28 October 2013

Mr Lawrence Bull
Right to Know

Sent via email to: foi+request-439-4a74c510@righttoknow.org.au

In reply please quote:
Client Name    Lawrence Bull
FOI Request    FA 13/10/00448
File Number    ADF2013/28495

Dear Mr Bull

Freedom of Information request – Notice of charge decision following applicant contention that charge be reduced or not imposed (s 29(8))

This letter refers to your request received on 8 October 2013 seeking access under the Freedom of Information Act 1982 (the FOI Act) to the following documents:

“Detailed Incident Report 1-A4Q9GC from the Department’s Compliance, Case Management, Detention and Settlement Portal.”

I refer to your email of Monday 21 October 2013 in which you requested a reduction of charges pursuant to s 29(1)(f)(ii) of the Freedom of Information Act 1982 (FOI Act), on the grounds of the charges being wrongly assessed.

I have decided under s 29(4) to reduce the amount by 50%. The amount you are liable to pay is $7.25.

The reasons for my decision under s 29(4) are set out below.

Reasons for my decision

I have considered the following:

- The arguments you have put forward in your email of Monday 21 October 2013;
- the documents are primarily of interest only to the applicant and are not of general public interest or of interest to a substantial section of the public;
- reduction or waiver of the charge would enhance the agency-client relationship; and
- the agency was able to identify and retrieve the document easily and at marginal cost.
For the above reasons I have decided to reduce the charges amount by 50%.

Next steps in processing your request
In accordance with section 31 of the FOI Act, the statutory time period is suspended from the date you were notified of the charge until the earliest occurring of the following days:

- the day you pay the amount of the $7.25;
- if the amount of the charge is changed following review under the FOI Act – the day you pay the revised charge or deposit; or
- if, following review under the FOI Act, a decision is made not to impose a charge – the day you are notified of that decision.

How to pay
The amount can be paid by cheque, money order or credit card.

Cheques and money orders should be made payable to "Collector of Public Monies DIBP" and sent to:

    FOI & Privacy Policy Section
    Department of Immigration & Border Protection
    PO Box 25
    BELCONNEN ACT  2616

Should you choose to pay by credit card, please fill out the attached credit card authorisation form and forward to FOI & Privacy Policy Section at the above address, or email to foi@immi.gov.au.

Review Rights

Internal review
If you disagree with my decision in relation to the charge, you have the right to apply for an internal review by the department.

If you wish to make a request for internal review this must be sent within 30 days of being notified of the decision. Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by an officer other than the original decision-maker and the department must make a review decision within 30 days.

Applications for review should be sent to:

    Post          FOI and Privacy Policy Section
                   Department of Immigration and Border Protection
                   PO Box 25
                   BELCONNEN ACT  2616

    Email         FOI@immi.gov.au
Review by the Office of the Australian Information Commissioner
You may apply directly to the Australian Information Commissioner for a review of my
decision. The OAIC has advised that ‘…going through the agency’s internal review process
gives the agency the opportunity to reconsider its initial decision, and your needs may be met
more quickly without undergoing an external review process’. For more information please
see FOI fact sheet 12 ‘Freedom of information – Your review rights’, available online at

If you wish to apply for review directly to the OAIC you must apply in writing within 60 days
of this notice. You can lodge your application in one of the following ways:

Post
GPO Box 2999
CANBERRA ACT 2601
or
GPO Box 5218
SYDNEY NSW 2001

Online www.oaic.gov.au
Email enquiries@oaic.gov.au
Fax +61 2 9284 9666

In person Level 3, 25 National Circuit FORREST ACT
or
Level 3, 175 Pitt Street SYDNEY NSW

An application form is available on the OAIC’s website at www.oaic.gov.au. Your
application should include a copy of the notice of the decision to which you are seeking
review of, and your contact details. You should also set out why you are seeking a review of
the decision.

How to make a complaint about the handling of your FOI request
You may complain to the Australian Information Commissioner if you have concerns about
how the department has handled your request under the FOI Act.

Your complaint must be in writing and must specify the agency you are complaining about.
You can send your complaint to the Australian Information Commissioner using the details
above. A complaint form is also available at www.oaic.gov.au.

If you are unhappy with the department’s decision about giving or refusing access to
documents, you should ask for the decision to be reviewed, which is a separate process which
has been outlined in the previous section.

Client Service Charter
Our Client Service Charter explains our service commitment to you. We are committed to
service delivery that is timely, open and accountable, and responsive to your needs. The Charter
explains how you can help us and how you can provide feedback or make a complaint. You can
read our Client Service Charter on our website, or in a printed copy available from any of our
offices.
Contacting the FOI Section
If you wish to discuss this matter, I can be contacted using the details provided below.

Service satisfaction
The department remains committed to ensuring that all clients, both in Australia and overseas, receive not only fair and reasonable treatment, but also an efficient standard of service that is sensitive to each client's needs.

To provide a compliment, complaint or suggestion you can:
• telephone the Global Feedback Unit (toll-free within Australia) on 13 31 77 9 am to 4 pm
• complete a feedback form online at www.immi.gov.au
• write to the Manager, Global Feedback Unit, Reply Paid 241, Melbourne Victoria 3001 Australia
• contact us directly through any of our offices.

Yours sincerely

Shannon Bevan
FOI Officer
FOI & Privacy Policy Section
Department of Immigration and Border Protection
Phone (02) 6264 4667
Email foi@immi.gov.au