



ASIC

Australian Securities & Investments Commission

28 January 2015

Mr Phillip Sweeney

Via email: foi+request-848-6c4004fb@righttoknow.org.au

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Dear Mr Sweeney,

Freedom of Information Application - Notification of Liability for Processing Charges under Section 29 of the Act

I refer to your request under the Freedom of Information Act 1982 (FOI Act) received by this office on 2 January 2015 in which you sought access to:

... Copies of the first 10 letters or other correspondence between ASIC and Trio Capital Limited (or any subsidiary companies) commencing on 2 October 2009.

In accordance with section 29 of the FOI Act you are liable to pay a charge for the processing of your request. The preliminary assessment of that charge is as follows:

Search and retrieval time*:	16 hours x \$15.00 per hour	=	\$ 240.00
Decision making time**:	3 hours x \$20.00 per hour	=	\$ NIL
Photocopying:	Not applicable (if decision emailed)	=	\$ NIL
Postage:	Not applicable (if decision emailed)	=	\$ NIL
Total:		=	\$ 240.00

* this includes time spent in searching various ASIC databases and files to retrieve the documents described in your request

** The Freedom of Information (Charges) Regulations 1982, as amended on 1 November 2010, provide that the first 5 hours of decision making time is free.

The charge may be paid in full, or you may pay a deposit of 25% of the total charge. In accordance with Regulation 11 of the Freedom of Information (Charges) Regulations 1982 access to the documents will only be provided upon receipt of the total charges due.

This charge assessment is based upon a preliminary assessment of the charges arising in respect to processing the request. In some instances when the processing of the request is complete there may be some variation in the charges payable to those advised in this preliminary assessment. If you pay the full amount advised above prior to the decision about access and the final assessment of the amount of the charge is greater or less than the amount you have paid, you will be entitled to a refund where you have paid too much, or you may be required under certain circumstances to pay an additional amount if the final assessment is more than the amount already paid. It is to be noted that no higher amount than that advised in the preliminary assessment can be imposed if the decision is to refuse your request for access to the document/s sought. A higher amount can be imposed if access is granted wholly or in part

Under the FOI Act you may challenge the above assessment on the basis that it was wrongly assessed, or you may wish to submit that it should be reduced or not imposed. In considering whether the charge should be reduced or not imposed. I am required to take into account whether the imposition of the charge will cause financial hardship and whether, the giving of access to the documents in question is in the general public interest or in the interest of a substantial section of the public. Your submission should address these issues and any other factor you wish to bring to my attention which may assist me in making my decision in this regard.

It is important that within 30 days of receipt of this notice you either:

- (1) pay the charge or deposit; OR
- (2) make a submission to me in writing stating that the charge has been wrongly assessed, or should be reduced, or should not be imposed, and setting out the reasons/grounds for your submission (addressing the issues mentioned above);

OR

- (3) advise me in writing that you wish to withdraw your request.

If I do not receive the required deposit or payment for the total charge, or a submission from you within 30 days of receipt of this notice your request will be regarded as withdrawn.

As I have advised you, an application must be processed, as a general rule, within 30 days. Please note however that in accordance with section 31 of the FOI Act the time for processing your request is suspended from the day you receive this notice, assumed to be the second day of business after the notice was posted, and will resume when any of the following occurs:

- (a) on the day after you pay the charge specified above (or part thereof by way of deposit); OR
- (b) on the day after you pay the revised amount (either in full or in part by way of deposit) where ASIC has decided to vary the amount imposed; OR
- (c) on the day after ASIC decides not to impose the charge.

Should you have any questions concerning the charges for processing your application, including the waiver of charges, please contact by email on david.freyne@asic.gov.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'D. Freyne', with a long horizontal flourish extending to the right.

David Freyne
(Authorised Decision-maker under section 23(1) of the FOI Act)
for the Australian Securities and Investments Commission