

From: FOI
Sent: Friday, 17 May 2019 3:54 PM
Subject: Freedom of Information Request XXX - Notice of Liability to pay a Charge and Third Party Consultation

CURRENT TEMPLATE – PLEASE DON'T SAVE OVER

Dear XX

I refer to your request of XX 2019 to the Department of Health (department) seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to the following documents:

‘Request.’

Notice of Third Party Consultation

It appears, from the documents to which you seek access, a third party may reasonably wish to make a contention concerning possible exemption of some of the documents. Accordingly, XX, Assistant Secretary, XXX Branch, an officer authorised under section 23(1) of the FOI Act to make decisions in relation to freedom of information requests, has determined the requirements of section XX consultation-business documents, of the FOI Act make it appropriate to extend the time frame for dealing with your request.

Pursuant to section 15(6) of the FOI Act, the period for providing you with a decision has been extended by a further period of 30 days. This means the department must, not later than 60 calendar days after the day on which your request was received, take all reasonable steps to notify you of a decision on your request.

The period of 60 calendar days is, however, suspended by virtue of the Notice of Liability to Pay a Charge below.

Notice of Liability to Pay a Charge

xxxxx, Director – Freedom of Information, an officer authorised under section 23(1) of the FOI Act to make decisions in relation to freedom of information charges, has decided you are liable to pay a charge in respect of the processing of your request.

Preliminary Assessment

In accordance with section 29 of the FOI Act and the *Freedom of Information (Charges) Regulations 2019*, my preliminary assessment of the charge you are liable to pay is \$XX.XX.

This has been calculated as follows:

search and retrieval time (including time spent locating relevant files and collating relevant documents contained on those files)	X.XXXX hours @ \$15.00 per hour	\$XX.XX
decision making time (including time spent examining the documents, considering exemptions, undertaking consultation, writing the decision and preparing any documents for release)	XX.XXXX hours @ \$20.00 per hour Less first 5 hours free	\$XX.00 (\$100.00)
TOTAL		\$XX

Deposit

xxx has also decided you are required to pay a deposit of \$XX. Payment of a deposit is taken as your authority to proceed with processing of your request and your agreement to pay the full charge in which case you will become liable to the Commonwealth for the full cost of processing the charge.

Payment

The department can accept credit card, money order or cheque payments.

If you choose to pay by cheque (personal or bank) or money order it should be sent to the following:

FOI Unit (MDP 516)
Department of Health
GPO Box 9848
CANBERRA ACT 2601

If you wish to pay by credit card, please contact the department's FOI unit on (02) 6289 1666 to be further advised.

Response

Under the FOI Act, you have 30 days to respond in writing to this notice. You must, within 30 days after this notice is given, do one of the following things: (i) agree with the department's estimate and pay the deposit or whole charge if no deposit is listed, or (ii) advise the department in writing you contend the charge has been wrongly assessed, or should be reduced or not imposed, giving reasons for your contention, or (iii) advise the department in writing you withdraw the request for access to the documents concerned. Please send your response to the above postal address or [this email address](#). If you do not provide a response within 30 days, your freedom of information request will be taken to have been withdrawn.

If you choose to make a contention the charge should be reduced or not imposed, the department must, in making a decision on your contention, take into account the matters set out in section 29(5) of the FOI Act or any relevant matter.

Processing time

Processing of your request and counting the 60 calendar days are suspended from the date you receive this notice and resume either when you pay the deposit or when any contention you make about the charge has been resolved.

Relevant provisions

The FOI Act, including the provisions referred to in this email, can be accessed from the Federal Register of Legislation website.

If you require clarification of any of the matters discussed in this email you should contact the department's FOI Unit on (02) 6289 1666, or by email at FOI@health.gov.au.

Kind regards

FOI and Legislation Section

Legal Advice & Legislation Branch
Legal & Assurance Division | Corporate Operations Group
Australian Government Department of Health
T: 02 6289 1666 | E: foi@health.gov.au
GPO Box 9848, Canberra ACT 2601, Australia

The Department of Health acknowledges the Traditional Custodians of Australia and their continued connection to land, sea and community. We pay our respects to all Elders past and present.

If you receive this email in error, please delete it and contact the sender immediately.

This document was released under
the Freedom of Information Act 1982
by the Department of Health