



Sun Shine

Via email: [foi+request-5239-28fe1434@righttoknow.org.au](mailto:foi+request-5239-28fe1434@righttoknow.org.au)

Dear Sun Shine

## **Decision to impose a charge and preliminary assessment of charges**

I refer to your request under the *Freedom of Information Act 1982* (FOI Act) dated 31 January 2019 seeking access to the following:

*Information regarding ARPANSA's efforts to increase annual licence charges. My request includes documents such as meeting minutes, position papers, strategies and emails from December 2016 to the present. Requested emails may be limited to those involving the CEO that describe his desire to increase annual licence charges, broaden cost recovery or expand involvement of agency staff in regulatory matters, the effect of which would be to increase future licence charges. This request includes Executive Group and Strategic Management Committee meeting minutes such as Item 2.5 of SMC paper dated 12 December 2016.*

On 13 February 2019 after my email regarding the broad scope of your 31 January FOI Request, you agreed to limit the scope to:

*For the period from 1 December 2016 to 31 January 2019, I agree to limit my request to the following documents:*

- 1. The written strategy for increasing revenue related to regulatory activities (the most recent ARPANSA annual report refers to a strategy for enhancing the agency's revenue-generating activities including regulatory cost recovery models).*
- 2. Papers or minutes of the Executive Group or Strategic Management Committee in relation to the implementation of full cost recovery (excluding drafts and duplicates)*
- 3. Emails involving the CEO that relate to his desire to increase revenue from annual licence charges. This includes expanding involvement of agency staff in regulatory matters, the effect of which would be to increase future licence charges.*

On 25 February 2019, you clarified that you were specifically interested in:

*Any email communications from the CEO that indicate a desire to redeploy non regulatory staff, the consequence of which would be to inflate regulatory costs, or to attribute more administrative overhead to regulatory costs.*

For clarification and to obviate the need for charges, the search you conducted involving CEO sent emails can be further limited. Please exclude any of those 158 emails that did not involve the Chief of Staff [cc or addressee]. Exclude any of the 158 that did not refer to involving additional personnel in regulatory work or administrative overhead.

**Decision**

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request as clarified on 25 February 2019.

I, Gemma Larkins, legal officer in the Office of the General Counsel, am an officer authorised under section 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 \$130.

**Basis for my preliminary assessment of the charge**

I have prepared this charges notice on the basis that I would need to review approximately 166 pages of documents.

<b>Document estimate</b>	
Number of relevant documents	45
Number of relevant pages (or other size descriptor)	166 pages

<b>PROCESSING CHARGES</b>		
<b>Search and retrieval</b>		
<b>Task</b>	<b>Time (hr)</b>	<b>Cost @ \$15/hr</b>
Search and retrieval of relevant electronic including CEO time, IT assistance of searching archive emails and FOI Officer time in relation to reviewing searches	2	\$30
Search and retrieval of relevant pages in file	2	\$30
Preparation of schedule of documents	2	\$30
<b>A. Search and retrieval subtotal</b>	<b>6</b>	<b>\$90</b>
<b>Decision making</b>		
<b>Task</b>	<b>Time</b>	<b>Cost @ \$20/hr</b>
Examination of documents	2	\$40

Consultation with third parties	.5	\$10
Preparation of documents for release	1	\$20
Preparation of notice of access decision	3	\$60
<b>Decision making subtotal (before deduction of 5 hours)</b>	<b>6.5</b>	<b>\$130</b>
<b>B. Decision making subtotal (after deduction of first 5 hours free)</b>	<b>1.5</b>	<b>\$30</b>

<b>ESTIMATED TOTALS AND DEPOSIT</b>	
<b>ESTIMATED TOTAL</b>	<b>\$120</b>
<b>REQUIRED DEPOSIT</b>	<b>\$30</b>

### ***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 take into account:

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

### **Payment of a deposit**

As the charge exceeds \$100, a 25 per cent deposit (\$30) will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances (for example, if ARPANSA 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.

Payment can be made by either bank cheque or direct deposit. Details below:

Bank Name                    Reserve Bank of Australia  
Bank Address                20-22 London Circuit,  
   Canberra City ACT 2600  
BSB Number                 092-009  
Account Number            112738  
Account Name               ARPANSA Official Departmental Account  
Swift Code                  R S B K AU 2 S

ABN

61 321 195 155

Please quote full name and FOI on remittance advice to ensure correct allocation of payments.

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

You have 30 days to provide written notice to ARPANSA that you will do any of the following things:

- 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 your response to [FOI@arpansa.gov.au](mailto:FOI@arpansa.gov.au)

If you do not provide us with a written response by 27 April 2019 your request will be taken to have been withdrawn.

More information on charges can be found in section 29 of the FOI Act and Chapter 4 of the Office of the Australian Information Commissioner FOI Guidelines <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-4-charges-for-providing-access>

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.

Yours sincerely

*Gemma Larkins*

**Gemma Larkins (Position Number 13529)**

Legal Officer

Office of the General Counsel

28 March 2019