



16 May 2017

In reply please quote

FOI Request: FA 17/04/00288

File Number: ADF2017/38167

Mr Robert Hudson
IT Professionals Association

By email: foi+request-3350-f87ae67b@righttoknow.org.au

Dear Mr Hudson

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

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

Details of the 457 Visas granted over the last 18 months for the following ANZSCO Unit Groups:

- 2621 - Database and Systems Administrators
- 2631 - Computer Network Professionals
- 2632 - ICT Support and Test Engineers
- 3131 – ICT Support Technicians

The details we are seeking are:

- Descriptions of the roles that were filled
- The wages that were / are being paid
- The market testing that was done to prove that local workers were not available to fill the roles
- The names of the Companies involved and the number of 457 Visas they were granted

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 section 23(1) of the FOI Act to make decisions in relation to FOI requests, including the decision to impose a charge.

As provided under section 29 of the FOI 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 **\$75.00**.

Assessment of Charges

The Department has identified one document that contains information relevant to the terms of your request. The document contains 14 folios that fall within the scope of your request.

I have assessed the work the Department would need to process your request, taking into account the time spent by the relevant area to conduct the search and retrieval of documents, and have calculated the following breakdown of charges.

Search and Retrieval – 7 hours @ \$15 per hour (2 hours discounted)	\$75.00
Decision Making – 1.5 hours (free of charge)	<u>\$0.00</u>
Total	\$75.00

It has taken 9 hours to identify and retrieve the document that falls within the scope of your request. Your request involved obtaining information not available in discrete form and the Department produced a written document containing the information by the use of a computer or other equipment ordinarily available for retrieving or collating stored information. This has been taken into account within the assessment of time for search and retrieval. The 14 folios will require a decision to be made on access and it is estimated that this will take 1.5 hours (noting that the first 5 hours of decision making time are free of charge).

An agency or minister has a general discretion to reduce a charge, and this discretion is not limited to financial hardship and public interest grounds. I have had regard to the object of the FOI Act in providing prompt access at the lowest reasonable cost to applicants, and I have accordingly determined that a discount equivalent of 2 hours of search and retrieval time is appropriate.

Please note that by paying the charge you are deemed to have accepted the charge.

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 **Thursday, 15 June 2017**.

Therefore, by **Thursday, 15 June 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, section 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 documents 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 **Thursday, 15 June 2017** your request will be taken to have been withdrawn (by you) under section 29(2) of the FOI Act.

Payment

As the charge exceeds \$25, you may pay the amount in full or a required preliminary deposit of \$20 if the charge is imposed.

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 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 17/02/00288)** 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.

If you wish to pay by credit card, please advise the Freedom of Information Section by email to foi@border.gov.au and an invoice will be raised for your payment.

Please advise FOI when you have made a payment 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



Julien Chadwick
Authorised Decision Maker
Freedom of Information Section
Department of Immigration and Border Protection
Email: foi@border.gov.au