



ASIC
Australian Securities &
Investments Commission

**Australian Securities
and Investments Commission**

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Our reference: 27355/18

7 November 2018

Mr Phillip Sweeney

By email – foi+request-4785-1c322b52@righttoknow.org.au

Dear Mr Sweeney

Freedom of information request – Notice the applicant is liable to pay a charge

We refer to your request for access to documents relating to The Universal Super Scheme under the *Freedom of Information Act 1982 (FOI Act)*.

Pursuant to section 29 of the FOI Act, I have decided you are liable to pay a charge to process your request. I am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests.

In accordance with section 29 of the FOI Act and the *Freedom of Information Charges Regulations 1982*, my preliminary assessment of the charge you are liable to pay is \$60.

Basis for my preliminary assessment of the charge

I assessed the work ASIC would need to do, and the work ASIC has already done, to process your request and calculated the following breakdown of charges:

Document estimate	
Number of relevant documents	1
Number of relevant pages (or other size descriptor)	50-100

PROCESSING CHARGES		
Search and retrieval		
Task	Time	Cost @ \$15/hr
Search and retrieval of relevant electronic and registry files	3.5	\$52.50

Search and retrieval of relevant pages in file	-	-
Preparation of schedule of documents	0.5	\$7.5
A. Search and retrieval subtotal	4	\$60
Decision making		
Task	Time	Cost @ \$20/hr
Examination of documents	1	\$20
Consultation with third parties	2.5	\$50
Preparation of documents for release	-	-
Preparation of notice of access decision	1	\$20
Decision making subtotal (before deduction of 5 hours)	4.5	\$90
B. Decision making subtotal (after deduction of first 5 hours free)	0	\$0

ESTIMATED TOTALS AND DEPOSIT	
Estimated total – total of A and B	\$60
Required deposit	\$20

Your right to contend the charge

Under the FOI Act, you have the 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 in our agency must consider:

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

What you need to do

You have 30 days to respond to this notice in writing. We therefore expect a response from you by **7 December 2018**. By that date, you must do one of the following:

- agree to pay the charge (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.

Please send me your response by return email at david.asadi@asic.gov.au.

If you do not provide us with a written response by **7 December 2018** your request will be taken to have been withdrawn.

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 decides not to impose a charge.

Payment of a deposit

As the charge exceeds \$25, a deposit of \$20 will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances (for example, if ASIC fails to decide on your request within the statutory time limit) or may be refundable in part if the final charge is less than the deposit paid.

We will provide you an invoice for the deposit once we receive your response.

Questions about this notice

If you have questions or wish to discuss this notice with us, please contact me on 03 9280 4614 or by email at david.asadi@asic.gov.au.

Also, the Office of the Australian Information Commissioner website provides useful and relevant information about charges under the FOI Act:

- [Fact Sheet 7: Freedom of information - charges](#)
- [FOI guidelines: Part 4 – Charges for providing access](#)

Yours sincerely



David Asadi
Authorised decision-maker under subsection 23(1) FOI Act
Australian Securities and Investments Commission