



31 July 2023

Oliver Smith

BY EMAIL: foi+request-10350-2979c473@righttoknow.org.au

In reply please quote:

FOI Request: FA 23/06/00040

File Number: FA23/06/0040

Dear Oliver Smith

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

On 30 May 2023, the Department of Home Affairs (the Department) received a request for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

On 22 June 2023, the Department wrote to advise you that it has made a preliminary assessment that you were liable to pay a charge for the processing of this FOI request. On 4 July 2023, you requested the Department waive or reduce the charge.

The purpose of this letter is to provide the decision of the Department in response to your request for a waiver or reduction of charges.

1 Scope of request

You have requested access to the following document:

At Budget Estimates, First Assistant Secretary Immigration Policy, Integrity and Assurance Division said: "In forming advice for government on the size of the planned annual Migration Program, there is extensive consultation across government to ensure that other agencies can provide inputs around some of those interdependencies that you've mentioned. We would typically stand up an interdepartmental committee, starting about six months out from the budget, where those matters are discussed. We invite other Commonwealth agencies to make submissions to us. We also run a state and Commonwealth migration officials meeting, which is held right throughout the year so that we can engage with officials at all levels of government"

I seek the agenda for any of the interdepartmental committee meetings described above held since May 2022 as part of preparing for the 2023 Federal Budget.

2 Preliminary notice of charges

On 22 June 2023, the Department wrote to you to advise that it had made a preliminary assessment that you were liable to pay a charge of \$15.00 for the processing of this FOI request.

3 Request for waiver/reduction of charges

On 4 July 2023 you requested a waiver or reduction of the charges on the following grounds:

- public interest (section 29(5)(b) of the FOI Act).

Your reasons for requesting a waiver were as follows:

Thank you for your email. I will like to request the fee decision be reviewed for this application given there is a genuine public interest in the disclosure of the document (see s 29(5)(b) of the FOI Act).

4 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 documents or to amend or annotate records.

5 Relevant material

I have considered the following information:

- the arguments you have put forward in your request for waiver dated 4 July 2023
- the FOI Act
- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines).

6 Decision on waiver or reduction of charges

I have reviewed the information you provided in requesting a waiver or reduction in the charges. Under section 29(4) of the FOI Act, the Department has decided to:

- not reduce the charges, and affirm its original assessment of the charges to be imposed.

Following the Department's decision, the amount you are liable to pay remains **\$15.00**.

7 Reasons for decision

In reaching my decision, I have considered the following:

- Whether payment of the charge, or part of it, would cause financial hardship to the applicant or a person on whose behalf the application was made.
- 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 argument you put forward in your email of 4 July 2023.

Financial hardship

I have determined that the payment of the charge, or part of it, **would not** cause financial hardship to the applicant. In forming that view, I have taken the following into consideration:

Applicant's claims of financial hardship

- You have not sought review of the charges on the grounds of financial hardship.

Public Interest

I have determined that the disclosure of the document **is not** in the general public interest or in the interest of a substantial section of the public. In forming that view, I have taken the following into consideration:

Applicant's claims that disclosure is in the public interest

- You have not provided evidence in support of your claims that disclosure of the documents would be in the public interest.

Department's assessment of claims that disclosure is in the public interest

- Section 29(5)(b) of the FOI Act requires the Department to consider whether the giving of access to a document or documents is in the general public interest or in the interest of a substantial section of the public. As provided in paragraph 4.107 of the FOI Guidelines, an assessment of the public interest may require consideration of both the content of the documents requested and the context in which their public release would occur. Matters to be considered include whether the information in the documents is already publicly available, the nature and currency of the topic of public interest to which the documents relate, and the way in which the public may benefit from the release of the documents.

For these reasons, I have decided to **not reduce the charges, and affirm the Department's original assessment of the charges to be imposed**. The amount you are liable to pay remains **\$15.00**

8 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Series/C2004A02562>. If you are unable to access the legislation through this website, please contact our office for a copy.

9 How to pay the charge

The total is **\$15.00**. Please refer to the original Notice of Charge email sent to you on 22 June 2023 containing details of how to pay the invoice which has been reattached here for your convenience.

10 Time in which to respond

Under the Act you have **30 days** from the date of this notice to provide the Department with a response to my decision and either:

- agree to pay the charges, or
- withdraw your request, or
- seek an internal review of my decision.

Your full review rights are set out in the next section, headed 'Your Review Rights'.

You must provide the Department with a written response as to how you wish to proceed by close of business **Wednesday, 30 August 2023**.

11 Your Review Rights

Internal Review

If you disagree with this decision, you have the right to apply for an internal review by the Department of this decision. Any request for internal review must be provided to the Department within 30 days of you being notified of the decision. Where possible please attach reasons why you believe a 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:

- OR
- By email to: foi.reviews@homeaffairs.gov.au
- 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 this decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a request for a review to the OAIC, please see <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>.

12 Making a Complaint

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.

13 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,

[electronically signed]

Lynette

Position number - 60006174

**Authorised Decision Maker
Department of Home Affairs**