



Australian Government
Department of Education

Your Ref
Our Ref Lex 757

Me

By email: foi+request-10581-3e83befc@righttoknow.org.au

Dear Me

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 17 August 2023, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

- 1. Copies of any emails or written correspondence related to FOI request to Services Australia 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).*
- 2. Copies of any emails or written correspondence related to FOI request to Services Australia 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).*
- 3. Correspondence internal to the Department of Education related to FOI request to Services Australia reference number LEX71589.*
- 4. Correspondence sent to/from the Department of Education/Services Australia and vice versa related to FOI request to Services Australia with reference number LEX71589.*

Included in the request:

- the domain of any and all email addresses that are in a document within the above scope*
- the personal details, including work contact details, of any SES staff, regardless of which department they are from*
- the non-personal information in email signature blocks of all staff (for example, name of team or section etc.)*

Excluded from this request:

- duplicate documents*
- the personal information of any sub-SES staff.*

On 4 September 2023, the department advised you that the documents falling within the scope of your request include emails from Services Australia to the department forwarding copies of the documents Services Australia processed in response to your FOI request Lex 71589. Given that the documents provided by Services Australia to the department as part of Services Australia's processing of Lex 71589 have been the subject of two decisions by that agency, the department advised you that we would treat these documents as being outside of the scope of your request dated 17 August 2023 unless you advised otherwise. On 7 September 2023, you advised that you agreed to the exclusion of this material from the scope of your request.

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. My preliminary assessment of the charge is \$117.50, calculated as follows:

Search and retrieval time: 30 minutes, at \$15.00 per hour	\$ 7.50
Decision-making time after deduction of 5 hours*: 5.5 hours, at \$20.00 per hour	\$110.00
TOTAL	\$ 117.50

*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 the department has in its possession approximately 18 documents with approximately 50 pages relevant to your 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 \$29.38 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. In particular, please contact us if you wish to pay by telephone or BPay and we will arrange for an invoice to be provided to you.

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 is suspended from the day you receive this notice 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 revising the scope of your request. If you would like to revise your request, please email foi@education.gov.au.

Yours sincerely



Vicki

Authorised decision maker
Freedom of Information Team
Department of Education
7 September 2023

Relevant sections of the *Freedom of Information Act 1982*

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* 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>.