



OFFICIAL

**FREEDOM OF INFORMATION ACT 1982**

REQUEST BY: Christian  
Right to Know

REFERENCE: FOI/2122/005

**Notice of Estimate of Charges**

Email: [foi+request-7695-3193d7fd@righttoknow.org.au](mailto:foi+request-7695-3193d7fd@righttoknow.org.au)

Dear Christian,

**Freedom of information request re. FOI/2122/005**

1. I refer to your request, dated 18 August 2021, to the National Indigenous Australians Agency (NIAA) under the *Freedom of Information Act 1982* (FOI Act) for access to the following documents:

*“Please provide the non confidential tender to the Human Rights Commission and/or describe the scope of work provided under CN3449783. 26-Jun-2017 to 30-Jun-2019 Contract Value (AUD):\$1,250,000.00”*

2. I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.
3. 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.

**Decision and reasons for decision**

4. In accordance with section 29 of the FOI Act and the *Freedom of Information Charges Regulations 1982* (Charges Regulations), my preliminary assessment of the charge you would be liable to pay for the processing of your request is **\$203.80**.

**Basis for my preliminary assessment of the charge**

5. I have assessed the work the Agency would need to do to process your request and have calculated the following estimated breakdown of charges:

Document estimate	
Number of relevant documents	5
Number of relevant pages	90

PROCESSING CHARGES		
<b>Search and retrieval</b>		
<b>Task</b>	<b>Time</b>	<b>Cost @ 15/hr</b>
Search and retrieval of relevant electronic and registry files and preparation of schedule of documents	9	135.00
<i>Search and retrieval subtotal (A)</i>	<i>9</i>	<i>135.00</i>
<b>Decision making</b>		
<b>Task</b>	<b>Time</b>	<b>Cost @ 20/hr</b>
Examination of documents	2.96	59.20
Consultation with third parties	-	0
Preparation of documents for release	1.48	29.60
Preparation of notice of access decision	4	80.00
<i>Decision making subtotal (before deduction of 5 hours)</i>	<i>8.5</i>	<i>168.80</i>
	<i>(-5)</i>	<i>(- 100.00)</i>
<i>Decision making subtotal (after deduction of first 5 hours free) (B)</i>		<i>68.80</i>
<b>ACCESS AND DELIVERY CHARGES</b>		
<i>Access and delivery charges subtotal (C)</i>	<i>-</i>	<i>0</i>

ESTIMATED TOTALS AND DEPOSIT	
<b>ESTIMATED TOTAL (total of A, B and C)</b>	<b>203.80</b>
<b>REQUIRED DEPOSIT (10 per cent (%))</b>	<b>20.38</b>

#### Payment of a deposit

6. As the charge exceeds \$100, a 10 per cent deposit of \$20.38 is payable.
7. The deposit is not refundable except in some limited circumstances (for example, if the NIAA 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.
8. If you agree to pay the charges (or deposit), the timeframe for processing your request will resume once payment is received.

#### How to respond to this notice

9. You have 30 days to respond in writing to this notice. Within this timeframe, you must do one of the following things in writing:



- pay the charges, being the deposit amount or the full amount outlined above, and notify the FOI team in writing via email to [foi@niaa.gov.au](mailto:foi@niaa.gov.au), or
  - contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons, or
  - withdraw your request.
10. If you do not provide us with a written response within 30 days of this notice, your request will be taken to have been withdrawn.
11. 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 or deposit, or the day on which the NIAA makes a decision not to impose a charge.

### Your right to contend the charge

12. 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.
13. In deciding whether a charge should be reduced or not imposed, I must take into account:
- whether payment of the charge, or part of it, would cause you financial hardship
  - whether giving access to the document/s is in the general public interest or in the interest of a substantial section of the public, and/or
  - any other relevant matter.
14. Should you seek a reduction or waiver of the charges on the grounds of financial hardship, it would assist me if you could provide suitable evidence of financial hardship, for example evidence of receipt of pension or income support payment, or evidence of income, debts or assets.

### Paying the charges

15. Payment can be made by one of the following options:

#### Electronic Funds Transfer

- a. You can make payment to the following account:
- i. Account Name: **NIAA Departmental Operating Account**
  - ii. BSB: **032713**
  - iii. Account: **496380**
  - iv. Reference: **FOI/2122/005**

#### Credit Card Payment

- b. Please call the NIAA's Accounts Receivable Team on 02 6271 6000 (select option 4, then option 3).

**Please reference FOI/2122/005 in all forms of payment to ensure it is allocated to your matter**

***IMPORTANT:*** Please ensure you advise the FOI Team via email [foi@niaa.gov.au](mailto:foi@niaa.gov.au) once you have made payment. Failure to advise may cause a delay in processing your request.



**Final charges**

16. Once your FOI request has been processed, I will determine the actual charge you must pay before the documents can be provided to you. The final charge for processing your request may be different from the estimate quoted in this letter.
17. If I decide to grant full access to all the documents within the scope of your request, you must pay the actual charges for the time and disbursements involved in processing your request ascertained in accordance with the table set out above (which may be greater or less than the estimate).
18. However, if you are only granted partial access to the documents you will only be required to pay whichever amount is lesser of the estimate quoted in this letter and the actual charges.
19. Please note that I can charge for search and retrieval that the NIAA has already undertaken for the purpose of your request in its current form, but it may be possible to reduce the decision-making charges that might be incurred in the future if you refine the scope of your request, for example, by limiting the date range of document sought or excluding a particular category of documents.
20. If you agree to pay the charge, you are accepting liability for settlement of the debt upon completion of processing the FOI request. Once your FOI request has been processed, the outstanding amount of the charge becomes a debt to the Commonwealth. The NIAA is obliged to pursue recovery of the debt in accordance with the *Public Governance, Performance and Accountability Act 2013* (Cth).

**Questions about this notice**

21. More information about charges under the FOI Act is available on the Office of the Australian Information Commissioner's website: <https://www.oaic.gov.au/freedom-of-information/guidance-and-advice/calculating-and-imposing-charges-for-foi-access-requests/>.
22. If you would like to discuss any of the matters above, please contact the FOI Coordinator by email to [foi@niaa.gov.au](mailto:foi@niaa.gov.au).

Kind regards,

Ursula Carolyn  
Branch Manager  
Families & Safety Branch

9 September 2021