



**FEDERAL COURT OF AUSTRALIA  
PRINCIPAL REGISTRY**

LEVEL 16  
LAW COURTS BUILDING  
QUEENS SQUARE  
SYDNEY NSW 2000

28 July 2022

[REDACTED]  
Right to Know

By email: [REDACTED]

Dear [REDACTED],

**Request for access to documents under the *Freedom of Information Act 1982***

I refer to the letter from the Federal Court of Australia (**Court**) dated 15 July 2022 whereby your Freedom of Information (**FOI**) request was acknowledged and you were advised that, based on the Court's preliminary assessment of your request, it was determined that, at that stage, you were not liable to pay a charge.

This letter is to advise you that due to further consideration of your request and further searches undertaken, the Court has determined that you are liable to pay a charge and is notifying you of that charge as required by the *Freedom of Information Act 1982* (Cth) (**FOI Act**).

The charges applicable to your request are set at the following rates by the *Freedom of Information (Charges) Regulations 2019* (**Charges Regulations**):

<b>Item</b>	<b>Applicable charge</b>
Search and retrieval: time spent in searching for or retrieving the document requested	\$15.00 per hour
Decision-making: time spent in deciding whether to grant, refuse or defer access to the document or to grant access to a copy of document with deletions, including time spent: <ul style="list-style-type: none"><li>• In examining the document; or</li><li>• In consultation with any person or body; or</li><li>• In making a copy with deletions; or</li><li>• In notifying any interim or final decision on the request.</li></ul>	\$20.00 for each hour after the first 5 hours

On the basis of the applicable charges outlined above, an estimate of your charge is set out in the following table:

<b>Item</b>	<b>Description</b>	<b>Estimated hours</b>	<b>Estimated charge</b>
Search and retrieval	<ul style="list-style-type: none"> <li>• Searches conducted by staff of FOI team and staff of Human Resources team including searching inboxes, shared drives and electronic document &amp; records system.</li> </ul>	1.5 hours	\$15.00 x 1.5 = \$22.50
Decision-making	<ul style="list-style-type: none"> <li>• Examination of documents retrieved</li> <li>• Deciding to grant or refuse access to documents requested</li> <li>• Preparing reasons for decision</li> <li>• Making a copy of document with any necessary deletions</li> </ul>	7 hours	\$20.00 x 2 = \$40.00 (no charge for first 5 hours)
<b>TOTAL ESTIMATED CHARGE</b>			<b>\$66.50</b>
<b>DEPOSIT PAYABLE</b>			<b>\$20.00</b>

Please be aware that the estimated charges provided in the table above are an estimate only. Following the processing of your FOI request, the actual charge may be higher as it is not possible to know the precise amount of time that staff of the Court will spend searching for and retrieving documents and/or making a decision in relation to documents you have requested.

#### *Deposit*

In accordance with the FOI Act and Charges Regulations, the Court requires you to pay a deposit before any further work on your FOI request is undertaken. As outlined in the table above, the deposit payable for your FOI request is \$20.00. This accords with s 12(2) of the Charges Regulations which requires that a deposit must not exceed \$20.00 when the preliminary assessment of the charge is more than \$25.00 but less than \$100.00.

An invoice for the deposit is enclosed with this letter and includes details as to how payment can be made. As noted above, the Court will not undertake any further work on your FOI request until the deposit is paid. Once the deposit is paid, work on your FOI request will recommence and the statutory processing period will re-continue from the date of payment.

Please note that the deposit is not refundable, unless you contest the charge and the Court decides not to impose any charge in relation to your FOI request OR the Court fails to make a decision on your FOI request within the applicable statutory processing period.

#### *Right to contest charge*

Under section 29(1)(f) of the FOI Act, you may make an application to contest the charge if you believe it has been wrongly assessed, or should be reduced or not imposed. In accordance with section 29(f), your application contesting the charge must:

- Be made in writing;
- Be made to the Court within 30 days of receiving the notice of charge; and
- Provide reasons for contending that the charge has been wrongly assessed, or should be reduced or not imposed.

In considering whether or not to reduce, or not impose, the charge, the Court must take into account the following factors under section 29(5) of the FOI Act:

- Whether payment of the charge would cause financial hardship to you; and
- Whether giving access to the documents requested is in the general public interest or in the interest of a substantial section of the public.

However, the Court can also take other matters into account, apart from financial hardship and the public interest.

In relation to any claim you make that the imposition of the charge will cause financial hardship to you, you should consider providing evidence regarding the financial hardship. This will better enable the Court to assess whether the charge will cause financial hardship to you.

#### *Your obligations*

Under section 29(1)(f), you must notify the Court in writing within thirty (30) days of receiving this notice of charge that you:

- agree to pay the charge; or
- wish to contest the charge; or
- withdraw your FOI request.

In accordance with section 29(1)(g) of the FOI Act, if you fail to respond to this notice of charge in writing within thirty (30) days, your FOI request will be taken to have been withdrawn.

In circumstances where you pay the applicable deposit for your FOI request and the Court makes a decision on your FOI request, please note that, in accordance with s 11A(1) of the FOI Act and s 11(1) of the Charges Regulations, you are not entitled to access any documents to which the Court has granted you access until all applicable charges have been paid.

Yours sincerely,

FOI Officer



# FEDERAL COURT OF AUSTRALIA

A.B.N. 49 110 847 399

TAX INVOICE

Principal Registry  
Level 17 Law Crts Bldg  
Queens Square  
SYDNEY NSW 2000

Telephone: [REDACTED]

[REDACTED]

**Invoice No:** PRN000762

**Date:** 28/07/2022

**Debtor Id:** 0439

**Due Date:** 29/08/2022

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Attention:

<i>Description</i>	<i>Exclusive GST</i>	<i>GST</i>	<i>Amount</i>
FOI Request	20.00		20.00
<b>Total Amount Due:</b>	<b>\$20.00</b>	<b>\$0.00</b>	<b>\$20.00</b>

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**Bank Account Details for EFT payments**

**Federal Court of Australia Departmental Account**

**Reserve Bank of Australia BSB 092-002**

**Account Number: 110246**

**Remittance to:** [REDACTED]

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