



**Charges notice made under the *Freedom of Information Act 1982***

**Decision to impose a charge and preliminary assessment of charge of  
David Banham, Chief Operating Officer**

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**Applicant:** Mr Jackson Gothe-Snape  
**Decision date:** July 2015  
**FOI reference number:** 16-02  
**Documents:** Emails referring to "South Australia" or "South Australian"

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## Summary

1. I have made a decision to impose charges in the amount of \$23.30.

## Authority to make this decision

2. I, David Banham, Chief Operating Officer, am an officer authorised by the Secretary of the Department of Infrastructure and Regional Development (the Department) to make decisions about charges applying to requests for access to documents in the possession of the Department in accordance with section 23(1) of the *Freedom of Information Act 1982* (the FOI Act).

## Background

3. On 10 July 2015 you made a request for access to documents in the possession of the Department. Your request sought access to:

*"...copies of emails sent or received on 9 July 2015 mentioning 'South Australia', 'South Australian', 'SA' or 'Adelaide'."*

4. On 13 July 2015 the Department contacted you requesting further information about the scope of your request in order for the Department to be able to properly identify documents.

5. On the same day you advised you are seeking:

*"...emails containing discussion of infrastructure related to South Australia or Adelaide discussed on 9 July 2015, can you please provide copies of emails sent or received that are identified by a text search of the Department's email records for the terms 'South Australia', 'South Australian', 'SA' and 'Adelaide', restricted to the date 9 July 2015."*

6. On 21 July 2015 the Department notified you, in accordance with section 24(1) of the FOI Act, of its intention to refuse your request on the basis that processing it would substantially and unreasonably divert the resources of the Department (24AA(1)(a)(i)), and you had not provided sufficient information for the Department to be able to properly identify documents (24AA(1)(b)).

7. On the same day you reduced the scope of your request to:

*"...the first five emails sent or received after 11.29am on 9 July 2015 mentioning 'South Australia' or 'South Australian'."*

*To clarify, the search is for the phrases indicated by quotation marks and does not include emails containing 'South' or 'Australia' but not 'South Australia', or 'South' or 'Australian' but not 'South Australian'."*

8. On 23 July 2015 you advised that you are seeking:

*"emails sent or received by staff at the Department of Infrastructure, not 'emails relating to infrastructure'."*

You further advised to consider your request to be for:

*"The first five emails sent or received after 11.29am on 9 July 2015 mentioning 'South Australia' or 'South Australian', noting that the search is for the phrases indicated by quotation marks and does*

*not include emails containing 'South' or 'Australia' but not 'South Australia', or 'South' or 'Australian' but not 'South Australian'."*

## **Your liability to pay a charge**

9. In accordance with section 29(1) of the FOI Act, I have decided that you are liable to pay a charge in relation to your request.

## **Preliminary assessment of the amount of the charge**

10. In accordance with section 29(1)(b) of the FOI Act, the Department has undertaken a preliminary assessment of the amount of the charge you are liable to pay in relation to your FOI request. Accordingly, you are liable to pay \$23.30. A breakdown of this charge, as well as the basis on which the assessment is made, is provided for in detail at Schedule 1.
11. In accordance with Regulation 10(1), the charges will be reassessed upon finalisation of the request. If it becomes apparent that the Department has over-estimated the preliminary charges and you have paid the full amount, a refund will be provided, or, if a deposit has been paid, an appropriately reduced balance will be sought from you, prior to providing you with documents relevant to your request.

## **Deposit**

12. As the charge is less than \$25.00, the Freedom of Information (Charges) Regulations 1982 provide that no deposit is payable and you are required to pay the charge in full.
13. The deposit is not refundable except in some limited circumstances (for example, if the Department 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.

## **If you disagree with the Department's decision to impose a charge or the preliminary assessment of charges**

14. You may contend that the charge has been wrongly assessed, or should be reduced or not imposed.
15. In deciding whether to reduce or not to impose a charge, the decision-maker must consider any relevant reasons, including whether the payment of the charge, or part of it, would cause you financial hardship, and whether the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public. In doing so, it is necessary that you provide evidence of financial hardship, or specify how the public would benefit from disclosure.

