



Determination

External review - section 39 *Freedom of Information Act 1991*

Applicant:	[REDACTED]
Agency:	Environment Protection Authority
Ombudsman reference:	2025/07756
Agency reference:	CE-25-0284 FOI-26-03
Determination:	The determination of the agency is varied .
Date of Ombudsman's determination:	3 June 2026
Issues considered:	Fee review - exercise of discretion to waive, confirm or vary fee or charge levied by agency for the processing of FOI application
Legislation considered:	<i>Freedom of Information Act 1991</i>

REASONS

Application for access

1. By application under the *Freedom of Information Act 1991* (the **FOI Act**) the applicant requested access from the agency to:

- ... 1. 'All early reports as raised by [REDACTED] and others in the EPA's Environments Incidents Reporting Application (EIRA) about toxic algal blooms off the South Australian coast in March;
2. Any internal EPA documents showing how the response to these early reports were formulated
3. Any EPA documents for sampling related to the above reports raised, including sample locations
4. Any requests made by the EPA to have the above samples tested, including types of tests requested
5. A copy of test results on the above EPA samples

Exclusions: Names and personal information to be excluded. Date Range: 01/01/2025 to 22/07/2025

Background

2. For ease of reference, procedural steps relating to the application and the external review are set out in the appendix.

Jurisdiction

3. This external review is within the jurisdiction of the Ombudsman as a relevant review authority under section 39 of the FOI Act. Pursuant to section 9(1) of the Ombudsman Act 1972, the Ombudsman has delegated her powers under the FOI Act to me to conduct this external review.
4. Section 39(11) provides that the Ombudsman may confirm, vary or reverse the agency's determination in an external review, based on the circumstances existing at the time of review.

Provisional determination

5. Mr O'Connor, Senior Legal Officer, provided his tentative view about the agency's determination to the parties, by his provisional determination dated 13 March 2026. He informed the parties that subject to receipt and consideration of submissions from the parties, that he proposed to vary the agency's determination.
6. The agency provided submissions in response. I have considered these submissions in this determination.

Relevant law

7. Section 53 of the FOI Act provides:

53—Fees and charges

(1) The fees and charges payable under this Act must be fixed by the regulations or in accordance with a scale fixed in the regulations.

(2) The regulations—

(a) must provide for such waiver, reduction or remission of fees as may be necessary to ensure that disadvantaged persons are not prevented from exercising rights under this Act by reason of financial hardship;

(b) must provide for access to documents by Members of Parliament without charge unless the work generated by the application exceeds a threshold stated in the regulations,

and (except as provided by this section) the fees or charges must reflect the reasonable administrative costs incurred by agencies in exercising their functions under this Act.

(2aa) A fee or charge can only be required by an agency under this Act in respect of the costs to the agency of finding, sorting, compiling and copying documents necessary for the proper exercise of a function under this Act and undertaking any consultations required by this Act in relation to the exercise of that function.

(2a) An agency may, as it thinks fit, waive, reduce or remit a fee or charge in circumstances other than those in which such action is provided for under the regulations.

(3) Where an agency determines a fee or charge it must, at the request of the person required to pay, review the fee or charge and, if it thinks fit, reduce it.

(4) A person dissatisfied with the decision of an agency on an application for review of a fee or charge may apply to the Ombudsman for a further review and the Ombudsman may, according to his or her determination of what is fair and reasonable in the circumstances of the particular case—

(a) waive, confirm or vary the fee or charge;

(b) give directions as to the time for payment of the fee or charge.

(5) A fee or charge may be recovered by an agency as a debt.

8. The *Legislation (Fees) Act 2019*, prescribes at section 4 that where an Act authorises the making of regulations to prescribe fees, that those fees may be notified by way of a fee notice. The relevant fee notice, in effect from 1 July 2025, was published in the Government Gazette on 15 May 2025, and provides that the fee for dealing with an FOI application is \$16.40 per 15 minutes spent by the agency.

