



Tom Randle

via email: foi+request-4392-ed81d8fa@righttoknow.org.au

Dear Mr Randle

Your FOI request – charges notice

I am writing about your request, received by the department on 24 March 2018 for access under the *Freedom of Information Act 1982* (FOI Act) to:

- (a) Any report or investigation documents regarding the destruction in 2017 of plant specimens dispatched from the Jardin des Plantes at France's Muséum National d'Histoire Naturelle to botanist Tony Bean.*
- (b) Any document specifying the scope of any investigation/s the department has undertaken in relation to the above matter.*
- (c) Exclude from the scope of this request all emails, except where an email contains an attachment document within the scope of (a) or (b) above.*

Preliminary assessment of the charge

Section 29 of the FOI Act authorise an agency to impose a charge in respect of a request for access to a document. The FOI decision maker has decided that charges should be imposed, consistent with the *Freedom of Information (Charges) Regulations 1982* and departmental practice to charge.

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:

3.83 hours	Search and retrieval time, at \$15 per hour	\$ 57.45
4.93 hours	Document preparation and decision making time*, at \$20 per hour	\$ 98.67
	(*there is no charge for the first five hours of decision making time)	(\$98.67)
TOTAL		\$ 57.45

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, the decision maker 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.

I note that you indicated in your application that you may wish to contend that charges should be waived or not imposed. In responding to this notice, you have the opportunity to set out your reasons and the evidence in support as clearly as possible.

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 or posting it to the address below
- cheque or money order made payable to 'Department of Agriculture and Water Resources', 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 2017/18-54) in the subject field, and send an email with notification of payment to 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 documents contain personal information of one or more third parties, information about the business affairs of an organisation, or information originating with, or received from a State or a State authority.

To inform the decision on release of documents, the FOI Act requires that the above third parties are consulted, and provides a further time period for the consultation process. Subsection 15(6) of the FOI Act extends the standard statutory 30-day time limit for processing requests by another 30 calendar days. Accordingly, this will give the department 60 calendar days within which to notify you of its decision on access to the documents.

Contact details

Should you wish to discuss any issues arising from this letter, please contact Melissa Nickols on 02 6272 3537 or email foi@agriculture.gov.au.

Yours sincerely



Charine Bennett
Principal Government Lawyer
Office of the General Counsel

23 March 2018



Credit card/cheque payment

To complete this form manually, use black or blue pen. Print in BLOCK LETTERS and mark boxes with a tick or a cross. To complete this form electronically, you will need the latest version of Adobe Acrobat Reader. Post or fax this form as instructed in your application.

Section A: Payment

1 Payment purpose

Reference number (if applicable)

Payment details, for example, Application for permit to import quarantine material

2 Payment type

Amount paid (in Australian dollars)

Cheque (payable to Department of Agriculture, Collector of Public Monies)

Credit card type

American Express Mastercard Visa

Credit card number

Card expiry date

 /

3 Contact

Name (as it appears on the card)

Company name (if applicable)

Postal address

Suburb/town/city

State

Postcode

Work phone (include area code)

Mobile phone

Email

Cardholder's signature

Date (dd/mm/yyyy)

SAVE

PRINT

CLEAR

Section B: Privacy notice

'Personal information' means any information or opinion about an identified, or reasonably identifiable, individual.

The collection of personal information by the Department of Agriculture in relation to this form is for the purposes of collecting your payment. The department will be unable to process your payment if you don't provide the relevant personal information requested in this form.

The department may disclose personal information to financial institutions to assist with processing the payment, provided the disclosure is consistent with relevant laws including the *Privacy Act 1988*. Your personal information will be used and stored in accordance with the Australian Privacy Principles.

See our [Privacy Policy](#) web page to learn more about accessing or correcting personal information or making a complaint.

To contact the department about your personal information or to make a complaint:

Phone +61 2 6272 3933

Post Privacy Contact Officer
Department of Agriculture
GPO Box 858
Canberra ACT 2601