

31 December 2024

Mr Tim Ballard

By email: foi+request-12447-3a2ca73d@righttoknow.org.au

Dear Mr Ballard

ABC FOI 202425-076 – Notice applicant is liable to pay a charge (s 29)

I refer to your email sent Tuesday 3 December 2024 seeking access under the *Freedom of Information Act 1982* (the **FOI Act**) to:

... any documents created as a result of, or in relation to, any investigation done by the ABC into the JJJ Breakfast Show with Tom and Alex segment that made jokes about the holocaust and was aired sometime in the week beginning August 6, 2012.

I am writing to advise you of my decision that you are liable to pay a charge for the processing of your request.

Authorisation

I am authorised by the Managing Director of the ABC to make decisions about FOI requests under s 23 of the FOI Act.

In accordance with s 29 of the FOI Act, and the *Freedom of Information Charges Regulations* (Cth) 1982, my preliminary assessment of the charge is **\$240**.

Basis for preliminary assessment of the charge

I have assessed that work the various areas of the ABC need to do to process your request and have calculated this breakdown of estimated charges:

Search and retrieval	Time (hours)	Total cost (\$15 per hour)
Task		
Search & retrieval of electronic files	5	\$ 75
Search & retrieval of relevant pages in documents located	3	\$ 45
Total A	8	\$120

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Decision making	Time (hours)	Total cost (\$20 per hour)
Task		
Examination of documents	7	\$140
Consultation	1	\$ 20
Preparation of decision	3	\$ 60
<i>Minus free 5 hours</i>	<i>-(5 hours)</i>	<i>-\$100</i>
Total B	6	\$120

Estimated total cost and deposit		
Estimate total (A + B)	\$120 + 120	\$240
Estimated deposit 25%	25% of \$240	\$ 60

Your right to contend the charge

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.

In deciding whether a charge should be reduced or not imposed, the decision maker in must take into account:

- whether payment of all or part of the charge 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.

Responding to this Notice

You have 30 days to respond in writing to either:

- agree to pay the charge (meaning you will not be entitled to access the documents, if applicable, until the full charge is paid)
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons

- withdraw your request.

Response due date: **Thursday 30 January 2025**.

Please reply to ABC FOI team at: foi.abc@abc.net.au

If you decide to pay the charge, the invoice will be provided to you from week commencing 6 January 2025 when the Finance team returns from the ABC's annual shutdown period.

If you do not provide a written response by **Thursday 30 January 2025** your request will be taken to have been withdrawn and the file will be closed.

The period for processing your request resumes on either 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.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ali Edwards', is positioned above the typed name.

Ali Edwards
Head of Rights Management & FOI Decision Maker
foi.abc@abc.net.au