9. Under section 48, the onus is on the agency to justify its determination ‘in any proceedings’. This includes the external review process.

Issues in this review

10. This is a review of the determination by the agency to require payment of the sum of \$1508.80 in fees incurred whilst processing the FOI application. In conducting this review, it is incumbent on me to review the exercise of the discretion that was afforded the agency to reduce the fee, and I may re-exercise that discretion according to what I consider to be fair and reasonable in the circumstances of the case.

Submissions of the parties

The applicant

11. The applicant provided the following submissions:

The documents subject to this application related to the agencies involvement in responding to and handling of an algal bloom taking place off the South Australian coast and that had, by July, spread to over 4400km². This event has devastated Australian

fishing industries, aquaculture and tourism in the region where it operates, and threatens the total destruction of ecosystems where it has settled. The federal government has responded to this event by contributing \$20m in financial support to those affected by the region. The South Australian government announced a \$100m support last week.

The Federal Senate is undertaking an inquiry into the algal bloom. You can find a link to the terms of reference here:

- https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/AlgalBloom48P

The event has also been subject to significant media reporting, some of which is included below:

- <https://www.theguardian.com/australia-news/2025/aug/25/were-trying-to-call-on-everybody-that-we-can-south-australia-scrambles-to-fight-its-pulsating-algal-bloom>
- <https://www.abc.net.au/news/2025-07-23/sa-toxic-algal-bloom-explained/105560008>
- <https://www.theaustralian.com.au/nation/its-heartbreaking-sa-fishermen-despair-amid-algal-bloom-crisis/news-story/2baa1dba876ff2145fb02d4c0ef40ddb>

These media reports include previous reports on the event in my capacity as a working journalist. This can be viewed here:

- <https://drilled.media/news/algal-bloom>

The documents requested will form the basis for future reporting on this event in my capacity as a journalist. You can see examples of my past work [here](#) and [here](#).

The decision to impose a charge, under South Australia's Freedom of Information Act is discretionary. As per s53(2a), an agency may "as it thinks fit, waive, reduce or remit a fee or charge in circumstances other than those in which such action is provided for under the regulations". The Regulations provide grounds for reducing or waiving fees for concession card holders and financial hardship, but notes: "that section 53(2a) of the Act provides that an agency may, as it thinks fit, waive, reduce or remit a fee or charge in circumstances other than those provided for in this regulation."

The FOI Act (SA) states that its object is to "promote openness in government and accountability of Ministers of the Crown and other government agencies" and to "facilitate more effective participation by members of the public in the processes involved in making the and administration of laws and policies". It also adds "nothing in this Act is intended to prevent or discourage the publication of information, the giving of access to documents [...] if it is proper and reasonable to do so".

The charges notice identifies 40 documents, of which several were withheld, after a 60 day extension. The number of pages contained within these documents is not stated.

The average word rate for a freelance journalist in Australia is .80c a word. A 600 word news story pays \$480. Any news story that were to arise from the documents named would result in a net loss of \$1028.80. These costs are not expensable under ordinary practice and if the decision is taken to maintain the charge, no payment will be made.

A reasonable person, in possession of the facts, could consider the decision to impose a charge in these circumstances as a deterrent.

In the Commonwealth, there is established case law that makes clear FOI should facilitate the production of investigative journalism and fair public inquiry from the media, and holding that fees and charges should not impede this reporting, particularly on an evolving event. In particular:

- In *Emmanuel Freudenthal and Department of Foreign Affairs and Trade (Freedom of information)* [2019] AICmr 15 (29 April 2019) the IC determined that the charge for processing the request be waived in full. The Information Commissioner noted the

relationship to the FOI in that case and articles that had been written in relation to it, and questions that had been raised in the parliament (Senate Estimates).

