



24/11/2022

Mark Newton

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In reply please quote:

FOI Request: FA 22/10/01339

File Number: OBJ2022/28101

Dear Mr Newton

Freedom of Information (FOI) request – Notice of charge decision following applicant contention that charge be reduced or not imposed (s 29(8))

On 27 October 2022 the Department of Home Affairs (the Department) received a request for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

1 Scope of request

You have requested access to the following documents:

I am requesting disclosure of any documents containing statistics concerning Aviation Security Identification Card (ASIC) administration.

The ASIC scheme was implemented by the Attorney-General's Department in 2001. The scope of this request includes reports in any medium showing annualised counts of initial issuances, renewals, withdrawn applications and refusals over the 21 years of the scheme's operation; or documents containing statistical data which could be used to assemble those counts if they don't already exist.

Following consultations under s.24AB of the Act, on 27 October 2022 the scope of your request was revised to:

I am requesting disclosure of any documents containing statistics concerning Aviation Security Identification Card (ASIC) administration.

The ASIC scheme was implemented by the Attorney-General's Department in 2001. The scope of this request includes reports in any medium showing annualised counts of initial issuances, renewals, withdrawn applications and refusals over the 21 years of the scheme's operation.

On 10 November 2022 the Department wrote to you to advise you that a preliminary assessment had been made that you were liable to pay a charge of \$101.00 for the processing of this FOI request.

On 10 November 2022 you requested a waiver or reduction of charges pursuant to section 29(5)(a) of the Act, on the grounds of public interest, your assertion that the charges were not correctly calculated or substantiated, and that you did not have an opportunity to revise the scope of your request.

This letter provides my decision on your request.

2 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 document or to amend or annotate records.

3 Decision on waiver or reduction of charges

I have decided under s 29(4) to waive the original assessment of charge. The reasons for my decision under s 29(4) are set out below.

Reasons for my decision

I have considered the following:

- Whether giving access to the document in question is in the general public interest or in the interest of a substantial section of the public.
- The arguments you have put forward in your email of 10 November 2022
- any other relevant matter including any other submission as to why a charge should be reduced or waived;
- Whether disclosure of a document would advance the objects of the Act.

I have considered your submission in relation to the reduction of charges.

In relation to the accuracy and assessment of charges in accordance with the act, the search and retrieval times are provided by the relevant business areas relating to the requested information. The business areas that were consulted in relation to this matter have provided a total search and revival time of 6 hours and 45 minutes. The charges which may be applied for search and retrieval times are prescribed by the *Freedom of Information (Charges) Regulations 2019* (the Charges Regulations). Agencies are able to charge \$15 per hour of search and retrieval, which equates to the entire \$101 amount charged. This information is stated in the Preliminary Charge Notice issued to you on 10 November 2022. You have not been charged for any decision making time, as the Charges Regulations requires that the first five hours of decision making is free.

In relation to scope negotiation, the Department has produced a one page document containing the information you have sought to access. The document was produced under section 17 of the FOI Act via the use of a computer. As stated above, the entirety of the amount charged for this request relates to the time required by the business area to produce and data clear the document for release (the search and retrieval time). This work effort has already taken place, so that any modification of scope would not reduce the charges in any way.

You have claimed that the charges should be waived on the basis of public interest. I have carefully considered your submission that:

- the Aircraft Owners and Pilots Association of Australia (AOPA) is participating in policy consultation regarding the operation of the ASIC system,
- the public is entitled to know if the ASIC system is faulty, and
- that the general aviation pilot community is a substantial section of the public is entitled to know if they are funding a system that serves no practical purpose.

Whilst I am not satisfied that the general aviation community is a substantial section of the public, I am satisfied that disclosure of the information you have requested would promote public scrutiny of and debate about the ASIC system and the way the public funds are used. I am satisfied that releasing this information would promote government accountability and transparency, which are key objects of the FOI Act.

For these reasons I have decided to waive the charge in full.

Next steps in processing your request

As I have decided to waive the charge in full, the invoice sent to you will be cancelled and processing of your request will resume. No payment is required.

Review rights

Internal review

If you disagree with my decision, you have the right to apply for an internal review by the Department my decision. Any request for internal review must be provided to the Department by the date set out above. Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by an officer other than the original decision-maker and the Department must make a review decision within 30 days.

Applications for review should be sent to:

By email to: foi.reviews@homeaffairs.gov.au

OR

By mail to:
Freedom of Information Section
Department of Home Affairs
PO Box 25
BELCONNEN ACT 2617

Review by the Office of the Australian Information Commissioner

You may apply directly to the Office of the Australian Information Commissioner (OAIC) for a review of my decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a review request to the OAIC, please see FOI fact sheet 12 '*Freedom of information – Your review rights*', available online at www.oaic.gov.au.

How to make a complaint about the handling of this FOI request

You may complain to the Australian Information Commissioner about action taken by the Department in relation to your request.

Your enquiries to the Australian Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)
Email enquiries@oaic.gov.au

There is no particular form required to make a complaint to the Australian Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Department of Home Affairs as the relevant agency.

Contacting the FOI Section

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at foi@homeaffairs.gov.au.

Yours sincerely

Simon
Position No. 60156398
Authorised Decision Maker
Department of Home Affairs