if you do not provide a written response by **20 July 2016** your request will be taken to have been withdrawn (by you) under s.29(2) of the Act.

Payment

As the charge is less than \$25, you will be required to pay in full if the charge is imposed.

The payment will be refunded if the Department fails to make a decision on your request within the statutory time limit. The payment can be paid by cheque, money order, credit card or Electronic Funds Transfer (EFT).

Cheques and money orders should be made payable to "Collector of Public Monies DIBP" and sent to:

Freedom of Information Section
Department of Immigration & Border Protection
PO Box 25
BELCONNEN ACT 2616

If you wish to pay by credit card, please fill out the attached credit card authorisation form and forward to Freedom of Information Section at the above address, or email to foi@border.gov.au.

If you wish to pay by Electronic Funds Transfer (EFT) the Department's bank account details are as follows:

Bank:	CBA
BSB:	062987
Account Number:	10016044
Account Name:	DIBP Official Administered Direct Credit Receipts Account

When making the transfer you will need to quote the number of your request – FA 16/05/02461 – so that your payment can be identified by our Finance area. Failure to do so may result in payments not being identified as FOI related and could result in processing delays.

Please advise FOI when you have made the payment made by direct credit so that we can contact the Finance area and they can issue a receipt. You should also be aware that payments by direct credit are not processed in real time. There is at least a one day delay between somebody paying money into the Department's account and notification of the payment via our bank account statement.

Processing period suspended

The period for processing your request is suspended from the day that you are deemed to have been 'notified' of the charge and resumes on:

- the day you indicate that you 'agree' to pay the charge or
- the day on which this agency makes a decision not to impose a charge.

You may indicate your agreement to pay the charge by either paying the deposit or paying the charge in full.

Contacting the FOI Section

If you wish to discuss this matter, I can be contacted using the details provided below.

Regards,

Brad Collins
Freedom of Information Section
Department of Immigration and Border Protection
Email: foi@border.gov.au