- In *Australian Associated Press Pty Ltd and Department of Immigration and Border Protection* [2015] AICmr 65 (2 October 2015) the Information Commissioner determined "It is likely that the position of the applicant as a media outlet, pursuing investigative journalism, could increase any benefit flowing from the release of the documents in this case."
- In *MacTiernan and Secretary, Department of Infrastructure and Regional Development (Freedom of information)* [2015] AATA 584 the Tribunal stated: "When one compares the number of documents identified as within the scope of the FOI request (i.e. 88 documents) and the cost of processing the FOI Request (\$2,291.36) against what the FOI Request relates to (i.e. a proposed \$1 billion (plus) government (taxpayer) funded infrastructure project) the Tribunal considers, on balance, that the giving of access to the documents in question is in the "general public interest" or, at the very least, "in the interest of a substantial section of the public" for the purposes of s 29(5) of the FOI Act and that the charge associated with processing the FOI Request ought be waived under s 29(4) of the FOI Act in the circumstances of this case."
- In *Justin Warren and Department of Human Services (Freedom of information)* [2018] AICmr 16 (1 February 2018), it was held that "The FOI Guidelines explain that the decision to impose a charge is discretionary. A charge should be accurate, should fairly reflect the work involved in providing access to documents on request and must not be used to unnecessarily delay access or discourage an applicant from exercising the right of access conferred by the FOI Act."
- I note that when it comes to calculating a charge, any time should be based on i) actual work performed and ii) cannot rely on a calculator. In *Justin Warren and Department of Human Services (No 2) (Freedom of information)* [2018] AICmr 17 (1 February 2018) [34], it was held: "In previous IC review decisions, it has generally been accepted that between 30 seconds per page, to five minutes per page is a reasonable estimate of the time required for an agency to assess and edit documents, except where the documents contain a substantial amount of sensitive information."

This case law may originate in the Commonwealth jurisdiction, which is subject to a different Freedom of Information regime, but it remains persuasive and it would be unusual for South Australia to chart a wholly different course given the object of the South Australian Freedom of Information Act.

The agency

12. The agency provided the following submissions in response to the provisional determination:

Details of the EPA's searches and the sorting and compiling of documents are set out in Attachments 1 (Searching) and 2 (Sorting and Compiling). No per-page fee was charged. I consider the searches, sorting, and compiling undertaken by EPA officers to have been reasonable, thorough, specific, purposeful, and proportionate. In addition, six third parties were consulted under sections 26 and 27 of the FOI Act, as detailed in Attachment 3. I consider the time spent on these consultations (2 hours) to have been reasonable and proportionate.

Fees charged and fee waiver request

Section 13 of the FOI Act sets out the formal requirements for a valid FOI application, including payment of the prescribed fee unless an exemption applies. [REDACTED] lodged his application online and answered "No" to the fee-waiver question, paying the \$43.30 application fee.

As no fee waiver was requested at the time of application, the EPA calculated processing fees in accordance with section 53 of the FOI Act and the Freedom of Information (Fees and Charges) Regulations 2018. [REDACTED] was provided with information about FOI

fees on 23 July 2025 and was advised on 2 August 2025 that the estimated cost to process the initial scope was approximately \$7,954. This estimate was a significant factor in narrowing the scope. The EPA continued to process the request in good faith. A fee-waiver was first raised by [REDACTED] on 20 October 2025, after the FOI determination and issue of an invoice for \$1,508.80 on 17 October 2025. Had a fee limit or waiver request been raised earlier, the EPA would have engaged in further discussions about further narrowing of the scope.

Consideration of fee waiver

[REDACTED] provided information in support of a fee waiver, including material regarding the algal bloom, its environmental and economic impacts, government responses, media reporting, remuneration rates for freelance journalists, and FOI case examples from other jurisdictions. EPA fee waiver and the public interest considerations are detailed in Attachment 4 (Public Interest Considerations).

Summary

The EPA processed [REDACTED]' FOI application in accordance with the FOI Act and relevant guidelines. I consider the searches, sorting and compiling of documents, and third party consultations to have been reasonable, proportionate, and appropriately charged.

