



Australian Government
Department of Education

Your Ref
Our Ref LEX930

NLXQ

By email: foi+request-11160-c77142cf@righttoknow.org.au

Dear NLXQ

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on Friday 23 February 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

- "1. Correspondence with The King's School since 1 June 2022 (including any attachments) regarding compliance with federal/state legislative funding requirements.*
- 2. Correspondence with the NSW Government since 1 June 2022 (including any attachments) regarding The King's School's compliance with federal/state legislative funding requirements."*

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 \$557.00, calculated as follows:

Search and retrieval time: 6.00 hours, at \$15.00 per hour	\$90.00
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 23.35 hours, at \$20.00 per hour	\$467.00

TOTAL **\$ 557.00**

*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 the department has in its possession approximately 52 documents with approximately 240 pages relevant to your request.

I note that we have **excluded** from this charge notice a document that is publicly available online.

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If you do not respond within 30 days, your request will be taken to have been withdrawn by the operation of the FOI Act.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 \$139.25 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 is 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.

As your request covers documents that contain information concerning the business, commercial or financial affairs of an organisation or a person's business or professional affairs, I need to ask that organisation or person about the release of that information before making a decision on your request. Additionally, as your request covers documents, originating with, or received from a State, I need to consult with the relevant State about releasing the relevant documents before making a decision on your request. For these reasons, the department has extended the time for processing your request by 30 days under the FOI Act.

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

Katherine

Katherine
Authorised decision maker
Freedom of Information Team
Department of Education

8 March 2024

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 27A of the FOI Act provides that if the department receives a request for access to documents containing the personal information of another person and believes the person may object to the release of the documents, the department is required to consult with that person before making a decision on access to the documents.

Section 26A of the FOI Act provides that where consultation arrangements have been entered into between the Commonwealth and a State and it appears to the department that the State might reasonably wish to contend that the requested documents are conditionally exempt under section 47B and granting access would, on balance, be contrary to the public interest, the department must not give access to the documents unless consultation has taken place.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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>.