## **What you must do now**

16. In accordance with section 29(1)(f) of the FOI Act, you must, within the period of 30 days from the date of this notice, notify the Department, in writing:
  - (i) of your agreement or pay the charge; or
  - (ii) of your contention that the charge has been wrongly assessed, or should be reduced or not imposed, or both (and provide reasons); or
  - (iii) that you withdraw your request for access to the documents concerned.

17. Payment can be made by credit card or cheque. To make payment by credit card, please complete and forward the enclosed credit card payment authority form to the following address or the facsimile number on the credit card payment authority form.

**Post:** FOI Coordinator  
Department of Infrastructure and Regional Development  
GPO Box 594  
Canberra ACT 2601  
**Fax:** (02) 6275 1347  
**Email:** <[FOI@infrastructure.gov.au](mailto:FOI@infrastructure.gov.au)>

18. Under section 31 of the FOI Act, the time limit for processing your request is suspended from the day that you receive this notice. It will resume on either the day you pay the charge (in full or the required deposit) or the day the Department makes a decision not to impose a charge.
19. If you fail to give the Department such notice within 30 days from the date of this notice, your request for access to the document will be taken to have been withdrawn.

### **Contacts**

20. If you wish to discuss this decision, please contact the Department's FOI coordinator on (02) 6274 6495 or via email at <[FOI@infrastructure.gov.au](mailto:FOI@infrastructure.gov.au)>.



David Banham  
Chief Operating Officer

10 July 2015



**Preliminary charges estimate made under the *Freedom of Information Act 1982***

BASIC DATA ESTIMATE		FOI 16-02
<i>Time taken to do electronic searches, print and tag these documents (minutes)</i>		60
<i>No of relevant documents held electronically (not on registry files)</i>		5
<i>No of relevant pages in documents held electronically (not on registry files)</i>		20
Number of relevant registry files		0
Number of relevant documents on registry files		0
Number of relevant pages in documents on registry files		0
Number of exempt pages ( <i>electronic AND on registry files</i> )		16
Number of pages released with deletions ( <i>electronic AND on registry files</i> )		4
Number of third parties to consult		0

TASK	TIME (in hours)	COST @ \$15 per hr
<i>Search and retrieval electronic file searches, including tagging pages (actual time)</i>	1.00	\$15.00
Search and retrieval of registry files @ 10 mins per file	0.00	\$0.00
Search files and tag relevant pages on registry files (45 mins average per file)	0.00	\$0.00
Preparing schedules detailing all relevant documents (1 hour per 10 documents)	0.50	\$7.50
<b>Search &amp; Retrieval Subtotal</b>	1.50	<b>\$22.50</b>
	TIME (in hours)	COST @ \$20 per hr
Examine relevant pages for decision making (5 mins per relevant page).	1.67	\$33.33
Exempted pages (5 mins extra per page).	1.33	\$26.67
Pages released with deletions (10 mins extra per page)	0.67	\$13.33
Consult third parties (2 hours per consultation)	0.00	\$0.00
Preparation and notification of decision (4 hours per 250 relevant pages).	0.38	\$7.68
Subtotal	4.05	81.01
<b>Free decision making time @\$20.00 an hour (capped at 5 hours)</b>	4.05	<b>(\$81.01)</b>
<b>Examine, Consult &amp; Preparation Subtotal</b>	4.05	<b>\$0.00</b>
	PAGES	COST
Photocopies of estimated released docs (incl those with deletions) @ 10c ea	8	\$0.80
Packaging and postage (actual cost)	N/A	
<b>Photocopying &amp; Postage Subtotal</b>		<b>\$0.80</b>

ESTIMATED TOTALS	
NUMBER OF RELEASED PAGES	4
TIME (in hours)	5.55
TOTAL	\$23.30
DEPOSIT REQUIRED	\$0.00