



**Australian Government**  
**Department of Defence**

Freedom of Information  
CP1-6-001  
PO Box 7910  
CANBERRA BC ACT 2610  
Tel: 02 626 62200  
Fax: 02 626 62112  
FOI@defence.gov.au

Our reference: FOI 109/17/18

Mr Bernard Gaynor  
PO Box 766  
PARK RIDGE QLD 4125

By email: [personal@bernardgaynor.com.au](mailto:personal@bernardgaynor.com.au)

Dear Mr Gaynor

**NOTICE OF PRELIMINARY ASSESSMENT OF CHARGES**

1. I refer to your request of 14 September 2017 in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

*“..a copy of any emails sent or received by Wing Commander Vince Chong between 14 August and 14 September 2017 containing the words: 'Defence Gay and Lesbian Information Service' or derivative 'DEFGLIS' 'gay' 'homosexual' 'LGBT' or derivative 'plebiscite' 'postal survey'..”*

2. The Department excludes personal email addresses, signatures, personnel (PMKeyS) numbers and mobile telephone numbers, contained in documents that fall within the scope of a FOI request unless you specifically request such details. Defence also excludes duplicates of documents [and documents sent to and from you].

**3. If you do require these personal details, please inform us within five days of receipt of this email so that the decision maker can consider your request.**

**LIABILITY TO PAY CHARGES**

4. In accordance with section 29 of the FOI Act, I have decided that you are required to pay a charge for processing your request.

5. The decision regarding payment of a charge does not mean that you are required to pay now. You will only be required to pay if, after consideration of your response to this letter, the decision is made to impose a charge.

**PRELIMINARY ASSESSMENT OF CHARGES**

6. The preliminary assessment of the charge is \$1525.00. You are required to pay a deposit of \$381.25. A breakdown of the charges is at Enclosure 1.

7. Please note that the estimate is based on a sample of two days for the period in question. Based on the sample, it is estimated that there will be a substantial amount of consultation required and thorough consideration of personal information. The estimate is reflective of the

complexity of the documents and the large amount of personal information that is likely to be contained in the documents. Based on the sample size, it is estimated that this request will cover in excess of 1000 pages.

### **DEPOSIT REQUIRED**

8. If you wish to proceed with your request, and agree to pay the charge, a deposit is required as indicated above in the preliminary assessment of charges.
9. Please complete the authorisation form at Enclosure 2 and return it. Processing will recommence on receipt of the deposit payment.

### **RESPONSE TO THIS NOTICE**

10. Under the FOI Act you have 30 days of receipt of this letter to notify the Department of your decision to:
  - a. withdraw your request (you will not be required to pay any charges); or
  - b. agree to pay the charges as set out in the preliminary assessment of charges; or
  - c. contest that the charge has been wrongly assessed, or should be reduced or not imposed (you should give your full reasons for doing so); or
  - d. reduce the scope of your request. Defence will offer you one opportunity to consult our office to reduce the scope of your request and revise the preliminary assessment of charges.
11. If you require additional time to respond, please contact this office.
12. If you do not respond to this letter within 30 days or by the extension date provided by this office, it will be assumed you have withdrawn your request.

### **CHALLENGING ASSESSMENT OF CHARGES**

13. If you wish to contest the charges for your request, the decision maker will consider all relevant reasons which include the following:
  - a. whether payment of the charge, or part of it, would cause you financial hardship; and
  - b. whether the giving of access to the documents requested is in the general public interest or in the interest of a substantial section of the public.

### **FURTHER INFORMATION**

14. If you proceed with the request, when a decision letter is sent to you, an invoice for the outstanding balance of charges will be raised and forwarded to you within 5 working days. Documents will not be released until we receive your proof of payment.
15. In accordance with the requirements of section 11C of the FOI Act, Defence is required to publish, on its website, information released under the FOI Act within 10 working days of the applicant being given access to documents. Defence will also publish the decision notice, with personal and business information deleted.

16. Please contact me if you have any questions about this matter.

Yours sincerely

Melissa Davidson  
Assistant Director Information Access

Enclosures:

1. Breakdown of Charges
2. FOI – Deposit authorisation



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**Enclosure 1**  
**BREAKDOWN OF CHARGES**

**Search and retrieval time**

Searching for documents 15 hours @ \$15 per hour \$ 225.00

**Decision-making time**

Examination of documents 48 hours @ \$20 per hour \$ 960.00

Consulting outside of Defence 10 hours @ \$20 per hour \$ 200.00

Making copies of documents 10 hours @ \$20 per hour \$ 200.00

Preparing decision notice 2 hours @ \$20 per hour \$ 40.00

Other decision making tasks @ \$20 per hour \$ -

Less 0 % reduction for personal information \$ -

Less 5 hours of free decision making time \$ 100.00

**Other tasks** \$ -

Copying of documents pages @ 10 cents per page \$ -

Production of CD

GST (Exempt) Nil

**Total** \$ **1,525.00**

**Deposit required** \$ **381.25**



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**Enclosure 2**  
**FREEDOM OF INFORMATION REQUEST - PAYMENT AUTHORISATION**

FULL NAME or ORGANISATION		
POSTAL ADDRESS:		
CONTACT PHONE NUMBERS	H/B	
	M	
EMAIL:		
FOI REFERENCE :	FOI 109/17/18	
DEPOSIT AMOUNT \$	<b>\$381.25</b>	

By signing this form you are agreeing to pay the charges notified to you by the Freedom of Information Directorate. The deposit is not refundable except in some limited circumstances (for example, if Defence fails to make a decision on your request within the statutory time limit), or may be refundable in part if the final charge is less than the deposit paid.

On completion of your request a final invoice will be generated for the outstanding balance of charges.

**PLEASE DO NOT SEND CHEQUES OR MONEY ORDERS TO FOI**

Once our office receives this form, the Department of Defence will generate an invoice in order for you to make payment of the agreed charges via one of the payment options.

**Our office will not proceed to process your request until a receipt has been received in our office notifying that the deposit amount has been paid.**

Please sign below and return this form by one of the following:

- via email to [FOI@defence.gov.au](mailto:FOI@defence.gov.au)
- via fax 02 6266 2112
- by post to the address noted above.

Signature: \_\_\_\_\_