



Australian Government
Department of Agriculture

Ref: LEX-2760

Daniel Styles

Via email: foi+request-5588-baa1c0e3@righttoknow.org.au

Dear Mr Styles

Your Freedom of Information request – Charges

I refer to your request received by the Department of Agriculture (**department**) on 20 August 2019 for access under the *Freedom of Information Act 1982 (FOI Act)* to the following documents:

- '1. Documents created in 2019 concerning the matter of whether rent free housing provided to employees of the Department posted overseas should be treated as salary for superannuation purposes;
2. Communications between the Department and the Department of Finance in 2019 concerning the matter of whether rent free housing provided to employees of the Department posted overseas should be treated as salary for superannuation purposes.'

Preliminary assessment of the Charge

In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge for the processing of your request. My preliminary assessment of that charge is \$27.30 calculated as follows:

Search and retrieval time: 1.02 hours, at \$15.00 per hour	\$15.30
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Decision-making time, including consultation with one third party (*after deduction of 5 hours): 0.6 hours, at \$20.00 per hour	\$12.00
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TOTAL	\$27.30
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*The FOI Act provides that the first five hours of decision-making time are free of charge and this is reflected in the calculation.

I am advised that the department has in its possession 2 documents with 5 pages relevant to your request.

Required action

If you would like the department to continue processing your request, you must notify the department in writing within 30 days of receiving this notice that you:

- agree to pay the charge;
- wish to contend that the charge has been wrongly assessed or should be reduced or not imposed or both; or
- withdraw your request.

If you do not provide a written response in accordance with one of the above options within 30 days of receiving this notification, your request will be taken to have been withdrawn under section 29(2) of the FOI Act.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact me for assistance.

Option – pay the charge

As the charge exceeds \$25, you are required to pay a deposit of \$20.00. You may, of course, elect to pay the charge in full at this point.

Payment can be made by:

- credit card by completing the attached form and sending a scanned copy to foi@agriculture.gov.au or posting it to the address below
- cheque or money order made payable to 'Department of Agriculture', and forwarded to the following address:
FOI Coordinator
Department of Agriculture
GPO Box 858
CANBERRA CITY ACT 2601
- direct deposit to:

A/C Name: DAWR Departmental Account
Branch: London Circuit, Canberra
Bank: Reserve Bank
BSB: 092 009
A/C No. 111 698
ABN No: 24 113 085 695.

If payment is made by direct deposit, please include the FOI reference number (LEX-2760) in the subject field, and send an email with notification of payment to foi@agriculture.gov.au as soon it has been made.

Option – seek reduction or non-imposition of the charge

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. Section 29(5) of 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 your organisation 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.

If you wish to contend that the charge has been wrongly assessed or should be reduced or not imposed, please set out your reasons and the evidence in support of your reasons as clearly as possible. If you believe that payment of the charge would cause your organisation financial hardship, please provide sufficient details of your financial circumstances to enable the decision-maker to make a well-informed decision in this regard.

Option – withdraw your request

If you wish to withdraw your request you may do so in writing.

Time limits for processing your request

Section 31 of the FOI Act provides that where a notice is sent to an applicant regarding the payment of a charge in respect of a request, the time limit for processing the request is suspended from the date the notice is received until either:

- (a) the day following payment of the charge (in full or the required deposit); or
- (b) if applicable, the day following the notification to the applicant of a decision not to impose the charge.

Address for correspondence

Please send all correspondence regarding your FOI request to me at the following address:

FOI Coordinator
Department of Agriculture
GPO Box 858
CANBERRA CITY ACT 2601

Or by email to foi@agriculture.gov.au

Publication of information in the FOI disclosure log

Information released under the FOI Act may be published in a disclosure log on the department's website. Section 11C of the FOI Act requires this publication, subject to certain exceptions, including where publication of personal, business, professional or commercial information would be unreasonable.

Third party consultation

The relevant documents contain information about the business affairs of an organisation or information about the business or professional affairs of one or more third parties.

To inform the decision on release of documents, the FOI Act requires that the above third parties are consulted, and provides a further time period for the consultation process. Subsection 15(6) of the FOI Act extends the standard statutory 30-day time limit for processing requests by another 30 calendar days. Accordingly, this will give the department 60 calendar days within which to notify you of its decision on access to the documents.

Further assistance

If you have any questions, please email foi@agriculture.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'TB' with a flourish and the letters 'vsl' written to the right.

Tom Bush
Principal Government Lawyer (A/g)
Information Law Team

2 September 2019