



Australian Government
Attorney-General's Department

14/7459

12 June 2014

Mr Brendan Molloy
By Email Only: foi+request-635-960b9b95@righttoknow.org.au

Dear Mr Molloy,

Freedom of Information Request no. FOI14/097

I refer to your request for access to documents created by "*the working group responsible for considering reforming copyright legislation in response to the 'issue' of online copyright infringement*" under the *Freedom of Information Act 1982* (FOI Act).

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, Andrew Walter, Assistant Secretary, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

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 \$373.33.

Basis for my preliminary assessment of the charge

I have assessed the work Attorney-General's Department would need to do to process your request and have calculated the following breakdown of charges:

| Document estimate | |
|---|-----|
| Number of relevant documents | 150 |
| Number of relevant pages (or other size descriptor) | 200 |

| PROCESSING CHARGES | | |
|--|------------------------|-----------------------|
| Search and retrieval | | |
| Task | Time (in hours) | Cost @ \$15/hr |
| Search and retrieval of relevant electronic and registry files | 0.33 | \$5.00 |
| Search and retrieval of relevant pages in file | 1.50 | \$22.50 |
| Preparation of schedule of documents | 7.50 | \$112.50 |

| | | |
|--|------------------------|-----------------------|
| A. Search and retrieval subtotal | 9.33 | \$140.00 |
| Decision making | | |
| Task | Time (in hours) | Cost @ \$20/hr |
| Examination of documents | 16.67 | \$333.33 |
| Consultation with third parties | 0.00 | \$0.00 |
| Preparation of documents for release | 0.00 | \$0.00 |
| Preparation of notice of access decision | 0.00 | \$0.00 |
| Decision making subtotal (before deduction of 5 hours) | 16.67 | \$333.33 |
| B. Decision making subtotal (after deduction of first 5 hours free) | 11.67 | \$233.33 |

| | | |
|---|------------------------|---------------|
| ACCESS AND DELIVERY CHARGES | | |
| | No. of pages | Cost |
| Transcription (\$4.40/page) | 0.00 | 0.00 |
| Photocopy (\$0.10/page) | 0.00 | 0.00 |
| Other copies (\$4.40/page) | 0.00 | \$0.00 |
| | | Cost |
| Electronic production (actual cost) | 0.00 | 0.00 |
| Replay [replaying of sound or film] (actual cost) | 0.00 | 0.00 |
| Delivery (actual cost) | 0.00 | \$0.00 |
| | Time (in hours) | Cost |
| Inspection (@ \$6.25 per half hour) | 0.00 | 0.00 |
| C. Access and delivery charges subtotal | 0.00 | 0.00 |

| | |
|--|-----------------|
| ESTIMATED TOTALS AND DEPOSIT | |
| ESTIMATED TOTAL (total of A, B and C) | \$373.33 |
| REQUIRED DEPOSIT | \$93.33 |

Under section 29(1)(b) of the FOI Act, this preliminary assessment of charges is made on the basis of the itemised table of charges above. After making a decision on a request, an agency or Minister is required to calculate the amount payable. This final charge may be higher than the estimated charge, however the higher amount can only be charged if the Department decides to give access to all documents without deletions in the form requested.

Please note that the charges imposed reflect the cost to the Department in undertaking your request and do not have bearing on the quantity of the final release of documents, which may be reduced due to exemptions being applied.

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 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.

Payment of a deposit

As the charge exceeds \$100, a 25 per cent deposit (**\$93.33**) will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances (for example, if the Department 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.

Once you indicate whether or not you are willing to pay the deposit, an invoice will be sent to you. When the invoice is paid, the statutory time for processing your request will recommence.

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 **14 July 2014**. 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:

online: foi@ag.gov.au
post: FOI and Privacy Section
 Office of Corporate Counsel,
 Attorney-General's Department,
 3-5 National Circuit
 Barton, ACT 2600

If you do not provide us with a written response by **14 July 2014**, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

Questions about this notice

If you have any questions or wish to discuss this notice with us, please email foi@ag.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Walter", written in a cursive style.

Andrew Walter
Assistant Secretary
Commercial and Administrative Law Branch