



Australian Government
Department of Immigration and Border Protection

17 April 2014

FOI Request FA 14/03/00653
File Number ADF2014/8942

Ms Sarah Pitney
Right To Know

Email: foi+request-558-7871ab84@righttoknow.org.au

Dear Ms Pitney,

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

This letter refers to your request received on 11 March 2014 seeking access under the *Freedom of Information Act 1982* (the Act) to the following documents:

A summary of all incident logs from the "self-harm" category involving persons under 18 years of age from January 2013 to present in the same format as FOI request "FA13/12/00509"

Following consultations under s.24AB of the Act, on 9 April 2014, the scope of your request was revised to:

A summary of all incident logs from the "self-harm" category from 1 December 2013 to present (11 March 2014) in the same format as FOI request FA 13/12/00509

I am writing to advise you of my decision that you are liable to pay a charge for processing this request. I am an officer authorised under s.23(1) of the Act to make decisions in relation to FOI requests, including the decision to impose a charge.

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 \$106.02.

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 a summary of incident logs.

Number of relevant documents: 1 document

Number of relevant pages: 36 pages

Processing charges

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
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

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	3.00	\$60.00
Preparation of documents for release	3.00	\$60.00
Consultation with third parties	0.00	\$0.00
Preparation of notice of access decision	3.58	\$71.52
Decision making subtotal (before deduction of 5 free hours)	9.58	\$191.25
Decision making subtotal (after deduction of 5 free hours)	4.58	\$91.52

Estimated totals and deposit	
Estimated total	\$106.02
Deposit required	\$26.51

When assessing the processing of your request in relation to charges, I have taken into consideration that the document falling within the scope does contain third party personal information. This type of information requires me to consider section 47F of the FOI Act and to then apply redactions to those parts of the document found to be unreasonable to release.

Following this process, I am then required to consider the public interest test against this material, as section 47F is a conditional exemption.

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 Saturday 17 May 2014. However, as this date falls on a non-working day, s.36(2) of the *Acts Interpretation Act 1901* provides that the latest date you may respond is the next working day, which is **Monday 19 May 2014**.

Therefore, by **Monday 19 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 **Monday 19 May 2014** your request will be taken to have been withdrawn (by you) under s.29(2) of the Act.

Payment

As the charge exceeds \$100, you will be required to pay a deposit equal to 25% of the full charge imposed (\$26.51).

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.

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 my decision. Any request for internal review must be provided to the Department within 30 days of you 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:

Freedom of Information
Department of Immigration and Border Protection
PO Box 25
BELCONNEN ACT 2617

Or by email to: foi@immi.gov.au

Review by the Office of the Australian Information Commissioner

You may apply directly to the Office of the Australian Information Commissioner (OAIC) for a review of my decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a review request to the OAIC, please see FOI fact sheet 12 '*Freedom of information – Your review rights*', available online at www.oaic.gov.au.

How to make a complaint about the handling of this FOI request

You may complain to the Australian Information Commissioner if you have concerns about how the department has handled your request under the FOI Act. Information about how to submit a complaint is also available 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

Authorised decision maker
FOI & Privacy Policy Section
Ministerial, Executive and Accountability Branch
Department of Immigration and Border Protection
Email foi@immi.gov.au