



Australian Government
**Department of Industry,
Science and Resources**

Our ref: LEX 75895

CR

By email: foi+request-12120-47cd52e5@righttoknow.org.au

Dear CR

Freedom of Information Act 1982 – Notice of charges and consultation

I refer to your 1 October 2024 request, to the Department of Industry, Science and Resources (the department), to seek access under the *Freedom of Information Act 1982* (the FOI Act) 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.*

The time period for my request is from 1 July 2022 to 1 October 2024.

Notice of Liability to Pay a Charge

I am an authorised decision maker under section 23 of the FOI Act.

In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge in respect of the processing of your request, being \$428.83.

Estimate of charge

My preliminary assessment of that charge is based on approximately 45 documents (consisting of 211 pages) falling within the scope of your request and at least four third parties who will need to be consulted under section 27 of the FOI Act. I have also taken into account the fact that the first five hours of decision-making time are free to all applicants requesting documents other than their own personal information.

Search and Retrieval – 6.50 hours	\$	97.50
Decision making time – 21.57 hours	\$	431.33
Total	\$	528.83
First 5 hours free	\$	-100.00
Final amount	\$	428.83
Deposit	\$	107.21

Payment of the charge will mean that the department will continue to process and make a decision on your request. It does not, however, guarantee that a decision to release documents will be made.

If you pay a deposit and the FOI decision maker decides to grant access to documents (either in full or with deletions), you will be required to pay the balance of the charge before copies of those documents will be provided to you. Payment will only entitle you to a decision.

Processing your FOI request

Please note that the department will not make a decision in respect of your request until charges are paid to, or remitted by, this department, whether in the form of a deposit or payment in full. In accordance with section 31 of the FOI Act, the time limit for processing your request is suspended from the day you receive this notice and will resume on either the day the charge or deposit is paid, or on the day on which the department makes a decision not to impose a charge.

Your rights and alternatives

You may contend that the charge has been wrongfully assessed, should be reduced or waived. In deciding whether to reduce or waive a charge the decision maker must, among other things, take into account whether payment of the charge, or part of it, would cause you financial hardship and whether the giving of access to the documents is in the general public interest.

If you would like the department to continue processing your request, you must notify the department in writing within 30 days of receiving this notice that you:

- A. agree to pay the charge;
- B. wish to contend that the charge:
 - (i) has been wrongly assessed; or
 - (ii) should be reduced or waived; or
 - (iii) both
- C. withdraw the request for access.

Further information on options A, B and C is set out below.

Option A – pay the charge

As the charge exceeds \$100, you are required to pay a deposit of \$107.21 which is 25% of the total amount, within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point.

Payment

If you accept liability for the estimated charge for your request, payment can be made via one of the following three options:

- **Cheque:**

Please make the cheque payable to the Collector of Public Monies and mark it attention to:

The FOI team
Department of Industry, Science and Resources
GPO Box 2013
CANBERRA ACT 2601

- **Credit card:**

The department accepts visa or master card. If you would like to pay by credit card please complete the enclosed credit card payment request form, return a scanned copy to the CPM@industry.gov.au and copy the FOI team in your email at FOI@industry.gov.au.

- **Electronic Funds Transfer:**

The department also accepts EFT payments. Please see bank details below:

Bank Name:	Reserve Bank of Australia
Bank Address:	20-22 London Circuit Canberra ACT Australia
Account Name:	Department of Industry, Science and Resources
BSB No:	092-009
Account No:	118689

Please include reference to FOI LEX 75930 in all forms of payment and notify the FOI team at FOI@industry.gov.au once payment has been made. Failure to include your reference number and notify the FOI team of payment will result in delays of the processing of your FOI request.

Option B – seek reduction or non-imposition of the charge

You may contend that the charge has been wrongly assessed or should be reduced or waived.

Subsection 29(5) of the FOI Act provides that in deciding whether to reduce or not to impose a charge, the decision maker must take into account any relevant reasons. This includes whether payment of the charge, or part of it, would cause you/your client financial hardship, and whether the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public.

If you wish to contend that the charge has been wrongly assessed or should be reduced or not waived, please set out your reasons and the evidence in support of your reasons as clearly as possible. If you believe that payment of the charge would cause you/your client financial hardship, please provide sufficient details of your / your client's financial circumstances to enable the decision maker to make a well-informed decision in this regard.

Option C – withdraw your request

If you wish to withdraw your request you may do so in writing.

If you fail to notify the department in a manner mentioned above within 30 days of receipt of this notice it will be taken that the request has been withdrawn.

Should you have any queries in relation to this matter please contact the FOI team on by e-mail at FOI@industry.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sasha Pesic', with a vertical line extending upwards from the start of the signature.

Sasha Pesic
Senior FOI Officer
Legal Branch
17 October 2024