



Australian Government

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

FOI reference: 21-052

OAIC Reference: MR21-00069

Anonymous

By Email: foi+request-6747-11a37f0e@righttoknow.org.au

Dear Anonymous,

NOTICE OF DECISION UNDER SECTION 55G OF THE FREEDOM OF INFORMATION ACT 1982

I refer to your request to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (**the Department**) received on 24 September 2020 for access to documents under the *Freedom of Information Act 1982 (FOI Act)*.

Your request sought access to:

- *Classifier note;*
 - *Decision document;*
 - *Application for classification and its supporting material;*
 - *Screenshot showing information from the database as seen by the Classification Board;*
 - *Email and its attachment to and/or from applicant, Classification Board, distributor, publisher, developer;*
 - *Form and its attachment to and/or from applicant, Classification Board, distributor, publisher, developer;*
- for Call of Duty Black Ops Cold War.*

Background

On 23 October 2020, you were provided with a Notice of Intention to Impose Charges in accordance with section 29 of the FOI Act for the amount of \$224.80.

On 28 October 2022, you paid the deposit and on 21 January 2021, you paid the remaining amount.

On 2 May 2022, the Office of the Australian Information Commissioner (OAIC) notified the Department that you had requested an Information Commissioner (IC) review of a decision made by the Department.

Section 53A(e) of the FOI Act provides that an *access refusal decision* includes a decision under section 29 relating to the imposition of a charge or the amount of a charge.

Section 55G of the FOI Act allows for a revocation or variation of access refusal decision during an IC review if the revised decision would have an effect of relieving the IC review applicant from liability to pay a charge.

Having reviewed your request, and the decision taken to impose a charge under section 29 of the FOI Act, I have decided to set aside the original decision and substitute it with a revised decision under section 55G(1)(b) of the FOI Act as set out below.

Authority

I am an officer authorised by the Secretary to make decisions in respect of FOI requests under section 23(1) of the FOI Act.

Revised Decision

I have decided to waive the charges assessed as being payable by you in relation to FOI reference 21-052. As these charges have already been paid by you in full, the Department will refund the charges paid to the full amount of \$224.80.

Material considered

In making my decision I had regard to:

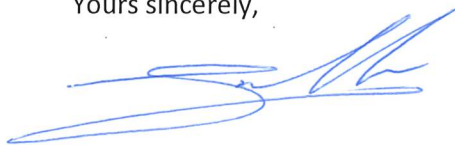
- a. the original decision to impose charges;
- b. relevant provisions in the FOI Act; and
- c. the Guidelines published by the Information Commissioner under s93A of the FOI Act (the Guidelines).

Legislative provisions

The FOI Act, including the provisions referred to in my decision, are available on the Federal Register of Legislation here: www.legislation.gov.au/Series/C2004A02562.

Should you have any enquiries concerning this matter, please contact the FOI Team on FOI@infrastructure.gov.au.

Yours sincerely,



Lachlan Wood
Authorised Decision Maker
Assurance, Integrity, Risk and Governance Branch
People, Governance, Parliamentary and Communications Division