



Australian Government

**Department of Broadband,
Communications and the Digital Economy**

our reference: FOI 34-1213
your reference: foi+request-80-64853029@righttoknow.org.au

Mr Mark Newton

Dear Mr Newton

Freedom of Information Request No: 34-1213

I refer to your recent request under the *Freedom of Information Act 1982* (the FOI Act) for access to several categories of contract documents pertaining to development of Cyber Safety Help Buttons.

On 23 March 2013 you sought access under the FOI Act to the following:

- 1. Contracts executed between the Commonwealth and any other entity for the supply of the original 2010 desktop Cyber Safety Help Button;*
- 2. Contracts executed between the Commonwealth and Saltbush Group, or any related entities, for the supply of mobile versions of the Cyber Safety Help Button;*
- 3. The names of any other software developers contracted for supply of Cyber Safety Help Button software on any platform (published or unpublished), related contracts executed by the Commonwealth, and/or descriptions of any deliverables specified for supply;*
- 4. Any amendments to said contracts, or variations to deliverables agreed subsequent to the contracts' execution; and*
- 5. Invoices received by the Commonwealth pertaining to the documents requested above.*

On 10 May 2013 you revised the scope of your request to the following:

- The names of companies who executed contracts with the Commonwealth pertaining to Category 1.*
- The three documents responsive to category 2.*
- The names of the software developers responsive to category 3.*
- None of category 4.*
- All of category 5.*

I note that in your email dated 10 May 2013, you contend that the 'public interest is served in waiving' the processing charges associated with this request.

In applying s 29(5)(b) of the FOI Act it is necessary to identify the 'general public interest' or the 'substantial section of the public' that would benefit from disclosure of documents. In addition to there being a benefit to the Applicant, for the purposes of s 29(5)(b) there also needs to be a benefit flowing to the public more generally. To enable the Department to fully consider whether a reduction or waiver of charges is appropriate, it would be beneficial if you could provide detail to support your request for a waiver of charges.

Pending receipt of such further information, the authorised decision-maker has decided that you are liable to pay a charge in respect of the processing of your revised request in accordance with subsection 29(1) of the FOI Act.

An assessment of the work involved in processing your request has been undertaken and the preliminary estimate of the applicable charge is as follows:

Search and Retrieval Time	5.23 hours @ \$15.00 per hour	\$78.50
Decision Making Time (*)	17.47 hours @ \$20.00 per hour	\$349.32
TOTAL		\$427.82

The estimate is based on the 13 documents (76 pages) relevant to your request that the Department has located. In accordance with the *Freedom of Information (Fees and Charges) Regulations*, you have not been charged for the first five hours of decision making time*.

As the charge exceeds \$100.00, a deposit of 25% (**\$106.96**) is sought.

Within 30 days of this notice (ie. by 14 June 2013) you are required to either:

- agree to pay the charge and forward the deposit; or
- contend that the charge has been wrongly assessed, or should be reduced or not imposed (you should provide full reasons for your contention); or
- narrow the scope of your request (which may reduce the charge payable); or
- withdraw your request.

If you fail to notify the Department in a manner mentioned above within 30 days of this notice, your request will be taken to have been withdrawn.

If you contend that the estimated charge has been wrongly assessed, or should be reduced or not imposed, you must notify the Department of your contention, providing reasons, and evidence where relevant, to support your submission. In deciding whether to reduce or not to impose a charge, the decision-maker will consider all relevant factors, including:

- whether the payment of the charge, or a part of it, would cause you financial hardship; and
- whether the giving of access is in the general public interest.

Please note that if you choose to contend that the charge has been wrongly assessed or should be reduced or not imposed, this is not a request for internal review. You will be advised of your review rights under sections 53A and 54 of the FOI Act following consideration of your contentions.

Once the Department has completed the processing of your request, the assessment of the charge payable will be revised based on the actual amount of work involved in processing your request. If you are refused access to any of the documents that are relevant to your request, the Department may not impose an actual charge that is higher than the estimated charge. It is only if you are granted access to all the documents that are relevant to your request that the actual charge that is imposed may be higher than the estimated charge.

If you agree to pay the estimated charge set out above, or the deposit for that charge, your cheque should be made payable to the Department of Broadband, Communications and the Digital Economy and sent to the address shown below. If you require details for an electronic funds transfer, please contact the FOI team.

FOI Officer
Department of Broadband, Communications and the Digital Economy
GPO Box 2154
CANBERRA ACT 2601

Please note that if you forward a deposit and the processing of your request progresses to the point where a decision on access is made, a decision about the imposition of the actual charge will be made at that time. As a result the balance of the actual charge will become a debt due to the Commonwealth which the Department is obliged to pursue in accordance with the *Financial Management and Accountability Act 1997*.

In accordance with section 31 of the FOI Act, the 30-day time limit for processing your request is suspended from the date you receive this notice and resumes on either the day we receive your deposit or, if you decide to contest the charge and the Department decides not to impose a charge, on the day on which you are notified of this, or the day on which you pay a reduced deposit, where the Department decides to reduce the charge and the deposit required.

Consultation with Third Parties

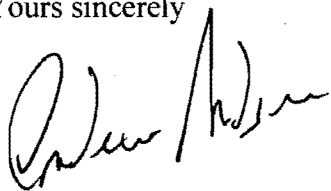
In accordance with section 27 of the FOI Act, it is necessary to consult with third parties concerning the release of documents containing information about their business affairs. While subsection 15(5) of the FOI Act sets a 30-day time limit for a decision on access to documents, subsection 15(6) provides a 30-day extension for the consultation process outlined above and the time limit for processing your request has been extended accordingly.

Information Publication Scheme

Please note that in accordance with section 11C of the FOI Act, where the Department gives access to a document under section 11A of the FOI Act, the Department must publish that information on its website within 10 working days after the day an applicant is given access to the documents. Please see www.oaic.gov.au for more information about the Information Publication Scheme.

If you have any queries, please contact a member of the FOI team on 6271 1741 or by email at foi@dbcde.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Madsen', written in a cursive style.

Andrew Madsen
Assistant Secretary, Governance

15 May 2013