Australian Government
Department of Defence
Defence Support and Reform Group

Ministerial and Information
Management Branch
Department of Defence

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FOI@defence.gov.au

Our reference: FOI 231/14/15

Mr Les Stockley

By email: foi+request-890-5a6fdaxx@xxxxxxxxxxx.xxx.xx

Dear Mr Stockley

NOTICE OF PRELIMINARY ASSESSMENT OF CHARGES

1. I refer to your email, dated 1 December 2015, which we received on 2 December 2015, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

> *"…a copy of the charge summary for the assault committed by the then Cpl Jacqui Lambie, now senator of Australia."*

Liability to pay charges

2. In accordance with section 29 of the FOI Act, I decided that you are liable to pay a charge for processing your request and for giving access to any documents that may be released to you.

3. The decision that you are liable to pay a charge does not mean that you are required to pay now. You will only have to pay if, after consideration of your response to this letter, the decision is made to impose a charge. We will inform you when such a decision has been made and will let you know about your rights to seek review of the decision. You may, at any stage before a charge is imposed, withdraw your request. You would then not be legally required to pay the charge.

Preliminary assessment of charges schedule

4. Your request was referred to the relevant area in Defence for an estimate to be made of the work that would be involved in processing it. An estimate was also obtained of the number of pages of documents that, if disclosed, would attract a copying charge. The purpose of obtaining these estimates is to allow a preliminary assessment to be made of the charge that, if imposed, your request would attract. The preliminary assessment of the charge is as follows:

Search and retrieval time:	15 minutes @ $15 per hour	$	3.75
Decision-making time:	2 hours & 30 minutes @ $20 per hour	$	50.00
Copying of documents:	2 pages @ 10 cents per page	$	0.20
GST (Exempt):			Nil
Sub total:		**$**	**53.95**
Less	2 hours & 30 minutes of free decision making time	$	50.00
Total		**$**	**3.95**
Deposit required		**Not required**	

5. (The rates of charges are set by the Freedom of Information Charges Regulations.)

Basis on which charges are estimated

6. The basis of the estimates on which this preliminary assessment was made is as follows:

Search and retrieval time: The area that would be responsible for processing your request advised that it took approximately 15 minutes to locate the requested document.

Decision-making time:

a. 20 minutes to examine the 2 page document that falls within the terms of your request;

b. one hour for consulting with bodies outside Defence in the decision-making process;

c. 10 minutes to make copies with exempt or irrelevant matter deleted; and

d. one hour in preparing notices of decision.

This estimate has been adjusted to take into account the free decision-making time allowed under the FOI charges regulations.

Copying of documents: Photocopying of documents that are disclosed is charged at 10 cents per A4 page. [Please note that, although an estimate has been made of the cost of providing photocopies of documents in response to your request, no decision to release any document has been made. This letter should not be taken to mean that your request for access to documents will be granted.]

Response to this notice

7. You now have the opportunity to decide whether or not you wish to proceed with your request. Section 29 of the FOI Act requires that, within 30 days of receipt of this letter, you must let the Department know whether you wish to:

a. withdraw your request (you will not be required to pay any charges); or

b. agree to pay, in anticipation of its imposition, the charges as set out above in the preliminary assessment of charges schedule; or

c. contend that the charge has been wrongly assessed, or should be reduced or not imposed (you should give your full reasons for doing so); or

d. reduce the scope of your request. Defence will offer you one opportunity to consult our office to reduce the scope of your request and revise the above preliminary assessment of charges. Upon receipt of the revised preliminary assessment of charges you will be required to choose from options 6 a; b; or c above).

8. If you need more time to respond, please contact this office.

9. If you do not respond to this letter within 30 days of receiving it (or by a later deadline if we give you an extension), we will take it that you have withdrawn your request. The 30-day time limit for processing your request is suspended from the day that you receive this letter and resumes either:

a. on the day you agree to pay the charge (if no deposit is required);

b. the day Defence receives a receipt of payment for the deposit; or

c. the day on which Defence makes a decision not to impose a charge.

Right to challenge assessment of charges

10. You may wish to contend that the charge for your request has been wrongly assessed, or should be reduced or not imposed, as indicated above. The decision maker, when deciding whether or not to reduce or impose a charge, will consider all relevant reasons, including the following reasons:

a. whether payment of the charge, or part of it, would cause you financial hardship; and

b. whether the giving of access to the documents requested is in the general public interest or in the interest of a substantial section of the public.

Adjustment of charges after request processed

11. After processing your request has been completed, the charge payable may be adjusted to reflect the actual processing time and the final number of pages of documents, if any, that are disclosed. However, the amount payable can only be more than the preliminary assessment if the decision is to release all of the documents requested in full.

No deposit required

12. As the estimated charge for your request is minimal you are not required to pay a deposit. However, you must advise our office within 30 days that you agree to pay the charge estimated, as indicated above in the preliminary assessment of charges schedule. Please also note there may be an adjustment of the charge, upon completion of your request, as indicated above.

FOI Disclosure log

13. In accordance with the requirements of section 11C of the FOI Act, Defence is required to publish, on its website, information released under the FOI Act within 10 working days of the applicant being given access to documents. Defence will also publish the decision notice, with personal and business information deleted. The information published does not include personal information or the business, commercial, financial or professional affairs of any person if publication of that information would be unreasonable. Other information not published also includes that which the Australian Information Commissioner determines is unreasonable to publish.

Further information

14. The Office of the Australian Information Commissioner has compiled a Fact Sheet on FOI charges, which is available at: http://www.oaic.gov.au/freedom-of-information/foi-resources/freedom-of-information-fact-sheets/foi-fact-sheet-7-freedom-of-information-charges

15. Please contact me if you have any questions about this matter.

Yours sincerely

Theresa Stinson
Assistant Director – Media Case Management
Freedom of Information

6 February 2015