



Australian Government
**Department of Industry, Science,
Energy and Resources**

Our ref: 66717

Mr John Smith
Right to Know

By email: foi+request-6571-a45fe5a7@righttoknow.org.au

Dear Mr Smith

Freedom of Information Act 1982 – Notice of charge

I refer to your correspondence received by the Department of Industry, Science, Energy and Resources (the department) on 3 August 2020, in which you sought access under the *Freedom of Information Act 1982* (the FOI Act) to the following:

A list of all the position/job titles of every non-APS contractor working within your department.

Notice of Liability to Pay a Charge

I am an authorised decision-maker under section 23 of the FOI Act.

In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge as a contribution towards the work involved in processing your request.

Estimate of charge

Section 17 of the FOI Act provides that in instances where it appears from the request that the applicant is seeking information that is not available in discrete form in written documents of the agency, and the agency could produce a written document containing the information in discrete form by the use of a computer or other equipment ordinarily available to the agency, the agency shall deal with the request as if it were a request of access to a written document so produced and containing that information.

An agency is not, however, required to produce such a document if it would substantially and unreasonably divert the resources of the agency from its other operations.

In this instance, the information you have sought is not available in discrete form in written documents held by the department. However, the department was able to produce a written document containing the requested information in discrete form by the use of a computer or other equipment available to the department. The department has therefore, in this particular instance, created a document under section 17 of the FOI Act.

My preliminary assessment of the charge you are liable to pay is based on one document falling within the scope of your request and the actual cost for the resources and work that is required for the department to create this document under section 17 of the FOI Act. I have also taken into account

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GPO Box 2013 Canberra ACT 2601 ABN: 74 599 608 295

the fact that the first five hours of decision making time are free to all applicants requesting documents other than their own personal information.

Search and Retrieval – 10.91 hours at \$15 per hour	\$	16.65
Decision making time 0.53 hours at \$20 per hour	\$	10.60
Total	\$	174.25
First 5 hours free	\$	-100.00
Final amount	\$	74.25
Deposit	\$	20.00

Payment of the deposit only will entitle you to a decision only. You will be entitled to receive the documents relevant to your request only upon payment of the balance of the charge.

Processing your FOI request

Please note that the department will not make a decision on the potential release of any documents until charges are paid to, or remitted by, this department. In accordance with section 31 of the FOI Act, the time limit for processing your request is suspended from the day you receive this notice and will resume on either the day the charge or deposit is paid, or on the day on which the department makes a decision not to impose a charge.

Your rights and alternatives

If you would like the department to continue processing your request, you must notify the department in writing within 30 days of receiving this notice that you:

- A. agree to pay the charge;
- B. wish to contend that the charge:
 - (i) has been wrongly assessed; or
 - (ii) should be reduced or not imposed; or
 - (iii) both
- C. withdraw the request for access.

Further information on options A, B and C is set out below.

Option A – pay the charge

As the charge exceeds \$20 but is less than \$100, you are required to pay a deposit of \$20.00, within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point.

Payment

If you accept liability for the estimated charge for your request, payment can be made via one of the following three options:

- **Cheque:**
Please make the cheque payable to the Collector of Public Monies and mark it attention to:

The FOI team
Department of Industry, Science, Energy and Resources
GPO Box 2013
CANBERRA ACT 2601

- **Credit card:**

The department accepts visa or master card. If you would like to pay by credit card please complete the enclosed credit card payment request form, return a scanned copy to the CPM@industry.gov.au and copy the FOI team in your email at FOI@industry.gov.au.

- **Electronic Funds Transfer:**

The department also accepts EFT payments. Please see bank details below:

Bank Name:	Reserve Bank of Australia
Bank Address:	20-22 London Circuit Canberra ACT Australia
Account Name:	Department of Industry, Science, Energy and Resources
BSB No:	092-009
Account No:	118689

Please include reference to **FOI LEX 66717** in all forms of payment, and notify the FOI team at FOI@industry.gov.au once payment has been made. Failure to include your reference number and notify the FOI team of payment will result in delays of the processing of your FOI request.

Option B – seek reduction or non-imposition of the charge

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. Subsection 29(5) of the FOI Act provides that in deciding whether to reduce or not to impose a charge, the decision maker must take into account any relevant reasons. This includes whether payment of the charge, or part of it, would cause you financial hardship, and whether the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public.

If you wish to contend that the charge has been wrongly assessed or should be reduced or not imposed, please set out your reasons and the evidence in support of your reasons as clearly as possible. If you believe that payment of the charge would cause you financial hardship, please provide sufficient details of your financial circumstances to enable the decision maker to make a well informed decision in this regard.

Option C – withdraw your request

If you wish to withdraw your request you may do so in writing.

Please note: If you fail to notify the department in a manner mentioned in Options A, B or C above within 30 days of receipt of this notice, your request will be deemed to have been withdrawn.

Should you have any queries in relation to this matter please contact the FOI team by e-mail at FOI@industry.gov.au.

Yours sincerely



Heather Davidson
A/g Senior FOI Officer
Legal, Audit and Assurance
14 August 2020