



Australian Government
Department of Health

Department Reference: FOI 138-1617

Mr Jason Plotz

By email: foi+request-2773-cac526f0@righttoknow.org.au

Dear Mr Plotz,

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

I refer to your request of 24 November 2016 to the Department of Health (Department), seeking access under the *Freedom of Information Act 1982* (FOI Act) to:

*'...copies of all communications with Australia's delegation at the WHO's 7th session of the Conference of the Parties (COP 7) held in New Delhi
(<http://www.who.int/fctc/cop/sessions/cop7/en/>) regarding media access or media accreditation.'*

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.

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.

If you do not provide a written response within 30 days after the date of this notice, your request will be taken to have been withdrawn.

Preliminary Assessment

In accordance with s29(1)(b) of the FOI Act and the Freedom of Information Charges Regulations 1982, my preliminary assessment of the charge is \$70.89. This has been calculated as follows:

Search and retrieval time (including time spent locating relevant files and collating relevant documents contained on those files)	3.15 hours @ \$15.00 per hour	\$47.25
Decision making time (including time spent examining the documents, considering exemptions, undertaking consultation, writing the decision and preparing any documents for release)	6.18 hours @ \$20.00 per hour Less first 5 hours free	\$123.60 (\$100.00)
TOTAL		\$70.85

Deposit

I have also decided that you are required to pay a deposit. As the preliminary assessment of the charge exceeds \$25 but is less than \$100.00, the deposit you are required to pay is \$20.00.

Payment of a deposit will be taken as your authority to proceed with 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 processing the charge. The department can accept credit card, money order or cheque payments. Where you choose to pay by cheque (personal or bank) or money order it should be sent to the following:

FOI@health.gov.au

OR

FOI Unit (MDP 41)
Department of Health
GPO Box 9848
CANBERRA ACT 2601

Where you wish to pay by credit card you should contact the Department's FOI unit on (02) 62891666 to be further advised.

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. In deciding whether a charge should be reduced or not imposed, I must take into account:

- (a) whether the payment of the charge, or part of it, would cause financial hardship to you; 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
- (c) any other relevant matter.

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. I have, accordingly, determined that the requirements of section 15(7) make it appropriate to extend the time frame for dealing with your request.
- for the purposes of subsection 15(8) of the FOI Act, the 30 day period for providing you with a decision has been extended by a further 30 days; and
- the time for processing your request is suspended from the date you receive this notice. Counting of the 60 calendar days will resume when either you pay the deposit or any contention about the charge has been resolved.

Relevant provisions

The FOI Act, including the provisions referred to in this letter, can be accessed from the Federal Register of Legislation website <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) 62891666, or by email at FOI@health.gov.au.

Yours sincerely



François Murat
A/g Director
Freedom of Information

14 December 2016