



23 Marcus Clarke Street  
Canberra ACT 2601

GPO Box 3131  
Canberra ACT 2601

Our ref: PRJ1004937  
Contact officer: FOI Team  
Contact phone: 02 6243 1244

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

9 April 2021

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

**Sent via email to: [foi+request-7189-a87d97e4@righttoknow.org.au](mailto:foi+request-7189-a87d97e4@righttoknow.org.au)**

Dear Jay

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

I refer to your email dated 31 March 2021 in which you request access, under the *Freedom of Information Act 1982* (Cth), to:

*'Please provide information pertaining to communications between ACCC and the liquidators Limni enterprises.*

*This information may include;*

*Notes, emails, advice, or recordings of sorts arising out of the interactions between the ACCC and Limni enterprises.*

*Please provide information pertaining to communications between ACCC and Red Telecom.*

*This information may include;*

*Notes, emails, advice, or recordings of sorts arising out of the interactions between the ACCC and Red Telecom.'*

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 **\$251.66** (AUD).

***Please note that this charge is for the processing of your FOI request. Unless waived, 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 either:

- (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: Pay the charge**

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 **\$62.91** (AUD).

You can pay the deposit by cheque, electronically or online.

To pay by cheque, please forward the cheque to:

Freedom of Information

GPO Box 3131

CANBERRA ACT 2601

To pay electronically, please use the following information:

Account Name: ACCC Official Departmental

BSB: 032 730

Account: 146593

Reference: **FOI – 1004937**

To pay online, please go to [www.accc.gov.au/payments](http://www.accc.gov.au/payments). In the payment type please select **Freedom of Information request**. In the payment description please include **FOI – 1004937**

### **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
- confirmation that you are in receipt of a pension or income support payment
- confirmation that you are the recipient of a Health Care Card
- any other supporting evidence showing 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.

### **Option 3: Contend the charges**

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

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

Please notify us if you wish to withdraw your request.

If you do not pay the deposit or ask to reduce or not impose the charges within 30 days of receipt of this letter, your request will be taken to have been withdrawn.

### **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 4 hours finding the documents covered by your request. It also includes approximately 14 hours examining the documents and making a decision. There are approximately 32 documents within the scope of your request.

Please note, the estimated decision making time is significant as we expect that 3 third parties need to be consulted. The recommended time for this task is two hours per party.

### **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.

You can find further details on the FOI Act publication requirements at [foi.accc.gov.au](http://foi.accc.gov.au).

If you would like to make comment in relation to the possible publication of your information (including your identity as the FOI applicant), or have any further questions, please contact me on (02) 6243 1244.

Yours sincerely

A handwritten signature in black ink, appearing to read "Sonya Petreski". The signature is fluid and cursive, with the first name "Sonya" written in a larger, more prominent script than the last name "Petreski".

Sonya Petreski

FOI Team  
ACCC Legal Group

Sent by email 9/04/2021

## ATTACHMENT

### INFORMATION ON RIGHTS OF REVIEW OF COST ESTIMATE

#### 1. 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 any correspondence to:

FOI Coordinator

Australian Competition & Consumer Commission

GPO Box 3131

Canberra ACT 2601

#### 2. 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.

You must lodge your complaint in writing and do so in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)

Post: GPO Box 5218, Sydney NSW 2001

Fax: +61 2 9284 9666

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