I have considered [REDACTED] fee-waiver claims and the relevant public interest considerations. While acknowledging the public interest in the algal bloom, I consider that FOI processing fees remain an important mechanism to balance access to information with the responsible use of agency resources. The processing of large or complex FOI requests places demands on specialist staff, particularly at a time when EPA officers are heavily engaged in scientific and regulatory work responding to the algal bloom. The EPA operates within budgetary constraints, and time spent processing FOI requests necessarily diverts resources from other core functions. Waiving fees in these circumstances may also create an expectation that increases demand and risks a substantial and unreasonable diversion of EPA resources from the exercise of its core functions. The EPA may then consider refusing to deal with a FOI application under section 18 of the FOI Act. This is not an outcome the EPA desires. Journalists have alternative avenues to obtain information from the EPA and are encouraged to engage with the EPA media team where appropriate as an alternative pathway for accessing information.

Consideration

13. Pursuant to section 53(4) of the FOI Act I may, according to what I determine is fair and reasonable in the circumstances of the case, waive, confirm or vary the fee required by the agency. In making my determination, I have considered the submissions of the parties and I have considered how the agency calculated the amount of \$1508.80.
14. Section 53 of the FOI Act allows fees to be imposed for finding, sorting, compiling and copying documents, as well as time spent undertaking consultation. Section 53 does not allow fees and charges to be imposed for time spent considering the application of exemption clauses and determining whether to disclose documents.
15. I provide the relevant extract from the agency's Fee Worksheet below:

Date	Search & Retrieval	Photocopying/ scanning	Sorting & Compiling	Consultation	Total
12/09/2025	6 hours		7 hours		13 hours
19/09/2025	3 hours		5 hours	2 hours	10 hours
		Cost per hour	\$65.60	TOTAL HOURS	23 hours
				TOTAL HOURS COST	\$1,508.80

OFFICIAL

Number of Pages		Cost per page	\$0.25	TOTAL PAGE COST	\$0.00
				TOTAL FOI COST	\$1,508.80

Consultation

16. The agency has charged \$131.20 for time spent undertaking consultations. This was calculated as 2 hours of third-party consultation pursuant to sections 26 and 27 of the FOI Act.
17. I understand that it was necessary for the agency to consult with 6 third parties.¹ Taking into account additional tasks which are not specifically recorded in the documents, such as drafting a template consultation letter, filing emails away in records management systems, locating the correct contact details for each third party and attaching the correct documents to each specific consultation email, I consider that the agency could have reasonably spent 2 hours completing the consultation process.
18. I consider that it is fair and reasonable that the applicant is charged for the consultation costs associated with the application, totalling \$131.20. I reach this view because it appears proportionate to the documents in scope, and because the views received by consulted parties can be elemental (although not determinative) in determining whether disclosure of documents is in the public interest.

Search & Retrieval

19. The agency charged \$590.40 for the search and retrieval of documents, which is a total of one 6 hour increment, and one 3 hour increment. The agency has used the term 'search and retrieval', but I note that the language of the FOI Act in relation to the process is actually 'finding'.
20. I acknowledge that agencies must deal with a range of factors when processing an application for access. In the provisional determination, the delegate expressed that agencies must conduct reasonable searches for documents while also limiting unnecessarily broad searches. The agency has provided more detail about its searches:

Searches for documents in scope of point 1 of the amended FOI request of the EPA's database EIRA were undertaken. Search terms used were 'Anthony Rowland', 'algal', 'toxic', harmful', 'fish', and 'death'. It was noted that many EIRA reports received in the timeframe referenced unusual observations (water pollution, people getting sick after swimming, deceased animals, dead fish, dead octopus and foam, Waitpinga Beach etc.) and not always referenced the search terms used.

