



Australian Government
**Department of Industry,
 Innovation and Science**

Our ref: 62395

Ms Jane McIntosh
 Right to Know

By email: foi+request-5257-b6436d86@righttoknow.org.au

Dear Ms McIntosh

Freedom of Information Act 1982 – Notice of charge

I refer to your correspondence received by the Department of Industry, Innovation and Science (the department) on 12 February 2019, in which you sought access under the *Freedom of Information Act 1982* (the FOI Act) to the following:

“... documents and information during the period of 1/1/2001 - 31/12/2004..

- 1. All documents pertaining to the application for R&D Tax concession grants made by DeMorgan Information Security Systems Pty Ltd in relation to application no. 36870.*
- 2. All correspondence between the department and DeMorgan Information Security Systems Pty Ltd.*
- 3. All documents pertaining to the disbursement of funds and funding determinations.*
- 4. All documents attached to our in support of receipt no. 36870-07072003-2002/03...”*

Notice of Liability to Pay a Charge

I am an authorised decision maker under section 23 of the FOI Act.

In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge in respect of the processing of your request, being \$590.66.

Estimate of charge

My preliminary assessment of that charge is based on approximately 121 pages falling within the scope of your request I have also taken into account the fact that the first five hours of decision making time are free to all applicants requesting documents other than their own personal information.

Search and Retrieval – 3.00 hours at \$15 per hour	\$	56.25
Decision making time – 31.72 hours at \$20 per hour	\$	634.41
Total	\$	690.66
First 5 hours free	\$	-100.00
Final amount	\$	590.66
Deposit	\$	147.66

Payment of the deposit will only entitle you to a decision. The documents will be released upon payment of the balance of the charge.

Processing your FOI request

Please note that the department will not make a decision on the potential release of any documents until charges are paid to, or remitted by, this department. In accordance with section 31 of the FOI Act, the time limit for processing your request is suspended from the day you receive this notice and will resume on either the day the charge or deposit is paid, or on the day on which the department makes a decision not to impose a charge.

Your rights and alternatives

You may contend that the charge has been wrongfully assessed, should be reduced or not imposed. In deciding whether to reduce or not impose a charge the decision maker must, among other things, take into account whether payment of the charge, or part of it, would cause you financial hardship and whether the giving of access to the documents is in the general public interest.

If you would like the department to continue processing your request, you must notify the department in writing within 30 days of receiving this notice that you:

- A. agree to pay the charge;
- B. wish to contend that the charge:
 - (i) has been wrongfully assessed; or
 - (ii) should be reduced or not imposed; or
 - (iii) both
- C. withdraw the request for access.

If you fail to give any such notice within the requisite period, your request for access to the documents will be taken to have been withdrawn in accordance with section 29(1)(g) of the FOI Act.

Further information on options A, B and C is set out below.

Option A – pay the deposit

As the charge exceeds \$100, you are required to pay a deposit of \$147.66 which is 25% of the total amount, within 30 days of receiving this notice.

This is notice of a preliminary estimate of the charge. At the end of the decision making process, you will be issued with a final assessment of charges, based on the decision making process. At this point, you will be asked to the balance of that final assessment, after subtracting the deposit.

Please make the cheque payable to the Collector of Public Monies and mark it attention to:

The FOI team
Department of Industry, Innovation and Science
GPO Box 2013
CANBERRA ACT 2601

The department accepts visa or master card. If you would like to pay by credit card please complete the enclosed credit card payment request form, return a scanned copy to the CPM@industry.gov.au and copy the FOI team in your email at FOI@industry.gov.au

Option B – seek reduction or non-imposition of the charge

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. Subsection 29(5) of the FOI Act provides that in deciding whether to reduce or not to impose a charge, the decision maker must take into account any relevant reasons. This included whether payment of the charge, or part of it, would cause you financial hardship, and whether the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public.

If you wish to contend that the charge has been wrongly assessed or should be reduced or not imposed, please set out your reasons and the evidence in support of your reasons as clearly as possible. If you believe that payment of the charge would cause you financial hardship, please provide sufficient details of your financial circumstances to enable the decision maker to make a well-informed decision in this regard.

Option C – withdraw your request

If you wish to withdraw your request you may do so in writing.

If you fail to notify the department in a manner mentioned above within 30 days of receipt of this notice it will be taken that the request has been withdrawn.

Should you have any queries in relation to this matter please contact the FOI team by e-mail: FOI@industry.gov.au.

Yours sincerely



Heather Davidson
FOI Officer
Legal, Audit & Assurance
Corporate Group

20 February 2019