



**Australian Government**  
**Department of Immigration and Border Protection**

30 March 2015

FOI Request FA 15/03/00340  
 File Number ADF2015/8731

Copy sent by email to: [foi+request-996-d71e58ab@righttoknow.org.au](mailto:foi+request-996-d71e58ab@righttoknow.org.au)

Dear Mr Palmer

**Freedom of Information – notice that applicant is liable to pay a charge (s.29(1))**

This letter refers to your request received on Wednesday, 4 March 2015 seeking access under the *Freedom of Information Act 1982* (the Act) to the following documents:

*The document I seek is a Memorandum of Understanding (MOU) between NSW Police, the Australian Federal Police and DIBP.*

I am writing to advise you of my decision that you are liable to pay a charge for processing this request. I am an officer authorised under s.23(1) of the Act to make decisions in relation to FOI requests, including the decision to impose a charge.

As provided under s.29 of the Act and the *Freedom of Information (Charges) Regulations 1982* (the Regulations), I have undertaken a preliminary assessment of the amount of charges you are liable to pay and have assessed that to be **\$76.79**.

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

I have assessed the work the department would need to do to process your request and have calculated the following breakdown of charges.

Document estimate

The document within the scope of your request is a Memorandum of Understanding.

Number of relevant documents: 1 document  
 Number of relevant pages: 28 pages

Processing charges

<b>Search and retrieval</b>		
<b>Task</b>	<b>Time (hours)</b>	<b>Cost @ \$15/hr</b>
Search and retrieval of relevant electronic and registry files	0.17	\$2.50
Search and retrieval of relevant pages in file	0.75	\$11.25
Preparation of schedule of documents	0.05	\$0.75
Search and retrieval subtotal	0.97	\$14.50

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<b>Decision making</b>		
<b>Task</b>	<b>Time (hours)</b>	<b>Cost @ \$20/hr</b>
Examination of documents	2.33	\$46.67
Preparation of documents for release	0.33	\$6.67
Consultation with third parties	2.00	\$40.00
Preparation of notice of access decision	3.45	\$68.96
Decision making subtotal (before deduction of 5 free hours)	8.11	\$162.29
Decision making subtotal (after deduction of 5 free hours)	3.11	\$62.29

<b>Estimated totals and deposit</b>	
Estimated total	<b>\$76.79</b>
Deposit required	<b>\$20.00</b>

The cost associated with the task of consultation with third parties is significant because the documents within the scope of your request require formal consultation with a third party.

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

The Act provides you with 30 days to respond, in writing, to this notice, which is Wednesday, 29 April 2015.

Therefore, by Wednesday, 29 April 2015, you must do one of the following things:

- 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
- withdraw your request.

In deciding whether a charge should be reduced or not imposed, s.29(5) of the Act requires me to take into account:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the document is in the general public interest or in the interest of a substantial section of the public
- any other relevant matter.

Please note that if you do not provide a written response by Wednesday, 29 April 2015 your request will be taken to have been withdrawn (by you) under s.29(2) of the Act.

### **Payment**

As the charge exceeds \$25, you will be required to pay a deposit of \$20 if the charge is imposed.

The deposit will be refunded if the department fails to make a decision on your request within the statutory time limit. The deposit can be paid by cheque, money order, credit card or Electronic Funds Transfer (EFT).

Cheques and money orders should be made payable to "Collector of Public Monies DIBP" and sent to:

Freedom of Information Section  
 Department of Immigration & Border Protection  
 PO Box 25  
 BELCONNEN ACT 2616

If you wish to pay by credit card, please fill out the attached credit card authorisation form and forward to Freedom of Information Section at the above address, or email to [foi@immi.gov.au](mailto:foi@immi.gov.au).

If you wish to pay by Electronic Funds Transfer (EFT) the department's bank account details are as follows:

Bank: CBA  
 BSB: 062987  
 Account Number: 10016044  
 Account Name: DIBP Official Administered Direct Credit Receipts Account

When making the transfer you will need to quote the number of your request - **FA 15/03/00340** - so that your payment can be identified by our Finance area. Failure to do so may result in payments not being identified as FOI related and could result in processing delays.

Please advise FOI when you have made the payment made by direct credit so that we can contact the Finance area and they can issue a receipt. You should also be aware that payments by direct credit are not processed in real time. There is at least a one day delay between somebody paying money into the department's account and notification of the payment via our bank account statement.

### **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 indicate that you 'agree' to pay the charge or
- the day on which this agency makes a decision not to impose a charge.

You may indicate your agreement to pay the charge by either paying the deposit or paying the charge in full.

### **Contacting the FOI Section**

If you wish to discuss this matter, I can be contacted using the details provided below.

Yours sincerely



Elizabeth Morrison  
 Authorised decision maker  
 Freedom of Information Section  
 Department of Immigration and Border Protection  
 Email [foi@immi.gov.au](mailto:foi@immi.gov.au)