



LS5778 ~ file 16/813

Mr Brendan Manning
By email to foi+request-2158-7b229cff@righttoknow.org.au

Dear Mr Manning

FREEDOM OF INFORMATION REQUEST NO. LS5778

I refer to your request, in your email of 28 September 2016 1:31 PM, to the Australian Electoral Commission (the 'AEC') for access to five AEC files under the [Freedom of Information Act 1982](#) (the 'FOI Act').

- 2 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, Owen Jones, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.
- 3 You requested access to 5 files held by the AEC which have been retrieved by me and found to contain folios as follows:
 - (a) File 2012/00089 has 20 folios;
 - (b) File 2012/00180-1 has 167 folios (numbered 1-168 with a skip in numbering between folios 110 and 112 with the result that there is no folio 110);
 - (c) File 2012/00180-2 has 185 folios;
 - (d) File 2013/00187 has 17 folios; and
 - (e) File 2013/00191 has 13 folios.
- 4 A number of the folios contain business information of third parties, namely donors, associated entities and registered political parties to which section 27 of the FOI Act applies. The AEC has given undertakings that it would consult these individuals and organisations about any FOI Requests about their business information.

5 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 \$787.50.

BASIS FOR MY PRELIMINARY ASSESSMENT OF THE CHARGE

6 I have assessed the work the AEC would need to do to process your request and have calculated the following breakdown of charges:

Document estimate	
Number of relevant files	5
Number of relevant documents	240
Number of relevant pages (or other size descriptor)	402

PROCESSING CHARGES		
Search and retrieval		
Task	Time	Cost @ \$15/hr
Search and retrieval of relevant electronic and registry files		
Search and retrieval of relevant pages in file	0.5	\$7.50
Preparation of schedule of documents	4	\$60.00
A. Search and retrieval subtotal		\$67.50
Decision making		
Task	Time	Cost @ \$20/hr
Examination of documents	13	\$260.00
Consultation with third parties	10	\$200.00
Preparation of documents for release	10.5	\$210.00
Preparation of notice of access decision	7.5	200.00
Decision making subtotal (before deduction of 5 hours)	41	
B. Decision making subtotal (after deduction of first 5 hours free)	36	720.00

ACCESS AND DELIVERY CHARGES		
	No. of pages	Cost
Transcription (\$4.40/page)		
Photocopy (\$0.10/page)		
Other copies (\$4.40/page)		
		Cost
Electronic production (actual cost)		No charge
Replay [replaying of sound or film] (actual cost)		
Delivery (actual cost)		
	Time	Cost
Inspection (@ \$6.25 per half hour)		
C. Access and delivery charges subtotal		0

ESTIMATED TOTALS AND DEPOSIT	
Estimated Total (total of A, B and C)	\$787.50
Required Deposit	\$195.00

YOUR RIGHT TO CONTEND THE CHARGE

- 7 Under the FOI Act, you have the right to contend that the charge:
- (a) has been wrongly assessed;
 - (b) should be reduced; or
 - (c) should not be imposed.
- 8 In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:
- (a) whether payment of the charge, or part of it, would cause you financial hardship
 - (b) whether giving access to the documents is in the general public interest or in the interest of a substantial section of the public
 - (c) any other relevant matter.

PAYMENT OF A DEPOSIT

- 9 As the charge exceeds \$100, a 25 per cent deposit (\$195.00) will be sought if the charge is imposed.
- 10 The deposit is not refundable except in some limited circumstances (for example, if the AEC 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.
- 11 You may pay the deposit by either:

- (a) Forwarding a cheque indorsed in favour of the Collector of Public Moneys, Australian Electoral Commission to:

Freedom of Information Officer
Australian Electoral Commission
Locked Bag 4007
Canberra City ACT 2601.

Please quote your FOI Request Number on the covering correspondence.

- (b) By electronic funds transfer to the AEC's bank account as follows:

Bank: Reserve Bank of Australia
BSB: 092-009
Bank Account Name: Australian Electoral Commission Official
Departmental Receipts and Payments Account
Bank Account Number: 113597

Please quote your FOI Request Number on your email payment remittance advice to be sent to accounts@aec.gov.au.

THE TIME YOU HAVE TO RESPOND AND WHAT YOU NEED TO DO

- 12 You have 30 days to respond in writing to this notice. Within that period you must do one of the following things in writing:
- (a) 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)
- (b) contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons
- (c) withdraw your request.

13 Please send your response to:

By post

Freedom of Information Officer
Australian Electoral Commission
Locked Bag 4007
Canberra City ACT 2601.

By email

info@aec.gov.au

- 14 If you do not provide us with a written response by 7 December 2016 your request will be taken to have been withdrawn.
- 15 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 AEC makes a decision not to impose a charge.

Questions about this notice

- 16 More information about charges under the FOI Act is available in Fact Sheet 7 on the Office of the Australian Information Commissioner's website: <https://www.oaic.gov.au/freedom-of-information/foi-resources/foi-agency-resources/foi-agency-resource-7-statement-of-reasons-checklist> and the Guidelines issued by the Australian Information Commissioner under s 93A of the Freedom of Information Act 1982, Part 4 (Charges for providing access): <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access>.
- 17 If you have any questions or wish to discuss this notice with us, please contact me, my contact details are:

email: owen.jones@aec.gov.au
fax: 02 6293 7657
post: Locked bag 4007, Canberra ACT 2601
telephone: 02 6271 4528

Yours sincerely



Owen Jones
Senior Lawyer
Legal Services Section

7 November 2016