



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

**Decision to impose a charge and preliminary assessment of charge of  
Dan Cavanagh,**

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**Applicant:** Mr Jeremy Cooper-Stout

**Decision date:** 7 February 2017

**FOI reference number:** FOI 161708

**Documents:** Any documents held by the National Capital Authority relating to the building works intended to be completed at Parliament House which were approved by the Parliament in the December sitting period.

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## Summary

1. I have made a decision to impose charges in the amount of **\$3,199.02**.

## Authority to make this decision

2. I, Dan Cavanagh, Senior Officer, Property, Procurement & Governance, am an officer authorised by the Chief Executive of the National Capital Authority (the NCA) to make decisions about charges applying to requests for access to documents in the possession of the NCA in accordance with Section 23(1) of the *Freedom of Information Act 1982* (the FOI Act).

## Background

3. On 9 December 2016 you made a request for access to documents in the possession of the NCA. Your request sought access to:

'Any documents held by the National Capital Authority relating to the building works intended to be completed at Parliament House which were approved by the Parliament in the December sitting period.'

## Your liability to pay a charge

4. 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

5. In accordance with Section 29(1)(b) of the FOI Act I have 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 **\$3,199.02**.

A search and retrieval of documents relevant to your request has been undertaken and a preliminary estimate of charges has been calculated and is set out in the table below.

Task	Time	Cost
Search and retrieval time (including time spent locating relevant files and collating relevant documents contained on those files)	20.77 hours @ \$15.00 per hour	\$311.55
Decision making time (including time spent examining the documents, considering exemptions, undertaking consultation, writing the decision and preparing any documents for release)	145.60 hours @ \$20.00 per hour, with the first 5 hours free	\$2,811.92
Photocopies of documents	756 pages @ 10 cents per page	\$75.60
<b>TOTAL</b>		<b>\$3,199.02</b>

## Deposit

6. As the charge is more than \$100, you will need to pay a deposit of **\$799.76** (which is 25% of the total charges applying to your request) before further action can be taken on your request. This amount is set in Regulation 12(2)(b) of the Freedom of Information (Fees and Charges) Regulations.

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

7. You may contend that the charge has been wrongly assessed, or should be reduced or not imposed.
8. 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.

## What you must do now

9. 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 NCA, 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.
10. Payment can be made by cheque. To make payment by credit card, please contact the FOI Coordinator for further instructions.

**Post:** FOI Coordinator  
National Capital Authority  
GPO Box 373  
Canberra ACT 2601  
**Email:** FOI@natcap.gov.au

11. 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 NCA makes a decision not to impose a charge.
12. If you fail to give the NCA 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.

## Your rights of review

13. If you disagree with the NCA's decision to impose charges in relation to your FOI request, you can ask for the decision to be reviewed. There are two ways you can ask for review of a decision: internal review by the NCA, and external review by the Office of the Australian Information Commissioner (OAIC).
14. You can ask the NCA to review its decision to impose a charge and/or the preliminary assessment of charge. There is no charge for internal review. You must apply within 30 days of being notified of the decision, unless the NCA extends the application time. You should contact the NCA if you wish

to seek an extension. The NCA must make a review decision within 30 days. If it does not do so, its original decision is considered to be affirmed. The review will be carried out by a different departmental officer, usually someone at a more senior level. You must apply in writing and you can lodge your application in one of the following ways:

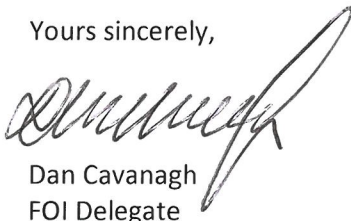
**Post:** FOI Coordinator  
National Capital Authority  
GPO Box 373  
Canberra ACT 2601  
**Email:** FOI@natcap.gov.au

15. You can ask the OAIC to review the NCA's decision to impose a charge and/or the preliminary assessment of charge. The Information Commissioner is an independent office holder who can review the decisions of agencies and ministers under the FOI Act. The Information Commissioner also investigates complaints about agency actions under the FOI Act. However, if you are complaining that the NCA's decision is wrong, it will be treated as an application for a review. You do not need to seek an internal review from the NCA before seeking an internal review from the Information Commissioner. However, going through the NCA's internal review process gives the NCA the opportunity to reconsider its initial decision, and your needs may be met more quickly without undergoing an external review process. The Information Commissioner's review is free. You must apply to the Information Commissioner within 60 days of being given notice of the decision. You can ask the Information Commissioner for an extension of time to apply, and this may be granted if the Information Commissioner considers it is reasonable in the circumstances. You must apply in writing and you can lodge your application in one of the following ways:

**online:** www.oaic.gov.au  
**post:** GPO Box 5218, Sydney NSW 2001  
**fax:** +61 2 9284 9666  
**email:** enquiries@oaic.gov.au  
**in person:** Level 3, 175 Pitt Street, Sydney, NSW 2000

More information about Information Commissioner Reviews is available from  
[http://www.oaic.gov.au/publications/FOI\\_fact\\_sheet12\\_your\\_review\\_rights.html](http://www.oaic.gov.au/publications/FOI_fact_sheet12_your_review_rights.html).

Yours sincerely,



Dan Cavanagh  
FOI Delegate

7 February 2017