



Australian Government
Department of Immigration and Border Protection

18 March 2014

Ruth

Sent by email to: foi+request-539-cc7fd5c1@righttoknow.org.au
cc: joykins@iinet.net.au

In reply please quote:

FOI Request FA 14/03/00026
File Number ADF2014/7316

Dear Ruth

Freedom of Information request – Notice that applicant is liable to pay a charge (s.29)

This letter refers to your request received on 24 February 2014 seeking access under the *Freedom of Information Act 1982* (the Act) to the following documents:

Incident Detail Report 1-43YY99 from the Department's Compliance, Case Management, Detention and Settlement Portal. I also request any documents attached to the detailed report.

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

As provided under s.29 of the Act and the *Freedom of Information (Charges) Regulations 1982* (the Regulations), I have undertaken a preliminary assessment of the amount of charges you are liable to pay and have assessed that to be **\$8.75**.

Basis for my preliminary assessment of the charge

I have assessed the work the department would need to do to process your request and have calculated the following breakdown of charges.

Document estimate

The document within the scope of your request is one incident report.

Number of relevant documents: 1 document

Number of relevant pages: 3 pages

people our business

Processing charges

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant electronic and registry files	0.08	\$1.25
Search and retrieval of relevant pages in file	0.00	\$0.00
Preparation of schedule of documents	0.50	\$7.50
Search and retrieval subtotal	0.58	\$8.75

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	0.25	\$5.00
Preparation of documents for release	0.25	\$5.00
Consultation with third parties	0.00	\$0.00
Preparation of notice of access decision	3.05	\$60.96
Decision making subtotal (before deduction of 5 free hours)	3.55	\$70.96
Decision making subtotal (after deduction of 5 free hours)	0.00	\$0.00

Estimated totals and deposit	
Estimated total	\$8.75
Deposit required	\$0.00

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

The Act provides you with 30 days to respond, in writing, to this notice, which is **Thursday 17 April 2014**.

Therefore, by **Thursday 17 April 2014** you must do one of the following things:

- agree to pay the charge;
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons; or
- withdraw your request.

In deciding whether a charge should be reduced or not imposed, s.29(5) of the Act requires me to take into account:

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

Please note that if you do not provide a written response by **Thursday 17 April 2014** your request will be taken to have been withdrawn (by you) under s.29(2) of the Act.

Payment

Cheques and money orders should be made payable to "Collector of Public Monies DIBP" and sent to:

FOI & Privacy Policy Section
 Department of Immigration & Border Protection
 PO Box 25
 BELCONNEN ACT 2616

If you wish to pay by credit card, please fill out the attached credit card authorisation form and forward to FOI & Privacy Policy Section at the above address, or email to foi@immi.gov.au.

Processing period suspended

The period for processing your request is suspended from the day that you are deemed to have been 'notified' of the charge and resumes on:

- the day you indicate that you 'agree' to pay the charge or
- the day on which this agency makes a decision not to impose a charge.

You may indicate your agreement to pay the charge by either paying the deposit or paying the charge in full.

Review rights**Internal review**

If you disagree with my decision, you have the right to apply for an internal review by the department of a primary decision to refuse access to documents you have requested.

If you wish to make a request for internal review this must be sent within 30 days of being notified of the decision. Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by an officer other than the original decision-maker and the department must make a review decision within 30 days.

Applications for review should be sent to:

Post	Freedom of Information Department of Immigration and Border Protection PO Box 25 BELCONNEN ACT 2616
Email	foi@immi.gov.au

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online	https://forms.business.gov.au/aba/oaic/foi-review/
Email	enquiries@oaic.gov.au
Post	GPO Box 2999, Canberra ACT 2601
In person	Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website at www.oaic.gov.au.

Contacting the FOI Section

If you wish to discuss this matter, I can be contacted using the details provided below.

Yours sincerely



Shannon Bevan
Position Number 00003160
FOI & Privacy Policy Section
Ministerial, Executive and Accountability Branch
Department of Immigration and Border Protection
Phone (02) 6264 4667
Email foi@immi.gov.au