As searchable fields in EIRA are limited to Case Title, High Level Intent, Category or Type, only three documents were identified when searching for 'algal bloom'. If the EPA limited its search to just 'algal bloom', the number of documents would not be representative of the early reports of observations of conditions that were linked to the algal bloom. To be thorough, the EPA searched all EIRA reports received and allocated to the EPA's Marine team by each individual EPA officer's name within the date range of the revised FOI scope. 68 EIRA records were received, each record was opened and reviewed to determine whether it was in scope. 20 EIRA records were in scope of the FOI request, the remaining 48 EIRA records were considered either not a report, not an early reporter in March 2025, or related to other marine/water quality matters, therefore out of scope of this FOI request.

¹ The provisional determination referenced consultation with 40 parties which was incorrect

Searches for documents were undertaken mainly by the FOI team to assist Marine Science colleagues as they were predominantly working off-site due to the algal bloom response. Times spent by one officer included:

- 23/07/2025 - 2 hours - Searching with Marine and Community Support teams
 - 23/08/2025 - 3 hours - Search and retrieval of documents (undertaken on a Saturday)
 - 24/08/2025 - 3 hours - Search and retrieval of documents (undertaken on a Sunday)
- Times spent by a second officer included:
- 23/07/2025 - 2 hours Searching

Times spent by a third officer included:

- 3/09/2025 - 3 hours Searching

Times spent by a fourth officer included:

- 3/09/2025 - 3 hours Searching

An estimated time of 6 hours searching for documents and an additional 3 hours searching were used for the calculation of fees, rather than 16 hours as some time was spent assisting other officers, retrieving files, may have shown duplicated searching costs, some of the time spent searching did not produce documents within the scope of the FOI request.

Searches for documents in scope of points 2 to 5 of the FOI request were undertaken of other EPA records including emails, data bases, Teams etc to identify documents. Search terms used were 'algal', 'toxic', 'harmful', 'fish', and 'death'.

21. I appreciate the deeper explanation provided by the agency. I accept that some of the searches conducted, which included locating the 20 Environments Incidents Reporting Application (EIRA) reports responsive to the application (amongst the 68 received) would have taken some time, but I do not accept that opening 68 documents to determine whether they were related to the toxic algal bloom would have taken the 9 hours asserted by the agency. Having read the EIRA reports, many of them are short 2-3 page reports and the subject matter and date of the report is fairly easily identifiable. The agency's submission following the issuing of the provisional determination appears to suggest that finding the documents in relation to point 1 of the application took 9 hours. Given the EIRA reports do not appear to be long documents, and that finding those reports was confined to searching one database (the EIRA database) I am not persuaded that finding the 20 EIRA reports responsive to the request, from a total of 68, would have taken 9 hours.

Sorting & Compiling

22. The agency charged \$787.20 for sorting and compiling in one 7 hour increment and one 5 hour increment for a total of 12 hours.
23. The agency provided a further explanation in relation to its efforts to sort and compile the documents, including that it removed email duplicates and repeating email chains, sorted the documents into date order and renamed them, saved and numbered the documents in PDF format and created a schedule. The agency submits the EIRA database does not allow a report to be generated showing all information associated with an EIRA case and that reconciling that information took time.
24. While I appreciate the removal of duplicates and repeating emails chains is helpful for the applicant, the agency has not quantified the totality of emails it needed to sort to remove the duplicates and chains; I note there were only 15 emails in issue so without further quantification it is difficult to ascertain if that process was complex. In my view, sorting and compiling 15 emails is not a time-consuming task. I am also of the view that the applicant should not be penalised just because the EIRA system cannot produce succinct or fulsome reports.

25. The agency explained that the documents were reviewed and redacted but correctly noted that it was not permitted to charge the applicant for such.
26. The agency bears the burden of justifying its determination.² I cannot reconcile how once the 40 documents were identified that it would have taken 12 hours to sort and compile them in the manner described by the agency. Having considered the agency's explanation and the documents in scope, I remain unconvinced the 12 hours charged by the agency is justified.
27. Even if I were to be satisfied that the agency had justified that the time it spent processing the application was accurately represented, the question of whether a charge is fair and reasonable will depend additionally on public interest factors, and whether those factors weigh in favour of the exercise of my discretion to reduce or waive the fee according to what I consider to be reasonable in the circumstances of the case.

