



Australian Government

Department of Health

Department Reference: FOI 021-1415

Mr Martin Hardie

Via email: foi+request-717-6e0fdeb9@righttoknow.org.au

Dear Mr Hardie

**FREEDOM OF INFORMATION REQUEST:
NOTICE OF LIABILITY TO PAY A CHARGE**

I refer to your request of 23 July 2014 to the Department of Health, for access under the *Freedom of Information Act 1982* (FOI Act) documents in relation to records of communications between the Department and various other specified organisations in relation to the Essendon investigation by the Australian Sports Anti-Doping Authority.

I have decided, in accordance with section 29 of the FOI Act, that you are liable to pay a charge in respect of your request.

I estimate there are approximately 500 documents comprising of approximately 1,700 pages (including documents from Prime Minister and Cabinet). The large number of documents identified reflects the broad nature of the request and the long timeframe. We have estimated, from preliminary inspection that approximately ten percent of the documents will require some form of reduction, and a further ten percent will need consideration in relation to relevant exemptions.

Under paragraph 29(1)(f) of the FOI Act you are required to notify the Department in writing within 30 days after this notice was given to you one of the following:

- that you agree to pay the charge;
- that you wish to make a contention that the charge has been wrongly assessed or should be reduced or not imposed; or
 - if you wish to contend please see further details below.
- that you withdraw your request.

Preliminary Assessment

In accordance with paragraph 29(1)(b) of the FOI Act my preliminary assessment of the charge is \$5,590.00 This has been calculated as follows:

Search and retrieval time (including time spent locating relevant files	46 hours @ \$15.00 per hour	\$690.00
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and collating relevant documents
contained on those files)

Decision making time (including time spent examining the documents, considering exemptions, undertaking consultation, writing the decision and preparing any documents for release)	250 hours @ \$20.00 per hour	\$5,000.00
Less first 5 hours of decision making	5 hours @ \$20.00 per hour	(\$100.00)

TOTAL		\$5,590.00
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Deposit

I have also decided that you are required to pay a deposit. As the preliminary assessment is greater than \$100.00 a deposit of 25% is required, this being \$1,397.50

Payment of a deposit will be taken as your authority for us to proceed with the processing of your request and your agreement to pay the full charge in which case you will become liable to the Commonwealth for the full cost of the processing charge. Your deposit payment (cheque or credit card) should be sent to either of the following:

FOI@health.gov.au

FOI Coordinator (MDP 350)
Department of Health
GPO Box 9848
CANBERRA ACT 2601

Contention that the charge has been wrongly assessed, should be reduced or not imposed

Under the FOI Act you have the right to contend that the charge has been wrongly assessed, should be reduced or not imposed. If you choose to make such a contention the matters that I am required by subsection 29(5) of the FOI Act to take into account include:

- (a) whether the payment of the charge, or part of it, would cause financial hardship to you or the person on whose behalf the application was made; and
- (b) whether the giving of access to the document[s] in question is in the general public interest or in the interest of a substantial section of the public.

Timeframe for providing you with a decision

The date for providing you with a decision will be later than that previously advised because processing of your request is suspended from the date you receive this notice. Counting of

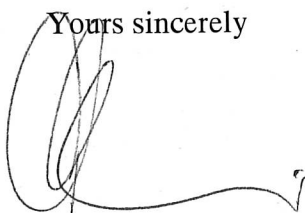
the 30 calendar days will resume when either you pay a deposit or any contention about the charge has been resolved.

Relevant provisions

The FOI Act, including the provisions referenced in this notice can be accessed from the ComLaw website using the following link: <http://www.comlaw.gov.au/Details/C2014C00122>

If you require clarification of any of the matters discussed in this letter you should contact the Department's FOI Coordinator on (02) 6289 1666, or by email at FOI@health.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to be 'A. Godkin', with a long horizontal flourish extending to the right.

Andrew Godkin
First Assistant Secretary
National Integrity of Sport Unit
15 August 2014