



## Charges notice made under the *Freedom of Information Act 1982*

Decision to impose a charge and preliminary assessment of charge of Alexander Gent, Legal Officer, Information Law, Legal Services & Assurance

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**Applicant:** Verity Pane

**Decision date:** 15 March 2018

**FOI reference number:** FOI 21147

**Documents:** *A single document (to be created) listing:*

- 1. The number of clients referred [to the Client Liaison Unit] from 1 July 2012 to present, by financial year.*
- 2. The number of clients managed by the Client Liaison Unit from 1 July 2012 to present.*

### Summary

1. I have made a decision to impose charges in the amount of \$262.50.

### Authority to make this decision

2. I, Alexander Gent, Legal Officer, Information Law, Legal Services & Assurance, am an officer authorised by the Secretary of the Department of Veterans' Affairs (the Department) to make decisions about charges applying to requests for access to documents in the possession of the Department, in accordance with Section 23(1) of the *Freedom of Information Act 1982* (the FOI Act).

### Background

3. On 1 March 2018 you made a request for access to documents in the possession of the Department. Your request sought access to the number of clients referred to and managed by the CLU from 1 July 2012 to 1 March 2018, broken down by financial year.

### Your liability to pay a charge

4. In accordance with Section 29(1) of the FOI Act, I have decided that you are liable to pay a charge in relation to your request.

## **Preliminary assessment of the amount of the charge**

5. In accordance with Section 29(1)(b) of the FOI Act, the Department has undertaken a preliminary assessment of the amount of the charge you are liable to pay in relation to your FOI request. Accordingly, you are liable to pay \$262.50. A breakdown of this charge, as well as the basis on which the assessment is made, is provided for in detail at Schedule 1.

## **Deposit**

6. As the charge is more than \$100.00, you will need to pay a deposit of \$65.63 (which is 25% of the total charges applying to your request) before further action can be taken on your request. This amount is set in Regulation 12(2)(b) of the Freedom of Information (Charges) Regulations 1982.
7. The deposit is not refundable except in some limited circumstances (for example, 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.

## **If you disagree with the Department's decision to impose a charge or the preliminary assessment of charges**

8. 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.
9. In deciding whether a charge should be reduced or not imposed, the decision-maker in our agency must take into account:
  - 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; and
  - any other relevant matter.

## **The time you have to respond and what you need to do**

10. You have 30 days to respond in writing to this notice. We therefore expect a response from you by 16 April 2018. By that date, you must do one of the following things in writing:
  - agree to pay the charge, and:
    - forward a cheque for the charge in full, in the amount of \$262.50; or
    - forward a cheque for the required deposit, in the amount of \$65.63 (this will mean that you will not be entitled to access the requested documents until the full charge is paid);
  - contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons; or
  - withdraw your request.

11. Please send your response, including payment of the charge in full or the required deposit, to:

**Post:** Legal Services & Assurance, Department of Veterans' Affairs  
GPO Box 9998, Canberra ACT 2601  
**Facsimile:** (02) 6289 6316  
**Email:** [information.access@dva.gov.au](mailto:information.access@dva.gov.au)

12. 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 this agency makes a decision not to impose a charge.
13. If you fail to give the Department such notice within 30 days from the date of this notice, your request for access to the document will be taken to have been withdrawn.

### **Your rights of review**

14. If you disagree with the Department's decision to impose charges in relation to your FOI request, you can ask for the decision to be reviewed. There are two ways you can ask for review of a decision: internal review by the Department, and external review by the Office of the Australian Information Commissioner (OAIC).

