



Australian  
National  
University

4 December 2018

Ms Sarah Wright  
Sent by email: [foi+request-4850-b74973fc@righttoknow.org.au](mailto:foi+request-4850-b74973fc@righttoknow.org.au)

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CRICOS Provider No. 00120C

Dear Ms Wright

### **Freedom of Information Request 201800066 – Waiver of charges decision**

I refer to correspondence received by the Australian National University ('University') on 8 November 2018. In that correspondence you requested a statement of reasons under section 13 of the *Administrative Decisions (Judicial Review) Act 1977* ('ADJR Act'), in respect of my decision of 6 November 2018 to refuse, in part, your request for the charges estimated for processing your Freedom of Information request No. 201800066, to be waived.

I draw your attention to section 29(10) of the *Freedom of Information Act 1982* ('FOI Act'), which provides that section 13 of the ADJR Act (the right to a statement of reasons) does not apply to a decision under FOI Act section 29(8). My letter to you of 6 November 2018 notified you of the reasons for a decision to which section 29(10) of the FOI Act applies, so that the entitlement under section 13 of the ADJR Act is not available.

Nevertheless, notwithstanding the decision record dated 6 November 2018, and the effect of section 29(10) of the FOI Act, the University provides the following statement:

#### ***Authority to make decision***

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests to access documents or to amend or annotate records and in respect of charges.

#### ***Relevant Material***

In reaching my decision I referred to the following material:

- your request;
- the FOI Act;
- the Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines);
- advice from departmental officers with responsibility for processing the documents to which you seek access.

#### ***Decision***

The decision in respect of your request under section 29(4) to reduce the estimated charges you are liable to pay for processing request 201800066 is:

- The estimated charges are reduced by 25% so that the amount you are liable to pay is \$300.00.

### **Reasons for Decision**

My findings of fact and reason for deciding to reject in part your request under section 29(5) to waive the estimated charges are set out below.

In making my decision I considered:

- whether giving access to the documents is in the general public interest or in the interest of a substantial section of the public;
- whether any additional contention was provided including whether payment of the estimated charge would cause financial hardship;
- any other relevant matter.

### **Public Interest**

You contended that the charge should be waived because:

- there is no private interest in the documents;
- the documents relate to specified Senate Estimates Questions on Notice;
- the documents relate to compliance with Commonwealth Procurement Rules.

The release of the relevant documents may be of interest to some members of the community. The release of the relevant documents could be seen to be in the interest of some members of the public. The interest in the documents may not relate to a significant section of the public.

### **Other contentions**

No other contention, including financial hardship, was advanced for why the charges should be waived.

### **Other relevant matter**

In making my decision I also had regard to the administrative costs and time involved in processing the request. Significant work would be required to process the request. Providing access to the documents in question may not contribute to promoting better informed decision making, or to increasing scrutiny, discussion, comment and review of the Government's activities. I consider these factors to be neutral.

I have not taken into account any use the applicant may make of the document in making this decision.

In balancing the above factors I decided that access to the documents in question is not in the general public interest or in the interest of a substantial section of the public. The University's ability to process the request would be reduced if the charge were waived, or reduced by more than 25%, and this would place an unreasonable financial burden on the University.

Yours sincerely



David Brumby  
FOI Coordinator  
University Records