



23 Marcus Clarke Street  
Canberra ACT 2601

GPO Box 3131  
Canberra ACT 2601

Our ref: PRJ1007643  
Contact officer: FOI Team  
Contact phone: 02 6243 1244

tel: (02) 6243 1111  
fax: (02) 6243 1199

6 November 2024

[www.accc.gov.au](http://www.accc.gov.au)

CR

**Sent via email to: [foi+request-12113-09ba5bf2@righttoknow.org.au](mailto:foi+request-12113-09ba5bf2@righttoknow.org.au)**

Dear CR

### **Charges for processing your freedom of information request**

I refer to your email dated 1 November 2024 in which you revised your request for access, under the *Freedom of Information Act 1982* (Cth), to:

*'1. The most recent 30 notices of charges issued to FOI applicants.*

*For each of these 30 requests, if applicable, please also provide:*

*2. Any subsequent decisions regarding charges following applicant contention.*

*3. Any subsequent decisions regarding charges following internal or external review.*

***Please exclude the following information:***

*i) Personal information of FOI applicants, including supporting evidence or details of personal circumstances in a financial hardship contention.*

*ii) Emails that attached the charges notices/decision letters.*

*iii) Personal information of third parties and commonwealth staff below SES.*

*iv) Duplicate documents.*

*v) Details of third parties.*

*vi) Business information about third parties.*

*vii) an applicant's charges contention reasons'*

In accordance with s.29 of the Act, I have decided that you are liable to pay a charge in respect of the processing of your request. My preliminary assessment of that charge is **\$129.86** (AUD).

*Please note that this charge is for the processing of your FOI request. Unless waived or otherwise not imposed, charges imposed are payable irrespective of whether the documents are released.*

## What you are required to do

Within 30 days of receipt of this notice, you are required to do one of the following or your request will be taken to be withdrawn:

- (a) agree to pay the charge and forward the deposit; or
- (b) contend that the charge -
  - (i) has been wrongly assessed, or
  - (ii) should be reduced, or
  - (iii) should not be imposed, or both; or
- (c) withdraw your request.

### Option 1: Agree to pay the charge and pay the deposit

**You must notify us of your agreement to pay the charge in respect of the processing your request.** You can notify us by email ([foi@accg.gov.au](mailto:foi@accg.gov.au)). Please also advise the method by which you will make payment and when you have made payment.

As the charge exceeds \$25, a deposit of 25 percent of the estimate is required in order for your request to proceed. If you agree to pay the charge as assessed above, you should forward the deposit of **\$32.47** (AUD).

You can pay the deposit online or electronically.

To pay online, please go to [www.accg.gov.au/payments](http://www.accg.gov.au/payments). In the payment type please select **Freedom of Information request**. In the payment description please include **FOI – 1007643**

To pay electronically, please use the following information:

Account Name: ACCC Official Departmental  
BSB: 032 730  
Account: 146593  
Reference: **FOI – 1007643**

### Option 2: Ask us to reduce or not impose the charge

You may request that we reduce or not impose the charge, but you will need to provide information to support that claim. Usually we will only reduce or not impose a charge on financial hardship or public interest grounds. We are also able to take into account other matters if they are relevant.

#### *Financial Hardship*

If you would like the ACCC to consider a waiver/reduction based on financial hardship, please provide further details of your financial situation, such as:

- your income, debts and assets (an estimate is sufficient and you do not need to provide copies of supporting documentation)
- any other supporting information about your financial situation.

## **Public Interest**

If you consider reducing or waiving the charges would be in the public interest, you will need to make clear submissions as to:

- why you believe the release of the material is in the public interest
- how the information would come to the attention of the public
- how the information would inform public debate on the subject

You should also advise whether there is any commercial benefit to you associated with the release of the documents.

Payment of the deposit is not required if you choose this option, but you may do so if you wish for us to keep processing your request while we consider the issue of charges. Any deposit paid will be refunded if we decide not to impose the charge.

### **Option 3: Contend that the charges have been wrongly assessed**

If you believe the charges have been wrongly assessed you need to tell us now and explain the basis for your belief.

Payment of the deposit is not required if you choose this option, but you may do so if you wish for us to keep processing your request while we consider your contentions. Any deposit paid will be refunded if we decide not to impose the charge.

### **Option 4: Withdraw your request**

Please notify us if you wish to withdraw your request.

## **Calculation of charges**

We calculated the estimate of the charge as required in the *Freedom of Information (Charges) Regulations 2019*. You can only be required to pay a higher charge if more work is involved than we anticipated and we give full access to all of the documents sought. If the final charge is less than the estimate, you will only have to pay the lesser amount. **Please note you will have to pay the balance of the charge regardless of the decision made in relation to the documents.**

The above estimate includes approximately 3 hours finding the documents covered by your request. It also includes approximately 9 hours examining the documents and making a decision. There are approximately 38 documents within the scope of your request.

## **Timeframes**

Under s.31 of the Act, the statutory timeframe for processing your request is on hold until there is an agreed outcome on any charges. This means that the 30 day limit for processing your request is on hold from the day that you receive this notice and begins again on either:

- the day you pay the deposit sought; or
- if applicable, the day on which the ACCC makes a decision not to impose a charge.

Yours sincerely

A handwritten signature in black ink, appearing to read "Sonya Petreski". The signature is written in a cursive style with a large initial "S".

Sonya Petreski

FOI Team  
Specialist Advice and Services Division

Sent by email 6/11/2024

## Attachment

### Information on rights of review of cost estimate

#### Contention of Estimate

This cost estimate is only a preliminary assessment of expected charges at this time. Please note that the Australian Competition and Consumer Commission (ACCC) will only charge you for the time actually spent processing your application. This estimate works as a cap of these charges.

If you do not agree with the cost estimate provided to you, please contact the ACCC within 30 days of receipt of this letter. You may claim that we have wrongly assessed the charge, or that we should reduce or not impose the charge (i.e. waiver of charge due to financial hardship or public interest in access). You will need to provide information to support your claim.

Please send correspondence to the FOI Team by either:

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

**Post:** GPO Box 3131, Canberra ACT 2601

#### Complaint to the Information Commissioner

You may complain to the Information Commissioner regarding the ACCC's actions in connection with the cost estimate prepared in relation to your FOI request. The Information Commissioner will consider your complaint and, if appropriate, conduct an investigation. Any investigation will be completely independent.

#### Is there a charge?

There is no charge payable for making a complaint to the IC.

#### Lodging an IC complaint

You must lodge your complaint in writing and give a clear and brief description of each issue you're complaining about and what outcome you'd like.

You can lodge a complaint in one of the following ways:

**Online:** <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint>

**Post:** GPO Box 5218, Sydney NSW 2001

**Fax:** +61 2 9284 9666

**Email:** [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)