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**FREEDOM OF INFORMATION ACT 1982**

**Request by: FOI/2223/005 – BE (Right to Know)**

**Notice of Estimate of Charges**

**Email:** foi+request-9327-c73e9fbd@righttoknow.org.au

Dear BE,

**Freedom of information request - FOI/2223/005**

1. I refer to your request dated 30 August 2022 to the National Indigenous Australians Agency (NIAA) under the *Freedom of Information Act 1982* (FOI Act) for access to the following documents:

**Scope**

*'I seek documents relating to the meeting and press conference attended by the Prime Minister, Minister Burney and Shaq O'Neal and press conference held on 27 August 2022 (Press Conference - Sydney | Prime Minister of Australia (pm.gov.au)).*

*In particular I seek all communication (including emails, messages, advice, briefings, talking points etc) between the NIAA and the Department of Prime Minister and Cabinet; the Prime Minister's Office or Minister Burney's Office in relation to the meeting or the press conference.'*

2. On 7 September 2022, the NIAA wrote to you for clarification on the date range of the documents you seek access to under the FOI Act. A response was requested by 9 September 2022, however, the NIAA has not received a reply from you in this regard.
3. I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.
4. 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. My preliminary assessment of the charge you are liable to pay is **\$15.00**.
5. The reasons for my decision are set out below and at **Annexure A**.

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

6. In accordance with section 29 the FOI Act and the *Freedom of Information (Charges) Regulations 2019* (Charges Regulations), a charge can be imposed in respect of a request for access to documents under the FOI Act. The charge is for the search and retrieval of documents, decision making and provision of access to documents. Payment of the charge does not guarantee access to the requested documents.

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7. I have assessed the work the NIAA would need to do to process your request and have calculated the breakdown of charges set out at **Annexure A**.
8. My assessment has been made with reference to the following:
- the hours taken to search for, and retrieve, documents relevant to the request (section 29 the FOI Act)
  - the number of documents and pages relevant to the request
  - the hours estimated to make a decision about each document (less the first five hours of decision-making time, which are free of charge), and
  - any charge for providing access to the document, other than by personal inspection.

### **Payment of Estimate of Charges**

9. As the estimate of charges does not exceed \$25, you are required to pay the charge in full.
10. The charge 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.

### **Final charges**

11. 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.
12. If the final amount of the charge is lower than the estimated amount, I must adjust my preliminary assessment to the lower amount.
13. However, if the final amount of the charge is higher than the estimated amount, I may adjust my preliminary assessment to the higher amount.

### **The time you have to respond and what you need to do**

14. You have 30 days to respond to this notice in writing.
15. You may choose to:
- pay the full charge amount, and notify the FOI Coordinator in writing,
  - contend the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons, or
  - withdraw your request.
16. Please send your response to [foi@niaa.gov.au](mailto:foi@niaa.gov.au).

### **Option 1: Pay the full charge**

17. Payment can be made by electronic funds transfer to:

Account Name: **NIAA Official Departmental Account**

BSB: **092-009**

Account: **14737-5**

Reference: **FOI/2223/005**

18. When paying the charge you must:

- reference FOI/2223/005 and
- notify the FOI Coordinator at [foi@niaa.gov.au](mailto:foi@niaa.gov.au).

19. Failure to notify the FOI Coordinator of payment may result in delays to the processing of your FOI request.

20. If you agree to pay the charge in respect of the request, the charge must be paid in full before access to the documents can be given (see section 11 of the *Freedom of Information Charges Regulations 2019*).

### **Option 2: Your right to contend the charge**

21. 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.

22. 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
- any other relevant matter.

23. If you decide to do so, please set out the reasons why you believe that I should reduce or waive the proposed charge.

24. Should you seek a reduction or waiver of 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 a pension or income support payment, or evidence of income, debts or assets).

### **Option 3: Withdraw your request**

25. You may notify the NIAA in writing if you wish to withdraw your request.

26. Alternatively, 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.

### **Timeframe for dealing with your request**

27. In accordance with section 31 of the FOI Act, the period for processing your request stops from the date you receive this notice until:

- the day you pay the full charge,



- if the amount of the charge is changed following review under the FOI Act, the day you pay the revised charge, or
- if a decision is made not to impose a charge following review under the FOI Act, the day you are notified of the decision.

28. If you agree to pay the charge, the timeframe for processing your request will resume once payment is received and the NIAA must provide you with the decision by the due date (including any extensions of time). However, the NIAA is not obliged to provide the relevant documents (if any are released) until the full charge has been paid.

#### Questions about this notice

29. 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/>.

30. If you have any questions or would like to discuss this notice with us, please contact the FOI Coordinator:

Email: [foi@niaa.gov.au](mailto:foi@niaa.gov.au)

Post: Freedom of Information Coordinator  
National Indigenous Australians Agency  
GPO Box 2191  
Canberra ACT 2601

Kind regards,

Simon Gordon  
Constitutional Recognition Branch  
Empowerment and Recognition Group

16 September 2022

## Annexure A – Notice of Estimate of Charges – FOI/2223/005

Document estimate	
Number of relevant documents	5
Number of pages	5

PROCESSING CHARGES		
Search and retrieval		
Task	Time	Cost @ \$15/hr
Search and retrieval of relevant electronic and physical files	1hrs	\$15.00
Search and retrieval of relevant pages in file	-	0
<b><i>Search and retrieval subtotal (A)</i></b>	<b><i>1hrs</i></b>	<b><i>\$15.00</i></b>
Decision making		
Task	Time	Cost @ \$20/hr
Examination of documents	0.16	\$3.20
Consultation with third parties	2	\$40.00
Preparation of documents for release	0.15	\$3.00
Preparation of notice of access decision	1	\$20.00
<b><i>Decision making subtotal (before deduction of 5 free hours)</i></b>	<b><i>3.31</i></b>	<b><i>\$66.20</i></b>
<b><i>Decision making subtotal (after deduction of 5 free hours) (B)</i></b>	<b><i>0</i></b>	<b><i>\$0</i></b>

ESTIMATED TOTALS AND DEPOSIT	
<b><i>ESTIMATED TOTAL</i></b>	<b><i>\$15.00</i></b>
<b><i>REQUIRED DEPOSIT (100 per cent (%))</i></b>	<b><i>\$15.00</i></b>