



Administrative Appeals Tribunal

Principal Registry

Our ref:

2020/0144; 2020/0145;
2020/0146; and 2020/0147

Your ref:

foi+request-6164-1a188eb5@righttoknow.org.au;
foi+request-6169-8a1a2095@righttoknow.org.au;
foi+request-6165-a9f85a8a@righttoknow.org.au;
foi+request-6167-08890064@righttoknow.org.au

8 January 2021

Mr John Smith

foi+request-6164-1a188eb5@righttoknow.org.au;

Dear Mr Smith

**Re: Notice of combining requests
Notice that you are liable to pay a charge and preliminary charge estimate**

I refer to my letter of 24 December 2020.

I am an officer authorised under section 23(1) of the *Freedom of Information Act 1982* (FOI Act) to make decisions in relation to FOI requests.

As foreshadowed in that letter, I write to advise you that the AAT considers the request numbers 2020/0144; 2020/0145; 2020/0146; and 2020/0147 all lodged 14 December 2020 to be about the same subject matter and has decided to combine them into a single request under section 24(2) of the *Freedom of Information Act 1982* (FOI Act).

The purpose of this letter is to notify you that you are liable to pay a processing charge for the combined requests 2020/0144; 2020/0145; 2020/0146; and 2020/0147 and to advise you of the estimate of that charge.

Preliminary estimate of charge

In accordance with section 29 of the FOI Act and the *Freedom of Information Charges Regulations 1982*, my preliminary assessment of the charge you are liable to pay is **\$5,421**.

Basis for preliminary estimate

As these requests are identical to the requests that were previously combined into request number 2020/0016, except that they do not include specific Launch recruitment contracts and policies, assuming you narrow the requests in the same way, it is likely that the amount of time involved in processing the combined requests will be similar to that estimated and notified to you in the AAT's letter of 19 March 2020. Consequently, I have based this charge estimate on the calculations in that letter.

A copy of the AAT's letter to you dated 19 March 2019 is attached and it explains how an estimate of \$6,218 was arrived at.

I note that following comment by you, the AAT informed you of a final charge decision on 18 May 2020. The final amount of the charge was \$6,023.

To take into account the fact that you do not seek copies of specific Launch recruitment contracts and policies in this request, I have reduced the charge estimate previously notified to you by 10%. This is because I estimate ten percent of the documents would have been policies. While you no longer request specific Launch recruitment contracts, these documents still fall within the scope of request 2020/0145 and so will need to be part of the processing of this request in any event.

The result is that the preliminary charge estimate for the combined requests 2020/0144; 2020/0145; 2020/0146; and 2020/0147 is \$6,023 less \$602 , that is **\$5,421**.

Your right to contend the charge

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed, or
- should be reduced, or
- should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must consider:

- 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.

Payment of a deposit

As the charge exceeds \$100, a 25% deposit of **\$1,355** will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances for example, if the AAT fails to make a decision on your request within the statutory time limit or may be refundable in part if the final charge is less than the deposit paid.

Should you decide to pay the charge, please contact us regarding the method of payment.

The time you have to respond and what you need to do

You have 30 days to respond in writing to this notice. We therefore expect a response from you by **8 February 2021**. By that date, you must do one of the following things in writing:

- agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge is paid)
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons
- withdraw your request.

Please send your response to foi@aat.gov.au

If you do not provide us with a written response by **8 February 2021** your request will be taken to have been withdrawn.

Questions about this notice

If you have any questions or wish to discuss this notice with us, please contact me by return email.

Please note that the matters raised in the AAT's letter of 24 December 2020 remain under consideration.

Yours sincerely,

Sandra Koller
Director - Legal and Policy