Fair and reasonable in all of the circumstances

28. The applicant submits that the fee which the agency has imposed is much higher than the amount which the average news article would generate. The applicant has also raised in their submissions numerous cases, including *MacTiernan and Secretary, Department of Infrastructure and Regional Development (Freedom of information) ('MacTiernan')*.³ In *MacTiernan*, the applicant requested information in relation to a proposed major infrastructure project which would have cost the Western Australian government over \$1 billion to implement.⁴ The project was subject to some controversy due to the environmental impact and cost. The Tribunal stated that:

When one compares the number of documents identified as within the scope of the FOI request (i.e. 88 documents) and the cost of processing the FOI Request (\$2,291.36) against what the FOI Request relates to (i.e. a proposed \$1 billion (plus) government (taxpayer) funded infrastructure project) the Tribunal considers, on balance, that the giving of access to the documents in question is in the "general public interest" or, at the very least, "in the interest of a substantial section of the public" for the purposes of s 29(5) of the FOI Act and that the charge associated with processing the FOI Request ought be waived under s 29(4) of the FOI Act in the circumstances of this case.⁵

29. The FOI request in *MacTiernan* was made under the Commonwealth *Freedom of Information Act 1982*, which requires the decision maker, in relation to the levying of a fee or charge, to take into consideration whether 'the giving of access to the document in question is in the general public interest or in the interest of a substantial section of the public'.⁶ While the FOI Act is absent that explicit consideration, I consider that any assessment of what is 'fair and reasonable' in the circumstances requires the decision maker to consider public interest arguments, because to do so is consistent with the objects of the FOI Act.⁷

² See section 48 *Freedom of Information Act 1991*

³ *MacTiernan and Secretary, Department of Infrastructure and Regional Development (Freedom of information)* [2015] AATA 584.

⁴ *MacTiernan and Secretary, Department of Infrastructure and Regional Development (Freedom of information)* [2015] AATA 584 at [2].

⁵ *MacTiernan and Secretary, Department of Infrastructure and Regional Development (Freedom of information)* [2015] AATA 584.

⁶ *Freedom of Information Act 1982* (Cth) s29(5)(b)

⁷ See section 3(1)(a), 3(2)(b) and 3A(1)(a) and (b) *Freedom of Information Act 1991*

30. The primary objects of the FOI Act relevant to this issue are:
- (a) to promote openness in government and accountability of Ministers of the Crown and other government agencies and thereby to enhance respect for the law and further the good government of the State; ...
31. When weighing the cost of the agency processing the applicant's FOI application against providing transparency to one of the most prominent issues affecting the State, it is clear to me that public interest in disclosure is a strong factor weighing in favour of a reduction in fees.
32. The agency submitted, among other factors, the following in relation to public interest considerations against permitting a fee waiver:
- The charging of fees for processing a FOI request for journalists in circumstances like this is a means of balancing the demands for a large volume of information and reducing the scope of a request to be more targeted and manageable to process, minimising the diversion of EPA resources, while still providing the information requested.
 - If fees were waived for journalists in circumstances like the algal bloom, it is likely that the demand for information would become higher and higher, ultimately leaving the EPA in a position where it would consider refusing to deal with a FOI application under section 18 of the FOI Act as it may substantially and unreasonably divert the agency's resources from use by the EPA in the exercise of its function. This is not an outcome the EPA desires.
33. I do not find the agency's submissions in relation to the issues it identified above to be persuasive. It is reasonably expected that as the lead agency responding to significant environmental risks or issues affecting the state of South Australia, it would be at the receiving end of the bulk of such FOI requests.
34. The question of whether the demand for information increases is not a factor that I have given much weight because the circumstances of each matter are determined on their merits.
35. The agency also submitted that:
- the public expectation is that EPA officers undertake their roles, and in particular marine scientists, should be able to focus their attention on scientific work and not on administrative work
 - there are other methods to obtain information, via media requests
 - information about the algal bloom is available on the agency's website
 - there has already been extensive ongoing media coverage of the algal bloom event.
36. Agencies the subject of the FOI Act must resource themselves adequately to be able to respond to FOI requests; that marine scientists were required to assist in the production of documents responsive to the application should be disregarded as a factor weighing against a fee reduction because the agency has a statutory obligation to respond to valid FOI applications, which may from time to time, require the knowledge and expertise of specialist employees to fulfil.
37. Media responses usually entail the production of vetted statements or general responses to questions, as distinct from documents that may contain the unvarnished and objective records held by an agency that can be obtained through the FOI process. In my view the processes are distinct. The applicant would have been aware that they could make a media request, and equally, it was open to the agency to direct the

