



**Australian Government**  
**Department of Agriculture**  
**and Water Resources**

Ref: FOI 2017/18-04

Mr James Smith

via email: [foi+request-3886-d8e63f01@righttoknow.org.au](mailto:foi+request-3886-d8e63f01@righttoknow.org.au)

Dear Mr Smith

**Your FOI request – charges notice**

We refer to your request of 8 August 2017, for access under the *Freedom of Information Act 1982* (FOI Act) to:

*'documents related to the ten most recent instances where an employee has sought information, advice, guidance, or opinion on their social media use in a private capacity. I limit the scope of documents to:*

- *the original request from the employee*
- *the agency/department's response*
- *any follow-up questions and response*
- *only those sent to a relevant HR / conduct / social media (or similar) team (rather than managers across all areas of the organisation)*
- *where the original request was created in the last 2 years'.*

**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. My preliminary assessment of the department's charge to process your request is calculated as follows:

5 hours	Search and retrieval time, at \$15 per hour	\$ 75.00
5.33 hours	Document preparation and decision making time*, at \$20 per hour	\$ 106.67
	(*less first five hours of decision making time)	(\$ 100.00)
<b>TOTAL</b>		<b>\$ 81.67</b>

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, I

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 \$20.00 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](mailto: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 2017/18-04) in the subject field, and send an email with notification of payment to [foi@agriculture.gov.au](mailto: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 decision maker has decided that consultation is required with third parties about material concerning an organisation or a state government. Where such consultation is required, s 15(6) of the FOI Act extends the standard statutory 30-day time limit for processing requests by a further 30 calendar days. Therefore the timeframe to process your request will be 60 days (and any time when the period is suspended for charges as noted above).

### **Contact details**

Please contact FOI Officer Stuart Plowman by email at [foi@agriculture.gov.au](mailto:foi@agriculture.gov.au) if you have any questions.

Yours sincerely



Charine Bennett  
Principal Government Lawyer  
Office of the General Counsel

31 August 2017