



Australian Government

Department of Communications and the Arts

Mr Ron Andruff

Right to Know

(via email: foi+request-4216-dd6e4b13@righttoknow.org.au)

11 December 2017

Dear Mr Andruff,

Freedom of Information Request FOI 30-1718 – s29(1) charge notice

I refer to your email of 25 November 2017 to the Department of Communications and the Arts (the Department) requesting access to documents under the *Freedom of Information Act 1982 (FOI Act)*.

Notice that you are liable to pay a charge (s 29)

I am writing to advise you of my decision that you are liable to pay a charge in respect of your request for access to documents. I am an officer authorised by the Secretary under subsection 23(1) of the FOI Act to make decisions about requests for access to documents under the FOI Act. My preliminary assessment of the amount of the charge is at Enclosure 1.

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 basis of assessment at Enclosure 1 in accordance with section 29 of the FOI Act, the *Freedom of Information (Charges) Regulations 1982*, and the Australian Information Commissioner's *FOI Guidelines* (Part 4 – Charges for providing access).

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, a decision maker must take into account:

- whether the payment of the charge, or part of it, would cause financial hardship to the applicant, or to a person on whose behalf the application was made;
- whether giving access to the document is in the general public interest or in the interest of a substantial section of the public, and
- any other relevant matter.

Payment of deposit

Please pay the deposit indicated at Enclosure 1. Where a charge exceeds \$25, a deposit of \$20 will be sought if the charge is imposed. Where a charge exceeds \$100, a 25 per cent deposit will be sought if the charge is imposed.

The deposit is not refundable except in limited circumstances (for example, it may be fully refundable 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 from the date of this notice to respond in writing to this notice. 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, other than any inspection charge, is paid);
- contend that the charge has been wrongly assessed, or should be reduced or not imposed, and give your reasons; or
- withdraw your request.

Please send your response to:

By email

FOI Coordinator

foi@communications.gov.au

By post

FOI Coordinator

Office of the General Counsel

Department of Communications and the Arts

GPO Box 2154

Canberra ACT 2601

If you do not provide us with a written response by the due date, 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 a decision maker 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 the Department's FOI Coordinator by telephone on (02) 6271 1277, or by email to foi@communications.gov.au.

The FOI Act provides for rights of review of decisions. I have attached a copy of the Office of the *Australian Information Commissioner's FOI fact sheet 12 – Your review rights*.

Yours sincerely

Legal Director

Office of the General Counsel

Position Number 112404



Australian Government

Department of Communications and the Arts

Preliminary Assessment of Charge under the *Freedom of Information Act 1982*

Document estimate	
Number of relevant documents	2
Number of relevant pages (or other size descriptor)	6

PROCESSING CHARGES		
Search and retrieval		
Task	Time	Cost @ \$15/hr
Search and retrieval of relevant electronic and registry files	0.33	\$5.00
Search and retrieval of relevant pages in file	1.50	\$22.50
Preparation of schedule of documents	0.10	\$1.50
<i>A. Search and retrieval subtotal</i>	<i>1.93</i>	<i>\$29.00</i>
Decision making		
Task	Time	Cost @ \$20/hr
Examination of documents	0.53	\$10.67
Consultation with third parties	6.00	\$120.00
Preparation of documents for release	0.17	\$3.33
Preparation of notice of access decision	3.10	\$61.92
<i>Decision making subtotal (before deduction of 5 hours)</i>	<i>9.80</i>	<i>\$195.92</i>
<i>B. Decision making subtotal (after deduction of first 5 hours free)</i>	<i>4.80</i>	<i>\$95.92</i>

ACCESS AND DELIVERY CHARGES		
	No. of pages	Cost
Transcription (\$4.40/page)	0	\$0.00
Photocopy (\$0.10/page)	0	\$0.00
Other copies (\$4.40/page)	0	\$0.00
		Cost
Electronic production (actual cost)	0	\$0.00
Replay [replaying of sound or film] (actual cost)	0	\$0.00
Delivery (actual cost)	0	\$0.00
	Time	Cost
Inspection (@ \$6.25 per half hour)	0.00	\$0.00
C. Access and delivery charges subtotal	0.00	\$0.00

ESTIMATED TOTALS AND DEPOSIT	
ESTIMATED TOTAL (total of A, B and C)	\$124.92

REQUIRED DEPOSIT	\$31.23
DUE DATE FOR PAYMENT OF DEPOSIT*	10 January 2018

* The due date for payment of deposit is 30 days from the date of this notice. The date is indicated here for your convenience.

Payment by Direct Debit

Account Name: Department of Communications and the Arts
 BSB No.: 032-729
 Account No.: 146537
 Reference: FOI 30-1718

Payment by Cheque or Money Order

Payable to 'The Cashier – Department of Communications and the Arts':

By post

FOI Coordinator
 Department of Communications and the Arts
 GPO Box 2154
 Canberra ACT 2601

By hand

FOI Coordinator
 Department of Communications and the Arts
 Nishi Building, 2 Phillip Law Street
 CANBERRA ACT 2601