



Mr Adam Presnell
Right to Know

via email: foi+request-3219-0dd0154a@righttoknow.org.au

Dear Mr Presnell

Your request – charges notice

I am writing about your initial request, received by the department on 10 March 2017, for access under the *Freedom of Information Act 1982* (FOI Act) to documents as follows:

The costs of preparing the Cost Benefit Analysis by an external consultant is part of the cost of proposing to moving the agency to a rural area. It is in the public interest to understand the true cost of this move. The invoice by Ernst and Young is sought and the budget for external consulting on this move is sought.

Preliminary assessment of the charges

Section 29 of the FOI Act authorise an agency to impose a charge in respect of a request for access to a document.

The department has now completed a search for documents and identified documents as falling relevant to your request. Our preliminary assessment of the department’s charge to process your request is **\$101.30**, calculated as follows:

1.42 hours	Search and retrieval time, at \$15 per hour	\$ 21.30
9 hours	Document preparation and decision making time*, at \$20 per hour (*there is no charge for the first five hours of decision making time)	\$ 180.00 (\$100.00)
TOTAL		\$ 101.30

Please be aware that the department’s charges relate to the processing of your request, including search, retrieval and decision making, and are no guarantee that a decision will be made to grant access to the documents.

Seeking reduction or non-imposition of the charge

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. The FOI Act provides that, in deciding whether to reduce or not to impose a charge, the decision maker must take into account any relevant reasons, including whether payment of the charge, or part of it, would cause you financial hardship, and whether the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public.

You may find fact sheets and guidelines on charges available on the Office of the Australian Information Commissioner’s (OAIC) webpage helpful.

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

If you would like the department to continue processing your request, you must notify the department in writing within 30 calendar days after the day you receive this notice that you:

- a) agree to pay the charge
- b) wish to contend that the charge
 - (i) should be reduced or not imposed; or
 - (ii) both; or
- c) withdraw the request for access.

If you do not provide a written response in accordance with one of options a, b or c above within 30 calendar days of receiving this notice, your request will be taken to have been withdrawn under subsection 29(2) of the FOI Act.

Paying the charge

If you agree to pay the charge, you are required to pay the whole charge, or a deposit of **\$25.00** within 30 calendar days of receiving this notice. If you elect to pay a deposit, please note documents will not be released until the assessed charge is received in full.

Payment can be made by:

- credit card by completing the attached form and sending a scanned copy to foi@agriculture.gov.au or posting it to the address below
- cheque or money order made payable to the 'Collector of Public Monies', and forwarded to the following address:

FOI Coordinator
Department of Agriculture and Water Resources
GPO Box 858
CANBERRA CITY ACT 2601

- direct deposit to:

A/C Name: DAWR Departmental Account
Branch: London Circuit, Canberra
Bank: Reserve Bank
BSB: 092 009
A/C No. 111 698
ABN No: 24 113 085 695.

If payment is made by direct deposit, please include the FOI reference number (FOI 2016/17-58) in the subject field, and send an email with notification of payment to foi@agriculture.gov.au as soon it has been made.

Time limits for processing your request

Section 31 of the FOI Act provides that where a notice is sent to an applicant regarding the payment of a charge in respect of a request, the time limit for processing the request is suspended from the date the notice is received until either:

- the day following payment of the charge (in full or the required deposit); or
- if applicable, the day following the notification to the applicant of a decision not to impose the charge.

Third party consultation

The relevant documents contain information about the business affairs of an organisation or information about the business or professional affairs of one or more third parties.

To inform the decision on release of documents, the FOI Act requires that the above third parties are consulted, and provides a further time period for the consultation process. Subsection 15(6) of the FOI Act extends the standard statutory 30-day time limit for processing requests by another 30 calendar days. Accordingly, this will give the department 60 calendar days within which to notify you of its decision on access to the documents.

Contact details

Should you wish to discuss any issues arising from this letter, please email foi@agriculture.gov.au.

Yours sincerely

(approved electronically)

Charine Bennett
Principal Government Lawyer
Office of the General Counsel

24 March 2017