



Australian Government
Department of Immigration and Border Protection

24 April 2014

FOI Request FA 14/04/00253
File Number ADF2014/11960

Ms Asher Wolf
Right To Know

Copy sent by email to: foi+request-576-0681bb65@righttoknow.org.au

Dear Ms Wolf

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

This letter refers to your request received on 2 April 2014 seeking access under the *Freedom of Information Act 1982* (the Act) to the following:

... copies of the Officer Reports (including photographs), relating to the protests at Manus Island in February 2014.

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 subsection 23(1) of the Act to make decisions in relation to FOI requests.

As provided under section 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 **\$268.65**.

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 documents within the scope of your request comprise of Officer Reports including photographs.

Number of relevant documents: 23 documents

Number of relevant pages: 76 pages

people our business

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	1.15	\$17.25
Search and retrieval subtotal	2.07	\$31.00

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	6.33	\$126.67
Preparation of documents for release	6.33	\$126.67
Consultation with third parties	0.00	\$0.00
Preparation of notice of access decision	4.22	\$84.32
Decision making subtotal (before deduction of 5 free hours)	16.88	\$337.65
Decision making subtotal (after deduction of 5 free hours)	11.88	\$237.65

Estimated totals and deposit	
Estimated total	\$268.65
Deposit required	\$67.16

When lodging your FOI request on 2 April 2014, you made the application ‘that all costs for the processing of this request be waived on the grounds that the release of this information is in the public interest, will enhance the transparency of the process, and aid the public debate surrounding government policy.’

I have considered whether giving access to the documents in question is in the general public interest or in the interest of a substantial section of the public, would enhance transparency of government processes and aid public debate on government policy and am of the view that they would not.

It is accordingly my view there are insufficient grounds for waiver of the estimated charge.

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, 24 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, 26 May 2014**.

Therefore, by Monday, 26 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, subsection 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 documents 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, 26 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 (\$67.16).

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 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

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
 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.

Contacting the FOI Section

If you wish to discuss this matter, I can be contacted using the details provided below.

Yours sincerely



Marianne Nolte-Crimp
 Authorised FOI Decision Maker
 FOI & Privacy Policy Section
 Ministerial, Executive & External Accountability Branch
 Department of Immigration and Border Protection

Email foi@immi.gov.au
 Telephone (02) 6264 1757

Attachment: Credit Card Authorisation Form