



C Faulk

Via email: [foi+request-5342-ba37c035@righttoknow.org.au](mailto:foi+request-5342-ba37c035@righttoknow.org.au)

Dear C Faulk

### **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 2 April 2019 seeking access to the following:

*'an electronic copy of the meeting minutes for any meetings conducted which discussed "5G" or "5th Generation" or similar wording if identified.*

*I request that the entire meeting minutes are published including the names of those in attendance. '*

On 21 May 2019 you confirmed that your request was intended to cover both draft and final documents.

The work involved in considering the various drafts of the minutes and consulting on these drafts significantly increases the time and effort involved in processing your request. Accordingly, I have decided to impose a charge.

In this case, I do not consider there is a benefit to the public by releasing draft minutes. The public benefit will be satisfied by releasing the final version of the minutes.

#### ***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 21 May 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

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

I have prepared this charges notice on the basis that I would need to review approximately 100 pages of documents.

|                          |     |
|--------------------------|-----|
| <b>Document estimate</b> |     |
| Number of relevant pages | 100 |

|  |                  |                       |
|--|------------------|-----------------------|
| <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 meeting minutes which mention 5G from the ARPANSA database | 4                | \$60                  |
| Preparation of schedule of documents   | 1                | \$15                  |
| <b>A. Search and retrieval subtotal</b>  | <b>6</b>         | <b>\$75</b>           |
| <b>Decision making</b>   |                  |                       |
| <b>Task</b>  | <b>Time</b>      | <b>Cost @ \$20/hr</b> |
| Examination of documents   | 5                | \$100                 |
| Consultation with third parties  | 1                | \$20                  |
| Preparation of documents for release   | 3                | \$60                  |
| Preparation of notice of access decision   | 3                | \$60                  |
| <b>Decision making subtotal (before deduction of 5 hours)</b>  | <b>12</b>        | <b>\$240</b>          |
| <b>B. Decision making subtotal (after deduction of first 5 hours free)</b>                             | <b>7</b>         | <b>\$140</b>          |

|                                     |                |
|-------------------------------------|----------------|
| <b>ESTIMATED TOTALS AND DEPOSIT</b> |                |
| <b>ESTIMATED TOTAL</b>              | <b>\$215</b>   |
| <b>REQUIRED DEPOSIT</b>             | <b>\$53.75</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 (\$53.75) 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,<br>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 your full name and FOI '5G' 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 21 June 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

22 May 2019