



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

10 April 2014

FOI Request 14/04/00093  
File Number ADF2014/11552

Mr Ben Fairless

Email: [foi+request-574-d9d010ea@righttoknow.org.au](mailto:foi+request-574-d9d010ea@righttoknow.org.au)

Dear Mr Fairless

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

This letter refers to your request received on 28 March 2014 seeking access under the *Freedom of Information Act 1982* (the Act) to the following documents:

*Incident Detail Report 1-2RIU6K 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 for processing this 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 **\$9.90**.

**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 an incident report with the reference number 1-2RIU6K. The document is stored in a departmental electronic system, a search of this system has been conducted to identify the relevant document and the time spent on 'Search and retrieval' has been included in the estimate below.

Number of relevant documents: 1 document

Number of relevant pages: 2 pages

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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 systems	0.16	\$2.40
Preparation of schedule of documents	0.50	\$7.50
Search and retrieval subtotal	0.66	\$9.90

<b>Decision making</b>		
<b>Task</b>	<b>Time (hours)</b>	<b>Cost @ \$20/hr</b>
Examination of documents	0.17	\$3.33
Preparation of documents for release	0.17	\$3.33
Consultation with third parties	0.00	\$0.00
Preparation of notice of access decision	3.03	\$60.64
Decision making subtotal (before deduction of 5 free hours)	3.37	\$67.31
Decision making subtotal (after deduction of 5 free hours)	0.00	\$0.00

<b>Estimated totals</b>	
Estimated total	<b>\$9.90</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 Saturday 10 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 12 May 2014.

Therefore, by Monday 12 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 12 May 2014 your request will be taken to have been withdrawn (by you) under s.29(2) of the Act.

## **Payment**

As the charge is less than \$25, you will be required to pay in full if the charge is imposed. The payment will be refunded if the department fails to make a decision on your request within the statutory time limit. The payment can be made 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 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](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	<a href="https://forms.business.gov.au/aba/oaic/foi-review/">https://forms.business.gov.au/aba/oaic/foi-review/</a>
Email	<a href="mailto:enquiries@oaic.gov.au">enquiries@oaic.gov.au</a>
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



Janelle Raineri  
Position number 60001726  
FOI & Privacy Policy Section  
Ministerial, Executive and Accountability Branch  
Department of Immigration and Border Protection

Email [foi@immi.gov.au](mailto:foi@immi.gov.au)