



**Australian Government**  
**Department of Communications and the Arts**

Applicant

(via email: [foi+request-2878-df719870@righttoknow.org.au](mailto:foi+request-2878-df719870@righttoknow.org.au))

Dear Applicant

**Freedom of Information Request FOI 15-1617 – s29(4) Decision on charge**

In your email of 22 December 2017, you contested our preliminary assessment of the FOI charges associated with the processing of your request and set out reasons in accordance with the requirements of section 29(1)(f)(ii) of the *Freedom of Information Act 1982* (FOI Act) for a request for reduction or waiver of the charges.

I am an officer authorised by the Secretary under subsection 23(1) of the FOI Act to make decisions about requests for access to documents under the FOI Act. I have made a decision on the charge, and provide you with notice in writing of my decision.

**DECISION**

Taking into account the contentions outlined in your email of 22 December 2017, as well as the decision and reasons for decision of 'MZ' and *Department of Communications and the Arts (Freedom of Information)* [2017] AICmr 109 (27 October 2017), in particular the Information Commissioner's statement at paragraph [17]:

*"if a payroll report or other summary document could be produced that would meet the terms of the request I consider that producing such a document may reasonably serve to somewhat reduce the request processing burden on the Department";*

I am satisfied that the preparation of a summary document, in order to meet the terms of your request could be produced in accordance with section 17 of the FOI Act.

I have therefore revised the time required to process the request as:

- 2 hours – search and retrieval of documents
- 9 hours – third-party consultation
- 1.5 hours – deliberation and drafting of reason for decision
- 0.5 hours – finalisation of material for release and notification of applicant.

Accordingly, I assess the total applicable charges as:

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Search and Retrieval	2 hours @ \$15.00 per hour	\$ 30.00
Decision making	5 hours @ \$0.00 per hour	\$ 0.00
	7 hours @ \$20.00 per hour	\$140.00
TOTAL CHARGES		\$170.00

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I note that the preparation of a summary document recording the details of the 65 PAYG documents captured by your request does not reduce the requirement for third party consultation with 32 SES Officers and that I have given substantial weight to the timeframe the Information Commissioner has suggested is reasonable for third party consultation to take place as well as the timeframes that the Information Commissioner allowed for search and retrieval, deliberation and drafting of reasons for decision and finalisation of material for release and notification of applicant.

I have also decided, upon consideration of the reasons set out in your email dated 22 December 2017 and having also had regard to the objects and purpose of the FOI Act, to reduce the charges by 50 per cent to \$85.00 on public interest grounds available under paragraph 29(5)(b) of the FOI Act.

Therefore in accordance with section 29 of the FOI Act, a charge of \$85.00 applies to your request. As the amount of the applicable charge exceeds \$25.00, a deposit of \$20.00 is to be paid before processing recommences.

Please note that at this stage in the FOI process, no decision has been made as to whether the information you seek will be released or exempt under the provisions of the FOI Act. My decision relates only to the processing charges.

## **REASONS FOR MY DECISION**

### *Public interest grounds*

I find that the giving of access to the document in question is in the general public interest or in the interest of a substantial section of the public, would advance the objects of the FOI Act, and the Department should exercise its general discretion to reduce the charges because it is appropriate given the similarity in the circumstance of the IC Review Decision estimate. However, taking into account that some of the information within the documents captured by your request is information that is already in the public domain, and that the public interest is not so compelling as to provide the basis for a decision not to impose a charge, the derivative public benefit from disclosure is limited.

Accordingly, I consider that a 50 per cent discount of the charges is consistent with the public interest pursuant to section 29(5)(b) of the FOI Act. I note that this reduction is consistent with review decisions on charges made by the Office of the Australian Information Commissioner. I also consider 50 per cent to be an appropriate reduction given that there is also a compelling

public interest in the Australian Government recouping the cost of processing non-personal FOI requests.

### *Financial Hardship*

I have also considered, in accordance with paragraph 29(5)(a) of the FOI Act whether the payment of the charge, or part of it, would cause financial hardship to you, or to a person on whose behalf the application was made.

You have not made any contentions on the grounds of financial hardship.

I find that there is no evidence or basis to reduce, or not impose the charge on the grounds of financial hardship.

### **PAYMENT OF DEPOSIT**

If you agree to pay the reduced charge you may lodge payment of the required deposit of \$20.00 in accordance with the details below:

#### **Payment by Direct Debit**

Account Name: Department of Communications and the Arts  
BSB No.: 032-729  
Account No.: 146537  
Reference: FOI-15-1617

#### **Payment by Cheque or Money Order**

Payable to 'The Cashier – Department of Communications and the Arts':

##### By post

FOI  
Parliamentary Services, Governance Branch  
Department of Communications and the Arts  
GPO Box 2154  
Canberra ACT 2601

##### By hand

FOI  
Parliamentary Services, Governance Branch  
Department of Communications and the Arts  
Nishi Building, 2 Phillip Law Street  
CANBERRA ACT 2601

### **REVIEW RIGHTS**

This decision may be subject to review under section 54, section 54A, section 54L or section 54M of the FOI Act. A copy of the Office of the Australian Information Commissioner's *FOI Fact Sheet 12 – Your review rights* is attached.

Yours sincerely



Vanessa Goodspeed  
Assistant Secretary  
Governance  
19 January 2018