



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

23 May 2014

Mr Ben Fairless

Right to know

[foi+request-582-584366f5@righttoknow.org.au](mailto:foi+request-582-584366f5@righttoknow.org.au)

**In reply please quote:**

FOI Request: FA 14/04/00806

File Number: ADF2014/13362

Dear Mr Fairless

**Freedom of Information – notice that applicant is liable to pay a charge (s.29(1))**

This letter refers to your request received on 12 April 2014 seeking access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

*I request, under the Freedom of Information Act, a copy of all documents that contain a reference to "Right to Know" or "OpenAustralia Foundation", their relevant acronyms ("RTK" and "OAF").*

*This request includes, but is not limited to, emails, policy statements and hand written notes.*

*Lets put a date limit in from 1 January 2012.*

*I'll revise the scope to:*

- FOI and Privacy Policy Section
- Legal and Assurance group
- Senior Executives within the Department (I note a list is provided here:  
<<http://www.immi.gov.au/about/departments/senior-staff/>>)

*This request is subject to the following exclusions:*

- FOI Applications from users of Right to Know, and the direct responses to those applications
- The names of anyone who is NOT a Public Servant

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.

**people** our business

6 Chan Street Belconnen ACT 2617

PO Box 25 BELCONNEN ACT 2616 • Telephone 02 6264 1111 • Facsimile 02 6225 6970 • Website: [www.immi.gov.au](http://www.immi.gov.au)

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 \$459.75.

### **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

Documents considered in scope include only those documents containing a reference to "Right to Know" or "Open Australia Foundation" and acronyms (RTK and OAF). Any documents referring to FOI applications from RTK or OAF, including those in relation to Merit Reviews or complaints with the Office of the Australian Information Commissioner (OAIC) are deemed out of scope.

Documents within the scope of your request include emails and attachments to those emails.

Number of relevant documents: 8 documents

Number of relevant pages: 17 pages

#### 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	5.50	\$82.50
Search and retrieval of relevant pages in file	24.75	\$371.25
Preparation of schedule of documents	0.40	\$6.00
Search and retrieval subtotal	30.65	\$459.75

<b>Decision making</b>		
<b>Task</b>	<b>Time (hours)</b>	<b>Cost @ \$20/hr</b>
Examination of documents	1.42	\$28.33
Preparation of documents for release	0.00	\$0.00
Consultation with third parties	0.00	\$0.00
Preparation of notice of access decision	3.27	\$65.44
Decision making subtotal (before deduction of 5 free hours)	4.69	\$93.77
Decision making subtotal (after deduction of 5 free hours)	0.00	\$0.00

<b>Estimated totals and deposit</b>	
Estimated total	<b>\$459.75</b>
Deposit required	<b>\$114.94</b>

Please note that the number of relevant files searched includes the email accounts of those staff listed in the link provided in the scope of your request. Each staff member was required to search for documents within the scope of your request. Most returned 'nil results', although some documents were located, which totalled 17 pages. The time taken for each file to be searched has been included in the search and retrieval component of the 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 Sunday 22 June 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 23 June 2014.

Therefore, by Monday 23 June 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 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 23 June 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 (\$114.94).

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, credit card or Electronic Funds Transfer (EFT).

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).

If you wish to pay by Electronic Funds Transfer (EFT) the department's bank account details are as follows:

Bank:	CBA
BSB:	062987
Account Number:	10016044
Account Name:	DIBP Official Administered Direct Credit Receipts Account

When making the transfer you will need to quote the number of your request - **FA 14 04 00806** - so that your payment can be identified by our Finance area. Failure to do so may result in payments not being identified as FOI related and could result in processing delays.

Please advise FOI when you have made the payment made by direct credit so that we can contact the Finance area and they can issue a receipt. You should also be aware that payments by direct credit are not processed in real time. There is at least a one day delay between somebody paying money into the department's account and notification of the payment via our bank account statement.

**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:

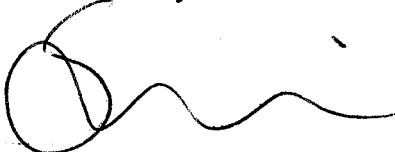
- the day you indicate that you 'agree' to pay the charge or
- the day on which this agency makes a decision not to impose a charge.

You may indicate your agreement to pay the charge by either paying the deposit or paying the charge in full.

**Contacting the FOI Section**

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

Yours sincerely



Steven HOCKING  
Assistant Director  
FOI & Privacy Policy Section  
Ministerial, Executive and Accountability Branch  
Department of Immigration and Border Protection  
Phone (02) 6264 1007  
Email [foi@immi.gov.au](mailto:foi@immi.gov.au)