



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

19 September 2014

FOI Request FA 14/07/01381  
File Number ADF2014/27019

Daniel O'Connor  
via Right to Know

Copy sent by email to: [foi+request-727-6620b945@righttoknow.org.au](mailto:foi+request-727-6620b945@righttoknow.org.au)

Dear Mr O'Connor

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

This letter refers to your request received on 30 July 2014 seeking access under the *Freedom of Information Act 1982* (the Act) to the following documents:

*A recent ABC news article (<<http://www.abc.net.au/news/2014-07-30/sarah-hanson-young-denied-access-to-curtin-detention-centre/5635690>>) reports:*

*"When the minister's office became aware of the request the minister sought advice from the Department, ..... and was advised that access would not be appropriate at this time, based on the interests of the good management and safety of the centre."*

*I seek access to the advice requested and the response to the minister by the department.*

*Additionally, I seek access to the document(s) which would have been relied upon to provide an accurate response to the minister; such as a recent operational or management report regarding the Curtin detention centre; or an issue register detailing current management or risk issues & the mitigation plans in place.*

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.

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 \$57.73.

**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.

**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)

Document estimate

Following a search from the relevant business area, 1 document has been identified.

The document within the scope of your request is an email chain.

Number of relevant documents: 1 document

Number of relevant pages: 4 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	0.75	\$11.25
Search and retrieval of relevant pages in file	0.75	\$11.25
Preparation of schedule of documents	0.05	\$0.75
Search and retrieval subtotal	1.55	\$23.25

<b>Decision making</b>		
<b>Task</b>	<b>Time (hours)</b>	<b>Cost @ \$20/hr</b>
Examination of documents	0.66	\$13.20
Preparation of documents for release	1.00	\$20.00
Consultation with third parties	2.00	\$40.00
Preparation of notice of access decision	3.06	\$61.28
Decision making subtotal (before deduction of 5 free hours)	6.72	\$134.48
Decision making subtotal (after deduction of 5 free hours)	1.72	\$34.48

<b>Estimated totals and deposit</b>	
Estimated total	<b>\$57.73</b>
Deposit required	<b>\$20.00</b>

Please note that a large amount of time was spent searching for documents that might be within scope. As the scope of your request referred to '*advice requested and the response to the Minister by the department*', the Minister's Office was contacted to assist in the search and retrieval of relevant documents. This has resulted in the charge outlined above.

**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 19 October 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 20 October 2014.

Therefore, by Monday 20 October 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 document 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 20 October 2014 your request will be taken to have been withdrawn (by you) under s.29(2) of the Act.

### **Payment**

As the charge exceeds \$25, you will be required to pay a deposit of \$20 if the charge is imposed.

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 07 01381** - 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  
Authorised decision maker  
FOI & Privacy Policy Section  
Parliamentary & Executive Coordination Branch | Immigration and Border  
Protection Portfolio  
Phone (02) 6264 1007  
Email [foi@immi.gov.au](mailto:foi@immi.gov.au)