



13/14748

25 September 2013

By email only: [foi+request-375-0424d68b@righttoknow.org.au](mailto:foi+request-375-0424d68b@righttoknow.org.au)

Dear Mr King,

**Freedom of Information Request no. FOI13/141**

I refer to your request under the *Freedom of Information Act 1982* (FOI Act) dated 3 September 2013 for access to the twenty most recently submitted interception capability plans (IC plans) given to the Communications Access Coordinator under Part 5-4 of the *Telecommunications (Interception and Access) Act 1979*.

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, Frances Brown, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

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 \$2,260.00.

**Basis for my preliminary assessment of the charge**

I have assessed the work Attorney-General's Department would need to do to process your request and have calculated the following breakdown of charges:

|   |     |
|---|-----|
| <b>Document estimate</b>                            |     |
| Number of relevant documents                        | 20  |
| Number of relevant pages (or other size descriptor) | 339 |

| <b>PROCESSING CHARGES</b>                                      |              |                       |
|--|--------------|-----------------------|
| <b>Search and retrieval</b>                                    |              |                       |
| <b>Task</b>  | <b>Time</b>  | <b>Cost @ \$15/hr</b> |
| Search and retrieval of relevant electronic and registry files | 3.33         | \$50.00               |
| Search and retrieval of relevant pages in file                 | 15.00        | \$225.00              |
| Preparation of schedule of documents                           | 1.00         | \$15.00               |
| <b>A. Search and retrieval subtotal</b>                        | <b>19.33</b> | <b>\$290.00</b>       |

| <b>Decision making</b>  |                     |                        |
|---|---------------------|------------------------|
| <b>Task</b>   | <b>Time</b>         | <b>Cost @ \$20/hr</b>  |
| Examination of documents  | 28.25               | \$565.00               |
| Consultation with third parties   | 40.00               | \$800.00               |
| Preparation of documents for release  | 28.25               | 565.00                 |
| Preparation of notice of access decision  | 7.00                | 140.00                 |
| <b>Decision making subtotal (before deduction of 5 hours)</b>                     | <b>103.50</b>       | <b>2,070.00</b>        |
| <b><i>B. Decision making subtotal (after deduction of first 5 hours free)</i></b> | <b><i>98.50</i></b> | <b><i>1,970.00</i></b> |

| <b>ESTIMATED TOTALS AND DEPOSIT</b>       |                   |
|---|-------------------|
| <b>ESTIMATED TOTAL (total of A and B)</b> | <b>\$2,260.00</b> |
| <b>REQUIRED DEPOSIT</b>                   | <b>\$565.00</b>   |

After making a decision on a request, an agency or minister is required to calculate the amount payable. This final charge may be higher than the estimated charge, however the higher amount can only be charged if the Department decides to give access to all documents without deletions and in the form requested.

Please note that the charges imposed reflect the cost to the Department in undertaking your request and does not have bearing on the quantity of the final release of documents.

### **Your right to contend the charge**

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed, or
- should be reduced, or
- should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must 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.

### **Payment of a deposit**

As the charge exceeds \$100, a 25 per cent deposit \$565.00 will be sought if the charge is imposed. The deposit is not refundable except in some limited circumstances (for example, if the Department 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.

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

You have 30 days to respond in writing to this notice. We therefore expect a response from you by 25 October 2013. By that date, you must do one of the following things in writing:

- 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)
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons
- withdraw your request.

Please send your response to:

Online: [foi@ag.gov.au](mailto:foi@ag.gov.au)  
Post: FOI and Privacy Section  
Office of Corporate Counsel,  
Attorney-General's Department,  
3-5 National Circuit  
Barton, ACT 2600

If you do not provide us with a written response by 20 October 2013 your request will be taken to have been withdrawn.

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 this agency makes a decision not to impose a charge.

### **Questions about this notice**

If you have any questions or wish to discuss this notice with us, please contact Elise Perry by email [foi@agd.gov.au](mailto:foi@agd.gov.au).

More information about charges under the FOI Act is available in Part 4 of the Australian Information Commissioner's FOI guidelines:

[www.oaic.gov.au/publications/guidelines.html#foi\\_guidelines](http://www.oaic.gov.au/publications/guidelines.html#foi_guidelines) .

Yours sincerely



Frances Brown  
Director  
Freedom of Information & Privacy Section  
Office of Corporate Counsel