



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

Decision to impose a charge and preliminary assessment of charge of
Mark Thomann, Executive Director, Infrastructure Investment

Applicant: Dan Monceaux
Decision date: January 2017
FOI reference number: 17-62
Documents: Lucky Bay Harbour Extension Project

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Summary

1. I have made a decision to impose charges in the amount of \$483.83.

Authority to make this decision

2. I, Mark Thomann, Executive Director, Infrastructure Investment, 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 subsection 23(1) of the *Freedom of Information Act 1982* (the FOI Act).

Background

3. On 16 December 2016, you made a request for access to documents in the possession of the Department. Your request sought access to:

“Copies of documentation related to the Lucky Bay Harbour Extension project in South Australia, which received Commonwealth funding via the Regional Development Australia Fund circa 2012.

The documentation I am requesting is as follows:

- *The Expression of Interest received by RDA*
- *The grant application as received by RDA*
- *The grant approval documentation issued by RDA*
- *Any revisions to the terms and conditions associated with the receipt of Commonwealth funding and the acquittal of the grant*
- *Final project report and grant acquittal documentation received by RDA”*

Your liability to pay a charge

5. In accordance with subsection 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

6. In accordance with subparagraph 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 \$483.83.
7. 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

8. As the charge is more than \$100.00, you will need to pay a deposit of \$120.96 (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 (Charges) Regulations 1982.
9. 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

10. You may contend that the charge has been wrongly assessed, or should be reduced or not imposed.
11. 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

12. In accordance with paragraph 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.
13. 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>

14. 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.

15. 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

16. 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>.



Mark Thomann
Executive Director
Infrastructure Investment
20 January 2017