

## FEDERAL COURT OF AUSTRALIA PRINCIPAL REGISTRY

HARRY GIBBS COMMONWEALTH LAW COURTS 119 NORTH QUAY BRISBANE QLD 4000

30 August 2022

Right to Know		
	By email:	

Dear		,
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# Request for access to documents under the Freedom of Information Act 1982

I refer to the decision of the Federal Court of Australia (**Court**) dated 30 August 2022 to reduce the charge imposed in respect to your freedom of information (**FOI**) request.

This letter is to advise you of the reduced charge the Court has determined that you are liable to pay 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):

Item	Applicable charge	
Search and retrieval: time spent in searching for or retrieving the	\$15.00 per hour	
document requested		
Decision-making: time spent in deciding whether to grant, refuse	\$20.00 for each hour	
or defer access to the document or to grant access to a copy of	after the first 5 hours	
document with deletions, including time spent:		
<ul> <li>In examining the document; or</li> </ul>		
<ul> <li>In consultation with any person or body; or</li> </ul>		
<ul> <li>In making a copy with deletions; or</li> </ul>		
• In notifying any interim or final decision on the request.		

On the basis of the applicable charges outlined above, and following your email to the Court of 31 July 2022 contesting the original charge imposed on you, and the decision made by the Court on that request dated 30 August 2022, a revised estimate of your charge is set out in the following table:

Item	Description	Estimated hours	Estimated charge
Search and retrieval	Searches conducted by staff of FOI team and staff of Human Resources team including searching inboxes, shared drives and electronic document & records system.	1 hour	\$15.00 x 1 = \$15.00
Decision-making	<ul> <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)
TOTAL REVISED ESTIMATED CHARGE		\$55.00	
DEPOSIT PAYABI	LE		\$20.00

Please be aware that the revised 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 seek a review of the charge and the Court decides to reduce the charge to an amount lower than the deposit paid or not impose any charge; the Court fails to make a decision on your FOI request within the applicable statutory processing period; or a final charge is set that is lower than the amount already paid as a deposit.

#### Right to contest charge

As advised in the decision accompanying this revised charges letter, if you believe the charge has been wrongly assessed, or should be reduced or not imposed, you may apply for internal review of the charges decision or review by the Information Commissioner. Please refer to the charges decision for further information on your review rights.

### Your response

Please respond in writing within sixty (60) days of receiving this revised notice of charge by:

- paying the deposit specified within this notice; or
- advising that you seek review of the charges decision; or
- withdrawing your FOI request.

If the Court does not receive a response to this revised notice of charge in writing in the manner specified above within sixty (60) 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



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# **FEDERAL COURT OF AUSTRALIA**

A.B.N. 49 110 847 399

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

Invoice No:

PRN000768

Date:

30/08/2022

Debtor Id:

0442

Attention:

Description

FOI

Page:

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GST Amount

20.00

20.00

7,110

Total Amount Due:

\$20.00

**Exclusive GST** 

\$0.00 \$20.00

Bank Account Details for EFT payments

Federal Court of Australia Departmental Account

Reserve Bank of Australia BSB 092-002

Account Number: 110246

Remittance to: