



Australian Government

Department of Communications and the Arts

FOI reference number: 55-1819

Via email: foi+request-5427-eb8d54ae@righttoknow.org.au

Dear Requester

I refer to your request received on 22 May 2019 for access to documents under the *Freedom of Information Act 1982* (FOI Act). You requested the application and its supporting material/attachment (including video of the contentious material and/or gameplay) for the video game 'Battlefield V'.

Authority

I am an officer authorised by the Secretary of the department to make decisions about charges applying to requests for access to documents in accordance with subsection 23(1) of the FOI Act.

Charges

Section 29 of the FOI Act authorises an agency to impose a charge in respect of a request for access to a document. I have decided that charges should be imposed, consistent with the Freedom of Information (Charges) Regulations 1982.

Preliminary assessment of the amount of the charge

The department has now completed a search for documents. The preliminary assessment of the department's charge to process your request is calculated as follows:

3 hours	Search and retrieval time, at \$15 per hour	\$ 45.00
18.50 hours	Document preparation and decision making time*, at \$20 per hour	\$ 370.00
	(*there is no charge for the first five hours of decision making time)	(-\$100.00)
TOTAL		\$ 315.00

Please be aware that the department's charges relate to the processing of your request, including search, retrieval, decision making, and consultation. Payment is no guarantee that a decision will be made to grant access to the documents.

In accordance with Regulation 10(1), the charges will be reassessed upon finalisation of the request. If it becomes apparent that the department has over-estimated the preliminary charges and you have paid the full amount, a refund will be provided, or, if a deposit has been paid, an appropriately reduced balance will be sought from you, prior to providing you with documents relevant to your request.

Note that the video/game footage you have requested adds to the request as staff are required to view the footage, consider and make redactions if necessary. If you excluded the video/game footage, the estimate of charges for your request would be as follows:

3 hours	Search and retrieval time, at \$15 per hour	\$ 45.00
7.50 hours	Document preparation and decision making time*, at \$20 per hour (*there is no charge for the first five hours of decision making time)	\$ 150.00 (-\$100.00)
TOTAL		\$ 95.00

You can contact the department to change your scope to this option if you wish.

Seeking reduction or non-imposition of the charge

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. 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, including 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.

What you must do now

In accordance with paragraph 29(1)(f) of the FOI Act, you must, within the period of 30 days from the date of this notice, notify the department, in writing:

- (i) of your agreement to pay the charge, or
- (ii) of your contention that the charge has been wrongly assessed, or should be reduced or not imposed, or both (and provide reasons), or
- (iii) that you withdraw your request.

Under section 31 of the FOI Act, the time limit for processing your request is suspended from the day that you receive this notice. It will resume on either the day you pay the charge (in full or the required deposit) or the day the department makes a decision not to impose a charge.

If you fail to give the department such notice within 30 days from the date of this notice, your request for access to the document/s will be taken to have been withdrawn.

Paying the charge

If you agree to pay the charge, you are required to pay the whole charge, or a deposit of \$78.75 within 30 calendar days of receiving this notice. If you elect to pay a deposit, please note the document/s will not be released until the assessed charge is received in full. Payment can be made by:

Direct deposit

Account Name: Department of Communications and the Arts
 BSB No.: 032-729
 Account No.: 146537
 Reference: FOI 55-1819 (Please ensure you include this reference when making payment so it can be easily identified).

Cheque or money order

Payable to 'The Cashier – Department of Communications and the Arts':

Attn: FOI Coordinator
Department of Communications and the Arts
GPO Box 2154
Canberra ACT 2601

Third party Consultation

While processing your request, the department has identified that your request includes documents containing business information of a person or an organisation. In accordance with section 27 of the FOI Act, the department is required to consult with those entities before making a decision on release of documents.

To allow this, the processing time limit for your request has been extended by 30 days in accordance with section 15(6) of the FOI Act.

Contacts

If you wish to discuss this matter, please contact the department's FOI Coordinator on (02) 6271 1219 or via email at FOI@communications.gov.au

Yours sincerely



Aaron O'Neill
Assistant Secretary
Classification Branch

6 June 2019