

Decision D0442000 – Published in note form only

Re WA Posters Pty Ltd and City of Perth [2000] WAICmr 44

Date of decision: 28 August 2000

***Freedom of Information Act 1992; section 17; section 19
Freedom of Information Act Regulations 1993***

On 13 August 1999, Mr John Heinrich on behalf of WA Posters Pty Ltd ('the complainant') made application to the City of Perth ('the agency') under the FOI Act for access to documents relating to the provision of advertisements on bus shelters around the Perth CBD.

On 19 January 2000 the agency provided the complainant with an estimate of charges to deal with the access application in its current form. The complainant did not respond within the period of time specified in s.19(1)(b) of the FOI Act, and the agency considered the matter closed.

However, after discussions with this office, the agency agreed to accept an application for internal review out of time. Subsequently, on internal review, the agency varied its initial decision, and informed the complainant of the estimate of charges to deal with the access application was reduced to \$437.50 and required the complainant to pay an advance deposit of \$109.40.

The Information Commissioner ('the Commissioner') found that the agency's estimate of charges is reasonable, that it was calculated in accordance with the FOI Act regulations and that therefore, the agency's decision to require the payment of a deposit of \$109.40 appeared justified.

The Commissioner received a further submission from the complainant which was considered by the Acting Information Commissioner. Having considered all the material provided by the parties, and the reasons for the Commissioner's preliminary view the Acting Information Commissioner adopted those reasons, was satisfied that the agency's estimate of charges and decision to require the payment of the deposit was justified, and confirmed the decision of the agency.