



**Australian Government**  
**Department of Immigration and Border Protection**

2 April 2014

DT

Email to: [foi+request-545-45978203@righttoknow.org.au](mailto:foi+request-545-45978203@righttoknow.org.au)

**In reply please quote:**

Client Name DT  
FOI Request FA14/03/00149  
File Number ADF2014/7556

Dear DT

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

This letter refers to your request received on 27 February 2014 seeking access under the *Freedom of Information Act 1982* (the Act) to the following documents:

*All details of subcontracts between Transfield Services and Wilson Security as per the "Heads of Agreement" for services rendered on Nauru and Manus Island Regional Processing Centers.*

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 \$245.10.

**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 scope of your request is the subcontract between Transfield Services and Wilson Security.

Number of relevant documents: 1 document

Number of relevant pages: 80 pages

**people** our business

Processing charges

<b>Search and retrieval</b>		
<b>Task</b>	<b>Time (hours)</b>	<b>Cost @ \$15/hr</b>
Search and retrieval of relevant electronic and registry files	0.17	\$2.50
Search and retrieval of relevant pages in file	0.75	\$11.25
Preparation of schedule of documents	0.05	\$0.75
Search and retrieval subtotal	0.97	\$14.50

<b>Decision making</b>		
<b>Task</b>	<b>Time (hours)</b>	<b>Cost @ \$20/hr</b>
Examination of documents	6.67	\$133.33
Preparation of documents for release	3.59	\$71.66
Consultation with third parties	2.00	\$40.00
Preparation of notice of access decision	4.28	\$85.60
Decision making subtotal (before deduction of 5 free hours)	16.53	\$330.60
Decision making subtotal (after deduction of 5 free hours)	11.53	\$230.60

<b>Estimated totals and deposit</b>	
Estimated total	<b>\$245.10</b>
Deposit required	<b>\$61.28</b>

**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 Friday 2 May 2014.

Therefore, by Friday 2 May 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 Friday 2 May 2014 your request will be taken to have been withdrawn (by you) under s.29(2) of the Act.

**Deposit**

As the charge exceeds \$100, you will be required to pay a deposit equal to 25% of the full charge imposed (\$61.28).

The deposit will be refunded if the department fails to make a decision on your request within the statutory time limit. The deposit can be paid by cheque, money order or credit card. 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](mailto: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](mailto: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](mailto: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](http://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



Ashley Smith  
Position Number 60006174  
FOI & Privacy Policy Section  
Ministerial, Executive and Accountability Branch  
Department of Immigration and Border Protection  
Phone (02) 6264 8037  
Email [foi@immi.gov.au](mailto:foi@immi.gov.au)