



5 April 2017

**In reply please quote:**

FOI Request FA 17/03/00897  
File Number ADF2017/32347

To: OH

Sent via email: [foi+request-3268-7eb40c1c@righttoknow.org.au](mailto:foi+request-3268-7eb40c1c@righttoknow.org.au)

Dear OH

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

This letter refers to your request received on 20 March 2017 seeking access under the *Freedom of Information Act 1982* (the Act) to the following documents:

- 1. The number of Yemen applicants that have applied for humanitarian or refugee visas in 2016.*
  - 2. The number of applicants (from Yemen) that have been granted these visas in 2016.*
- Please include the visa classes or subclasses.*

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 \$30.00.

**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.

Document estimate

Number of relevant documents: 1 document created.  
Number of relevant pages: 1 page.

### Processing charges

<b>Search and retrieval</b>		
<b>Task</b>	<b>Time (hours)</b>	<b>Cost @ \$15/hr</b>
Search and retrieval of relevant electronic and registry files	2	\$30.00
Search and retrieval of relevant pages in file	0	\$0.00
Preparation of schedule of documents	0	\$0.00
Search and retrieval subtotal	2	\$30.00

<b>Decision making</b>		
<b>Task</b>	<b>Time (hours)</b>	<b>Cost @ \$20/hr</b>
Examination of documents	0.50	\$10.00
Preparation of documents for release	0.50	\$10.00
Consultation with third parties	0	\$0.00
Preparation of notice of access decision	0.50	\$10.00
Decision making subtotal (before deduction of 5 free hours)	1.50	\$30.00
Decision making subtotal (after deduction of 5 free hours)	0	\$0.00

<b>Estimated totals and deposit</b>		
Estimated total		<b>\$30.00</b>
Deposit required		<b>\$20.00</b>

There is no evidence before me that financial hardship or public interest arguments apply. I have therefore not applied any discounts for these factors.

### **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 **Friday, 5 May 2017**.

Therefore, by **Friday, 5 May 2017** 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 **Friday, 5 May 2017** your request will be taken to have been withdrawn (by you) under s.29(2) of the Act.

### **Payment**

As the charge exceeds \$25, you will be required to pay a deposit of \$20 if the charge is imposed.

The deposit will be refunded if the Department fails to make a decision on your request within the statutory time limit. The deposit 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 email to [foi@border.gov.au](mailto: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 17/03/00897** - 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.

Yours sincerely

Helen Simons  
Freedom of Information Section  
Department of Immigration and Border Protection  
Email [foi@border.gov.au](mailto:foi@border.gov.au)