applicant to the media request process if they thought it appropriate. Therefore, I do not place much weight on this factor either way.

38. That information has already been made public, and that *some* information was available by other means does not mean that the information being sought by the applicant was/is publicly available. The agency does not assert that the information in issue was/is already in the public domain; in that context, I do not consider that I should regard this as a persuasive factor contrary to the public interest. The applicant obviously has a particular interest in an aspect of the agency's handling of the algal bloom incident and it can be inferred that if the information being sought by the applicant was already available, any FOI application would be moot.
39. Ultimately, I remain persuaded by the applicant's submission - the fee creates a barrier to journalistic scrutiny, and ergo, public scrutiny, in relation to the State's response to harmful algal bloom, which is currently a significant environmental concern in South Australia. The State has received over \$100 million in funding due to its major impact on the marine environment. There were also only 40 documents located, which is not a substantial amount when considering the number of people, as well as the fishing, aquaculture and tourism industries, affected by the environmental consequences of algal bloom. I consider that the cost of the agency processing the application to be insignificant against the \$100 million that was spent in the State's efforts to resolve the algal bloom issue.
40. Accordingly, I consider that in light of the issues explored and conclusions reached in the relevant case law, the objects of the FOI Act and the public interest factors cited immediately above, it is fair and reasonable that the fees levied for the search, retrieval, sorting and compiling the documents are waived. I reach this conclusion on the basis that I do not think that the agency has justified its fees for those processes, and moreover, that any reasonable sum that could be charged is vitiated by the strong public interest factors weighing in favour of a reduction in fees. I consider the consultation charge of \$131.20 justifiable and therefore a fair and reasonable sum to charge.

Determination

41. In light of my views above, I vary the agency's determination such that the fee to process the application is \$131.20. The fee must be paid within 30 days from the date of this determination or if the applicant has already paid the fee in full, the balance refunded.



Megan Carter
DEPUTY OMBUDSMAN

19 June 2026

APPENDIX

Procedural steps

Date	Event
22 July 2025	The agency received the FOI application.
1 August 2025	The applicant narrowed the scope of the application.
8 August 2025	The Principal Officer of the agency extended the date for the determination to 21 October 2025.
14 August 2025	The applicant further narrowed the scope of the application.
10 October 2025	The agency determined the application and issued fees and charges in respect of the costs in dealing with the application.
20 October 2025	The agency received the applicant's fee waiver application.
19 December 2025	The Principal Officer of the agency determined not to waive the fee.
23 December 2025	The applicant made a full payment of the amount due.
23 December 2025	The Ombudsman received the applicant's request for external review.
23 December 2025	The Ombudsman advised the agency of the external review and requested submissions and documentation.
19 January 2026	The agency provided the Ombudsman with its submissions and documentation.
13 March 2026	The Ombudsman issued her provisional determination and invited submissions from the parties.
13 March 2026	The applicant advised that they had no submissions in response to the provisional determination.
7 April 2026	The agency provided submissions in response to the provisional determination.