



Australian Government
Department of Education

Your Ref
Our Ref LEX 638

Me
Right to Know

By email: foi+request-10170-5b0553d2@righttoknow.org.au

Dear Me

Your Freedom of Information request - charge

I refer to your further revised request, received by the Department of Education (department) on 5 July 2023, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

1. Any emails or written correspondence that are:
 - a. dated 7 March - 29 November 2022, and
 - b. related to the amendment to s 67CC(2) (including documents that do not directly mention s 67CC(2) but form part of the considerations that resulted in an amendment to s 67CC(2) being sought), and
 - c. not already released via [FOI request to Services Australia with reference number] LEX71589, and
 - d. sent or received by an entity acting on behalf of the Department of Education (e.g., employee, contractor, etc.). This includes emails or written correspondence sent directly to or received directly from an external source (e.g., a minister's office).
2. Any documents in the possession of the Department of Education that explain or could be perceived to explain why, from page 2, 'we [the Department of Education?] are looking at amending s 67CC(2)(d)'
3. Any documents in the possession of the Department of Education that confirm who the 'we' is in 2 above
4. Any documents in the possession of the Department of Education, not covered by point 2 above, that provide information as to what caused, prompted, or contributed to, the Department of Education making the 28 July 2022 request for advice (page 2).
5. I am not clear whether the 'comprehensive layperson explanation for internal use only' was later published. Assuming it was not published, or that the internal version is different to

the published version, I request the final version of the 'comprehensive layperson explanation for internal use only'.

6. A document setting out, from page 5, any/all 'Minister's Rule changes by 1 July 2023' that are consequent to or otherwise relate to the amendment to s 67CC(2)

7. [A document containing] The names of any CCS claimants, where the Department of Education considered those claimants' claims as part of considering s 67CC(2) amendments (e.g., as an example of why the amendment was needed, or a case study of what the amendment would achieve, or similar). I will grant extensions of time to consult with the relevant third party CCS claimants

8. To the extent not included in point 5 above, a copy of (from page 9) 'the taper graph demonstrating the new CCS rates and a very handy layperson explanation of the amendments in the ED'

9. Documents that set out why the Department of Education thought it mattered to make it so that, from page 15 at [73], 'It would not matter whether or not the child received care for which another individual was receiving CCS.'

10. Documents that set out why, from page 15 at [74], the 'policy intent' needed to be clarified.

11. Documents... that consider and/or justify, from page 15 at [75], the retrospective application of the amendment.

~~12. Copies of any emails or written correspondence related to [FOI request to Services Australia with reference number] LEX71589 that were sent or received by an SES or equivalent (regardless of which department the SES worked for, and regardless of whether they were in the 'to', 'from', 'cc', or 'bcc' field).~~

~~13. Copies of any emails or written correspondence related to [FOI request to Services Australia with reference number] LEX71589 that were sent or received by a minister, minister's office, or ministerial staff (regardless of which minister, and regardless of whether they were in the 'to', 'from', 'cc', or 'bcc' field).~~

~~14. Correspondence internal to the Department of Education related to [FOI request to Services Australia with reference number] LEX71589~~

~~15. Correspondence sent to/from the Department of Education/Services Australia and vice versa related to [FOI request to Services Australia with reference number] LEX71589~~

On 27 June 2023, I notified you of my decision to affirm the imposition of the adjusted charge in relation to your FOI request dated 17 April 2023. On 30 June 2023, you revised the scope of your request as follows:

May I please amend the scope to exclude point 15, and to exclude documents that are already published (provided they are already published in full with no redactions).

On 4 July 2023, I sent you a preliminary assessment of the charge payable for the processing of your revised request. On 5 July 2023, you further revised the scope of your request as follows:

Could I please also exclude points 12, 13, and 14.

That should limit the scope of my request to s 67CC(2) amendments (that is, not including LEX71589).

