



12 October 2017

Mr Ken Macleod

BY EMAIL: [foi+request-4088-9470ac8b@righttoknow.org.au](mailto:foi+request-4088-9470ac8b@righttoknow.org.au)

**In reply please quote:**

FOI Request: FA 17/09/00682

File Number: ADF2017/100047

Dear Mr Macleod

I refer to your request dated 14 September 2017 in which you have sought access to documents held by the Department of Immigration and Border Protection (the Department) under the *Freedom of Information Act 1982* (the FOI Act).

You have requested access to:

*'This request is for latest documents (or data sets) that show for all long term (greater than 12 months) temporary visa holders in Australia on Dec 31, 2016.*

- 1. What year were they granted their first temporary visa?*
- 2. How many temporary visas have they accumulated?*

*If the data allows, please list people on visitor and NZ 444 visas separately.'*

On 11 October 2017, you agreed to modify the scope of your request as follows:

*"latest documents (or data sets) that show the number of long term (greater than 12 months) temporary visa holders in Australia on Dec 31, 2016".*

This letter is to notify you of the decision that you are liable to pay a charge for the processing of this request.

I am an officer authorised under s.23(1) of the FOI Act to make decisions in relation to FOI requests, including the decision to impose a charge.

As provided under s.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 \$30.00.

**Preliminary Assessment of Charges**

The Department has created one document by the use of computer systems, which answers the terms of your request.

I have assessed the work the Department would need to do 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.

<b>Search and Retrieval - 2 hours @ \$15 per hour</b>	\$ 30.00
<b>Decision Making - 1 hour (5 hours free of charge)</b>	\$ 0.00
<b>Total</b>	<b>\$ 30.00</b>
<b>Deposit payable</b>	\$20.00

### Details of the Charge

It has taken 2 hours to search for, and create the files identified as being within the scope of your request. The document will require a decision to be made on access, and it is estimated that this will take 1 hour (noting that the first 5 hours are free of charge).

As the charge exceeds \$25.00, a deposit of \$20 will be sought if the charge is imposed. Please note that by paying the deposit you are deemed to have accepted the charge and will be liable for the full amount once a decision has been made on the documents.

### Timeframe for your response and next steps

The FOI Act provides you with 30 days to respond, in writing, to this notice, which is Saturday, 11 November 2017. However, as this date falls on a non-working day, s.36(2) of the Acts Interpretation Act 1901 provides that the latest date you may respond is the next working day, which is **Monday, 13 November 2017**.

By this date you **must** do one of the following:

- 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
- you may withdraw your request.

If you seek to contend the assessment of charges the Department may make a decision on whether a charge should be reduced or not imposed and **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

This is not an exhaustive list and the Department may consider any other relevant matters.

Please note that if you do not provide a written response within the 30 day timeframe your request will be taken to have been withdrawn (by you) under s.29(2) of the Act.

### Payment

To indicate your agreement to pay the charge you are required to pay the deposit, or pay the charge in full.

The payment will be refunded if the Department fails to make a decision on your request within the statutory time limit. Payment can be made by cheque, credit card or electronic funds transfer.

### Cheques

Please make the cheque payable to 'Collector of Public Monies DIBP'; and send via post to:

Freedom of Information Section  
Department of Immigration & Border Protection  
PO Box 25  
BELCONNEN ACT 2616

### Credit card

If you wish to pay by credit card, please request a credit card authorisation form and return it by post clearly addressed to the FOI Section at the above address.

### Electronic Funds Transfer (EFT)

If you wish to pay by 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 need to quote the FA reference number of your request. This is so 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 the FOI Section when you have made the payment made by EFT so that we can contact the Finance area and they can issue a receipt.

You should also be aware that payments by EFT are not processed in real time. There is at a minimum, a delay of one day 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.

### **Legislation**

A copy of the FOI Act is available at <https://www.legislation.gov.au/Series/C2004A02562>. If you are unable to access the legislation through this website, please contact our office for a copy.

### **Contact**

If you have any enquiries concerning this matter, please contact the FOI Section at [foi@border.gov.au](mailto:foi@border.gov.au).

Yours sincerely

FOI Officer  
Freedom of Information Section  
FOI, Privacy and Records Management Branch  
Corporate Services Division  
Department of Immigration and Border Protection