#### ***Internal Review***

15. Under Section 54 of the FOI Act, you may apply in writing to the Department for an internal review of my decision to impose a charge and/or the preliminary assessment of charge. There is no charge for internal review. You must apply within 30 days of being notified of the decision, unless the Department extends the application time. You should contact the Department if you wish to seek an extension. The Department must make a review decision within 30 days. If it does not do so, its original decision is considered to be affirmed. The review will be carried out by a different departmental officer, usually someone at a more senior level. Where possible, please attach reasons why you believe review of the decision is necessary. You can lodge your application in one of the following ways:

**post:** Legal Services, Assurance & Deregulation  
Department of Veterans' Affairs  
GPO Box 9998  
Canberra ACT 2601  
**facsimile:** +61 2 6289 6316  
**email:** [information.access@dva.gov.au](mailto:information.access@dva.gov.au)

#### ***Information Commissioner review***

16. Under section 54L of the FOI Act, you may apply directly to the Information Commissioner to review my decision to impose a charge and/or the preliminary assessment of charge. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this notice. The Information Commissioner is an independent office holder who can review the decisions of agencies and ministers under the FOI Act. The Information Commissioner also investigates complaints about agency actions under the FOI Act. However, if you are complaining that the Department's decision is wrong, it will be treated as an application for a review.

17. You do not need to seek an internal review from the Department before seeking an internal review from the Information Commissioner. However, going through the Department's internal review process gives the Department the opportunity to reconsider its initial decision, and your needs may be met more quickly without undergoing an external review process. The Information Commissioner's review is free. You must apply to the Information Commissioner within 60 days of being given notice of the decision. You can ask the Information Commissioner for an extension of time to apply, and this may be granted if the Information Commissioner considers it is reasonable in the circumstances. You can lodge your application in one of the following ways:

**Online:** [www.oaic.gov.au](http://www.oaic.gov.au)

**Post:** Office of the Australian Information Commissioner  
GPO Box 2999, Canberra ACT 2601

**Facsimile:** (02) 9284 9666

**Email:** [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

**In person:** Level 3, 175 Pitt Street, Sydney NSW.

More information about your review rights under the FOI Act is available in Fact Sheet 12 published by the Office of the Australian Information Commissioner: <http://oaic.gov.au/freedom-of-information/foi-resources/freedom-of-information-fact-sheets/foi-factsheet-12-your-review-rights>

## Contact us

18. If you wish to discuss this decision to impose a charge, or the preliminary charges estimate, please do not hesitate to contact me using the following details:

**Telephone:** (02) 6289 6581

**Post:** Legal Services & Assurance, Department of Veterans' Affairs  
GPO Box 9998, Canberra ACT 2601

**Facsimile:** (02) 6289 6316

**Email:** [information.access@dva.gov.au](mailto:information.access@dva.gov.au)

Yours sincerely

Alexander Gent  
Legal Officer  
Information Law  
Legal Services & Assurance

15 March 2018



## Preliminary charges estimate made under the FOI Act

<b>Document estimate</b>	
Number of relevant documents	1
Number of relevant pages (or other size descriptor)	12 distinct figures

<b>PROCESSING CHARGES</b>		
<b>Search and retrieval</b>		
<b>Task</b>	<b>Time</b>	<b>Cost @ \$15/hr</b>
Search and retrieval of relevant electronic and registry files	17	\$255.00
Preparation of section 17 document	0.5	\$7.50
<b><i>Search and retrieval subtotal</i></b>	<b>17.5</b>	<b>\$262.50</b>
<b>Decision making</b>		
<b>Task</b>	<b>Time</b>	<b>Cost @ \$20/hr</b>
Examination of document	0.25	\$5.00
Preparation of notice of access decision	0.5	\$10.00
Decision making subtotal (before deduction of 5 hours)	- 5 hours	- \$100.00
<b><i>Decision making subtotal (after deduction of first 5 hours free)</i></b>	<b>0</b>	<b>\$0.00</b>

<b>ESTIMATED TOTALS AND DEPOSIT</b>	
<b>ESTIMATED TOTAL</b>	<b>\$262.50</b>
<b>REQUIRED DEPOSIT</b>	<b>\$65.63</b>