

Our ref: F101: A592316

Mr Kotchovsky

Via email: foi+request-4328-162fdf32@righttoknow.org.au

5 February 2018

Dear Mr Kotchovsky

FREEDOM OF INFORMATION REQUEST F101 – PRELIMINARY ASSESSMENT OF CHARGES

I refer to your request to the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

In accordance with s 29 of the FOI Act and the Freedom of Information Charges Regulations 1982, I am writing to notify you of my decision that you are liable to pay a charge to process your request, subject to your right to challenge the charges (as outlined below). I am an officer authorised by the CEO of NOPSEMA to make decisions under s 23 of the FOI Act.

I have assessed the work that NOPSEMA would need to do to process your request for access to the document. In particular, I identified that there are 36 individuals personally named in the document, which will significantly impact the charges payable, as NOPSEMA is required to consult with each individual under s 27A of the FOI Act about their personal information before making a decision on access. However, with your agreement, personal information can be excluded, which will reduce these charges considerably.

In my letter of 23 January 2018, I suggested that it would assist in the processing of your request if you provided additional contact details. Unfortunately, as no contact information has been provided, I was unable to contact you directly to discuss the exclusion of personal information from your request. I have therefore undertaken two separate preliminary assessments of charges, namely:

- Option A – full consultation (with all named individuals)
- Option B – reduced consultation (personal information excluded).

My calculations for each option are enclosed at **Attachment A** (Option A) and **Attachment B** (Option B). A Freedom of Information fact sheet is also enclosed at **Attachment C**, for your information.

Your right to challenge the charge

Under the FOI Act you have the right to contend that the charge has been wrongly assessed, should be reduced, or should not be imposed.

If you contend that the charge should be reduced or not imposed, the decision maker will take into account the following considerations:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the document is in the general public interest or in the interest of a substantial section of the public

- any other relevant matter.

Payment of deposit

As the total charges for both options exceed \$100, NOPSEMA will require a deposit of 25% of the charges before continuing to process your request. Please pay the deposit amount indicated on either **Attachment A** or **Attachment B**.

Payment can be made by cheque or by direct deposit into the following account:

Commonwealth Bank of Australia

BSB: 066-000

A/c No: 1072 0887

Account Name: National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA).

The deposit is not refundable except in some limited circumstances (for example if NOPSEMA 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.

Time you have to respond and what you need to do

Within 30 days you must provide written notice to NOPSEMA that you will do one of the following things:

- agree to pay the charges outlined in **Attachment A** or **Attachment B** in full or the minimum deposit amount;
- contend that the charge has been wrongly assessed, should be reduced or not imposed with reasons supporting your contention; or
- withdraw your request.

Please send your response to foi@nopsema.gov.au.

If you do not provide a written response to this notice by **7 March 2018** your request will be taken to be withdrawn.

The period for processing your request is suspended from the day you receive this notice and resumes on either the day you pay the charge (in full or minimum deposit) or the day on which I decide not to impose a charge following consideration of any contentions you may make.

I note that another party has also requested the same documents under the FOI Act. There may be scope for NOPSEMA to reduce the charges depending on how you and the other party wish to proceed. Should you wish to discuss this or if you have any other questions regarding this notice, please contact NOPSEMA's FOI Coordinator on (08) 6188 8700 or foi@nopsema.gov.au.

I have enclosed a copy of Fact Sheet 7 from the Office of the Australian Information Commissioner which provides further information about charges under the FOI Act.

Yours sincerely

Freedom of Information Coordinator
NOPSEMA Position number 13194