



Australian Government
Department of Defence

Freedom of Information
CP1-6-001
PO Box 7910
CANBERRA BC ACT 2610
Tel: 02 626 62200
Fax: 02 626 62112
FOI@defence.gov.au

Our reference: FOI 434/17/18

Mr Asher Hirsch
Right to Know

By email: foi+request-4542-eafed2e0@righttoknow.org.au

Dear Mr Hirsch

NOTICE OF PRELIMINARY ASSESSMENT OF CHARGES

1. I refer to your request of 27 April 2018, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

“the Memorandum of Understanding (MoU) for the transfer of four Australian Defence Force C-130 Hercules aircraft to Indonesia signed in July 2012.”

2. The Department excludes personal email addresses, signatures, personnel (PMKeyS) numbers and mobile telephone numbers, contained in documents that fall within the scope of a FOI request unless you specifically request such details. Furthermore, Defence only considers final versions of documents.

3. If you do require these personal details, please inform us within five days of receipt of this email so that the decision maker can consider your request.

LIABILITY TO PAY CHARGES

4. In accordance with section 29 of the FOI Act, Mrs Melissa Davidson, Assistant Director, Freedom of Information, deemed that you are required to pay a charge for processing your request.

5. The decision regarding payment of a charge does not mean that you are required to pay now. You will only be required to pay if, after consideration of your response to this letter, the decision is made to impose a charge.

PRELIMINARY ASSESSMENT OF CHARGES

6. The preliminary assessment of the charge is \$90.00. You are required to pay a deposit of **\$20.00**. A breakdown of the charges is at Enclosure 1.

DEPOSIT REQUIRED

7. If you wish to proceed with your request, and agree to pay the charge, a deposit is required as indicated above in the preliminary assessment of charges.
8. Please complete the authorisation form at Enclosure 2 and return it. Processing will recommence on receipt of the deposit payment.

RESPONSE TO THIS NOTICE

9. Under the FOI Act you have 30 days of receipt of this letter to notify the Department of your decision to:
 - a. withdraw your request (you will not be required to pay any charges); or
 - b. agree to pay the charges as set out in the preliminary assessment of charges; or
 - c. contest that the charge has been wrongly assessed, or should be reduced or not imposed (you should give your full reasons for doing so); or
 - d. reduce the scope of your request. Defence will offer you one opportunity to consult our office to reduce the scope of your request and revise the preliminary assessment of charges.
10. If you require additional time to respond, please contact this office.
11. If you do not respond to this letter within 30 days or by the extension date provided by this office, it will be assumed you have withdrawn your request.

CHALLENGING ASSESSMENT OF CHARGES

12. If you wish to contest the charges for your request, the decision maker will consider all relevant reasons which include the following:
 - a. whether payment of the charge, or part of it, would cause you financial hardship; and
 - b. whether the giving of access to the documents requested is in the general public interest or in the interest of a substantial section of the public.

FURTHER INFORMATION

13. If you proceed with the request, when a decision letter is sent to you, an invoice for the outstanding balance of charges will be raised and forwarded to you within 5 working days. Documents will not be released until we receive your proof of payment.
14. In accordance with the requirements of section 11C of the FOI Act, Defence is required to publish, on its website, information released under the FOI Act within 10 working days of the applicant being given access to documents. Defence will also publish the decision notice, with personal and business information deleted.

Please contact me if you have any questions about this matter.

Yours sincerely

John Peterson
Case Officer
Freedom of Information

1 May 2018

Enclosures:

1. Breakdown of Charges
2. FOI – Deposit authorisation



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Enclosure 1

BREAKDOWN OF CHARGES

Search and retrieval time

Searching for documents	2 hours @ \$15 per hour	\$ 30.00
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Decision-making time

Examination of documents	2 hours @ \$20 per hour	\$ 40.00
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Consulting outside of Defence	3 hours @ \$20 per hour	\$ 60.00
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Making copies of documents	@ \$20 per hour	\$ -
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Preparing decision notice	3 hours @ \$20 per hour	\$ 60.00
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Other decision making tasks	@ \$20 per hour	\$ -
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Less	% reduction for personal information	\$ -
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Less	5 hours of free decision making time	\$ 100.00
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Other tasks		\$ -
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Copying of documents	pages @ 10 cents per page	\$ -
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Production of CD

GST (Exempt)		Nil
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Total		\$ 90.00
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Deposit required		\$ 20.00
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Enclosure 2

FREEDOM OF INFORMATION REQUEST - PAYMENT AUTHORISATION

FULL NAME or ORGANISATION <i>Service or PMKEYS ID (if applicable)</i>		
POSTAL ADDRESS:		
CONTACT PHONE NUMBERS	H/B	
	M	
EMAIL:		
FOI REFERENCE :	FOI 434/17/18	
DEPOSIT AMOUNT \$	\$20.00	

By signing this form you are agreeing to pay the charges notified to you by the Freedom of Information Directorate. The deposit is not refundable except in some limited circumstances (for example, if Defence 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.

On completion of your request a final invoice will be generated for the outstanding balance of charges.

PLEASE DO NOT SEND CHEQUES OR MONEY ORDERS TO FOI

Once our office receives this form, the Department of Defence will generate an invoice in order for you to make payment of the agreed charges via one of the payment options.

Our office will not proceed to process your request until a receipt has been received in our office notifying that the deposit amount has been paid.

Please sign below and return this form by one of the following:

via email to FOI@defence.gov.au
via fax 02 6266 2112
by post to the address noted above.

Signature: _____