



17 June 2022

Bee Mate

BY EMAIL: foi+request-8974-281f3964@righttoknow.org.au

In reply please quote:

FOI Request: FA 22/06/00175

File Number: OBJ2022/13848

Dear Bee,

I refer to your request dated 01 June 2022 in which you have sought access to documents held by the Department of Home Affairs (the Department) under the *Freedom of Information Act 1982* (the FOI Act).

You have requested access to:

- 1) *Number of yearly Notices of Intention to Consider Cancellations issued under section 109 of the Migration Act 1958 since 2017*
- 2) *Number of yearly cancellations under section 109 of the Migration Act 1958 since 2017.*

This letter is to notify you that a preliminary assessment indicates that you are liable to pay a charge for the processing of this request.

As provided under section 29 of the FOI Act and the *Freedom of Information (Charges) Regulations 1982* (the Regulations), my preliminary assessment of the amount you are liable to pay is **\$30.00**

Preliminary assessment of charges

Under section 17 of the FOI Act, the Department has used its computer system to produce one document that contains information relevant to the terms of your request.

I have assessed the work the Department would need to do to process your request, taking into account time spent by the relevant area to conduct the search and retrieval of documents and produce the document, and have calculated the following breakdown of charges.

Search and Retrieval – 1 Hour @ \$15 per hour	\$ 30.00
Decision Making – 1 hour (first 5 hours free of charge)	\$ 0.00
Total	\$ 30.00
Deposit payable	\$20.00

Details of the Charge

It has taken 2 hours to search for, retrieve and produce the document which falls within the scope of your request. The one document consisting of one page will require a decision to be made on access and it is estimated that this will take 1 hour. The one document will require a decision to be made on access, and it is estimated that this will take 1 hour (noting that the first 5 hours are free of charge).

As the charge exceeds \$25.00, a deposit of \$20 will be sought if the charge is imposed. Please note that by paying the deposit you are deemed to have accepted the charge and will be liable for the full amount once a decision has been made on the documents.

Timeframe for your response and next steps

The FOI Act provides you with 30 days to respond, in writing, to this notice, which is **Saturday, 16 July 2022**. However, as this date falls on a non-working day, section 36(2) of the Acts Interpretation Act 1901 provides that the latest date you may respond is the next working day, which is Monday 18 July 2022.

By this date you **must** do one of the following:

- 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
- you may withdraw your request.

Once you have paid, please advise the FOI Section at foi@homeaffairs.gov.au immediately to avoid delays in the processing of your request.

Please note that if you do not provide a written response within the **30 day timeframe** your request will be taken to have been withdrawn (by you) under section 29(2) of the Act.

Contesting Charges

If you seek to contend the assessment of charges the Department may make a decision on whether a charge should be reduced or not imposed and **must** take into account:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the documents is in the general public interest or in the interest of a substantial section of the public

This is not an exhaustive list and the Department may consider any other relevant matters. Please set out your reasons and evidence in support of your reasons as clearly as possible. If you believe that payment of the charge would cause you financial hardship, please provide sufficient details of your financial circumstances to enable the decision maker to make a well informed decision.

Payment

To indicate your agreement to pay the charge you are required to pay the deposit, or pay the charge in full.

The Department has a number of payment options available, including an online payment facility for credit/debit cards; automated telephone payment system and BPay. You may also pay the charge by cheque or money order.

Electronic funds transfer/credit card payment

If you wish to pay the charges using a credit card, the online payment facility, telephone payment system or BPay, please advise the FOI Section, and a tax invoice will be provided to you which will include full details of how the payment can be made.

Payment by cheque/money order

If you wish to pay by cheque or money order, please make the cheque/money order payable to '*Collector of Public Monies Home Affairs*'; and send via post to:

Freedom of Information Section
Department of Home Affairs
PO Box 25 Belconnen ACT 2616

If the Department fails to make a decision on your request within the statutory time limit, the payment will be refunded.

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 pay the charge in full or the required deposit; or
- the day on which this agency makes a decision not to impose a charge.

Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Series/C2004A02562>. If you are unable to access the legislation through this website, please contact our office for a copy.

Contact

If you have any enquiries concerning this matter, please contact the FOI Section at foi@homeaffairs.gov.au.

Yours sincerely

Signed electronically

Joanne
Position Number: 60100057
Authorised Decision Maker
Department of Home Affairs