

Mr Phil Richards

By email: foi+request-4562-f07be2d6@righttoknow.org.au

Dear Mr Richards

Notice of liability to pay charges

I refer to your email dated 08 May 2018 in which you requested access under the *Freedom of Information Act 1982 (Cth)* (FOI Act) to:

"Documents showing the total amount spent on external legal firms for any workplace disputes/bullying/harassment/complaints (where an ARRF officer may have been stood down during the investigation) for the period 1 March 2017 to the current date for the ARFF business unit only"

I am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests.

I am writing to advise you of my decision that you are liable to pay a charge in relation to processing your request.

Preliminary assessment of the charge

In accordance with section 29 of the FOI Act and the *Freedom of Information (Charges) Regulations 1982 (Cth)*, my preliminary assessment of the charge you are liable to pay is **\$8.75**.

An assessment of the work that would be involved in processing your request has been undertaken. The following is a breakdown of the charges calculation:

Task	Cost
Search and retrieval of relevant files and documents Preparation of schedule of documents	\$8.75 (@\$15/h)
Decision-making process, including examination of documents, third party consultation, preparation of documents for release, and preparation of access decision	\$90.37 (@\$20/h)
Subtotal before deduction of 5 hours	\$99.12
Subtotal after deduction of first 5 hours of free decision-making time	\$8.75

TOTAL CHARGE AND DEPOSIT	
ESTIMATED TOTAL (Processing and Access & Delivery Charges)	\$8.75
REQUIRED DEPOSIT*	\$0.00

*Note: Where the charge exceeds \$25 but is less than \$100, a deposit of \$20 is required. Where the charge exceeds \$100, a deposit of 25% of the total charge is payable.

Your right to contend the charge

Under the FOI Act, you have a right to contend that the charge:

- has been wrongly assessed; or
- should be reduced; or
- should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision-maker must take into account:

- whether payment of the charge, or part of it, would cause you financial hardship;
- whether giving access to the document(s) is in the general public interest or in the interest of a substantial section of the public;
- any other relevant matter.

If you wish to make a contention in relation to the imposition of charges, please provide reasons and evidence in support of your submission.

Required action

You have 30 days to respond in writing to this notice and do one of the following things:

- pay the charge (and pay any required deposit);
- contend that the charge has been wrongly assessed, or should be reduced or not imposed; or
- withdraw your request.

You may also wish to consider narrowing the scope of your request, which may result in a reduction to the amount of charge payable.

If you do not respond to this notice within 30 days, your request will be taken to have been withdrawn.

The 30-day statutory period for processing your request is suspended from the date you receive this notice, and resumes on either:

- the day you pay the charge (in full or the required deposit); or
- if applicable, the day on which Airservices decides not to impose the charge following a review under the FOI Act.

How to pay

You can pay either via direct debit or cheque

- 1) When paying by **direct deposit** to the following bank account:

Bank: Commonwealth Bank of Australia

Account Name: Airservices Australia

BSB Number: 064 008

Account Number: 10010887

Address: 333 Adelaide Street, Brisbane, QLD, 4000

SWIFT: CTBAAU2S

When paying it is important that you quote the FOI reference (FOI280518) in the description field.

- 2) If you wish to pay by **cheque** please address your check to **Airservices Australia** and mail it to:

Airservices Australia

FOI Coordinator

Office of General Counsel

GPO Box 367, Canberra ACT 2601.

Please quote the FOI reference (FOI28-0518) on the back of the cheque

Once you have made the payment or mailed the cheque I also recommend you email legal@airservicesaustralia.com to inform me that you have made a payment.

Third party consultation

As your request covers documents which contain information concerning the business, commercial or financial affairs of an organisation, or another person's business or professional affairs, Airservices is required to consult with the third party concerned (under section 27 of the FOI Act) before making a decision on the release of those documents.

If the third party being consulted objects to the release of relevant documents concerning them, Airservices will take their submissions into account when making a decision on whether to grant you access to the documents.

Extension of FOI processing timeframe for consultation

In accordance with subsection 15(6) of the FOI Act, the period for processing your FOI request has been extended by 30 days to enable Airservices to undertake the third party consultation.

Contact

If you wish to discuss this notice further, please contact me via email at legal@airservicesaustralia.com.

Yours sincerely



Shan Gunawardena
FOI Coordinator & Authorised FOI Decision Maker
01 June 2018