

**Decision D0082007 - Published in note form only**

***Re Woodside Defense Group and Fremantle Hospital and Health Service* [2007]  
WAICmr 8**

**Date of Decision: 17 April 2007**

***Freedom of Information Act 1992: Sections 16 and 17(3); Freedom of Information Regulations 1993: Schedule 1***

The complainant applied to Fremantle Hospital and Health Service ('the agency') for access under the *Freedom of Information Act 1992* ('the FOI Act') to certain documents relating to Woodside and Kaleeya Hospitals. The agency identified a large number of documents and provided the complainant with an estimate of the proposed charge for dealing with the application, as it was required to do under section 17(3) of the FOI Act. In this case, the agency estimated that the charge would amount to about \$1000. The complainant advised the agency that he wished to proceed with the application and the agency dealt with the application without requiring the payment of a deposit by the complainant.

The agency gave the complainant access to 112 documents (1445 folios) and advised that the total charge for dealing with those documents was \$1072.00. That amount was confirmed on internal review. In April 2006, the complainant applied to the A/Information Commissioner ('the A/Commissioner') for an external review of that decision.

On receipt of that application, the A/Commissioner required the agency to provide its file relating to the access application and to provide further information in relation to, among other things, the number of persons who dealt with the application and the level of their experience; the time taken to deal with the application; the activities for which the agency imposed charges, for example, consulting with third parties; and the drafting of notices of decisions. The agency was also asked to explain the calculations upon which the charge was based.

The agency provided that information and, in December 2006, the complainant was advised that the charge appeared to comply with the prescribed rates set out in the *Freedom of Information Regulations 1993* ('the Regulations') and seemed reasonable in the particular circumstances of the matter. The complainant was given detailed information as to how the charges were arrived at and was advised that the agency had not charged for all the time actually spent dealing with the application. The complainant was invited to respond to that view and provide further submissions in support of its claim that the charge was not reasonable.

In response, the complainant submitted that, among other things, the documents to which it had been given access were not satisfactory for various reasons. In addition, the complainant suggested that the application could have been handled in a more cost effective manner. However, the complainant provided no information or material to support the latter view. The A/Commissioner took the view that the complainant's submissions concerning the documents provided - or not provided - by the agency were not relevant to the matters for her determination. The A/Commissioner determined that the charge of \$1072.00 had been correctly calculated according to the principles set out in section 16 of the FOI Act and the rates prescribed by the Regulations and confirmed the agency's decision to impose the charge.