Noting the further revised terms of your request, I have recalculated the preliminary assessment of the charge payable for the processing of your further revised request and my calculation is below.

Preliminary assessment of the charge

Under the FOI Act, I have decided that you are liable to pay a charge for the processing of your request as revised on 5 July 2023. My preliminary assessment of the charge is \$125.00, calculated as follows:

Search and retrieval time: 3 hours, at \$15.00 per hour	\$45.00
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 4 hours, at \$20.00 per hour	\$80.00
TOTAL	\$125.00

*The FOI Act provides that the first five hours of decision-making time are free of charge and this is reflected in the calculation.

I am advised that, with the exclusion of parts 12-14 from the scope of your request, the department has in its possession 6 documents with approximately 50 pages relevant to your further revised request.

Required action

If you would like the department to continue processing your request, you must notify the department in writing within 30 days of receiving this notice that you:

- agree to pay the charge
- wish to contend that the charge has been wrongly assessed, should be reduced or not imposed or both or
- withdraw your request.

If you do not respond within 30 days, your request will be taken to have been withdrawn by the operation of the FOI Act.

Option - pay the charge

As the charge exceeds \$25, you are required to pay a deposit of \$31.25, which is 25% of the total charge amount, within 30 days of receiving this notice. You may elect to pay the charge in full at this point.

Payment can be made by credit card by completing the attached credit card authorisation and sending a scanned copy to foi@education.gov.au.

If you are unable to pay by credit card, please contact us on the above email.

Please note that the charge is a fee for processing your request, not a payment for access to documents. Payment of the charge does not guarantee you access to any or all of the documents you have requested. Access to documents will be considered by the decision maker in accordance with the FOI Act.

Option - seek reduction or non-imposition of the charge

If you want to ask the department to reduce or not to impose the charge, you should tell us why and give us evidence to support your reasons. You may wish to tell us:

- whether paying the charge would cause you financial hardship and/or
- whether access to the documents is in the general public interest or in the interest of a substantial section of the public.

We must take these matters into account in deciding whether or not to reduce or not impose the charge.

Time limits for processing your request

Under the FOI Act, the time limit for processing your request remains suspended from today until the day following payment of the charge (in full or the required deposit) or, if applicable, the day following a decision not to impose the charge.

To assist you, I have set out the relevant sections of the FOI Act at **Attachment A**.

Further assistance

As an alternative, you may wish to consider further revising the scope of your request. If you would like to revise your request further, please email foi@education.gov.au.

Yours sincerely

Alison

Alison
Authorised decision maker
Freedom of Information Team
Department of Education

10 July 2023

Relevant sections of the *Freedom of Information Act 1982* (Cth)

Charge

Section 29(1) of the FOI Act provides that, where the department decides that an applicant is liable to pay a charge in respect of a request for access to a document, or the provision of access to a document, the department must give the applicant written notice. The notice must state, among other things, that the applicant must within 30 days after the notice was given tell the department in writing that the applicant:

- agrees to pay the charge
- wishes to contend that the charge has been wrongly assessed or should be reduced or not imposed or both or
- wishes to withdraw the request.

Under section 29(2) of the FOI Act, if the applicant does not do one of these things within 30 days, the request will be taken to have been withdrawn.

Credit Card Authorisation

Use this form to pay a Freedom of Information charge by credit card

Applicant's details			
Name		Phone number	
Credit card details			
Credit card type			
Card holder's name			
Credit card number			
Expiry date		CCV number	
Amount			
Signature			
Date			

Privacy statement

Your personal information is collected by the Department of Education for the purposes of processing the payment of a charge imposed under the *Freedom of Information Act 1982* (Cth) and related purposes. If you do not provide some or all of the information requested, the department may be unable to process your credit card payment. Your personal information may be disclosed to other parties where you have agreed, or where it is otherwise permitted by law. The department's Privacy Policy, including information about how to make a complaint and access to and correction of your personal information, can be found at <https://www.education.gov.au/privacy>.