



**Australian Government**  
**Department of Education**

Your Ref  
Our Ref LEX930

NLXQ

By email: [foi+request-11160-c77142cf@righttoknow.org.au](mailto:foi+request-11160-c77142cf@righttoknow.org.au)

Dear NLXQ

**Your Freedom of Information request - charge decision**

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."*

I note that in accordance with your email dated Sunday 17 March 2024, your request has been revised to **exclude** the following:

- "- standard correspondence of a routine nature (for example, correspondence of a similar form sent to all non-government schools).*
- documents that are duplicates.*
- draft copies of documents.*
- for email correspondence, any earlier emails in the trail, provided that the latest email in the trail is included.*
- personal information of non-SES officers and individuals external to the department, provided that the job title/position remains included."*

## Background

On 8 March 2024, the department advised you of the preliminary estimate of the charge for processing your request, being \$557.00. On 17 March 2024, you contended that the charge for processing your request should not be imposed on the ground of public interest. You also revised the scope of your request, which reduced the number of documents falling within the scope. Based on the revised scope, the revised preliminary estimate of the charge for processing your request would be \$439.98.

## My decision

I am authorised to make decisions under section 23(1) of the FOI Act.

Subsection 29(5) of the FOI Act provides that, without limiting the matters that an agency may take into account when making a decision about whether to reduce, or not impose, a processing charge, the decision maker must consider:

- whether payment of a charge, or part of it, would cause financial hardship to an applicant; and
- 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.

In addition to these two matters, paragraph 4.3 of the FOI Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act provides that an agency has a discretion to impose or not impose a charge, or to impose a lower charge.

While I consider there are grounds for a processing charge to be imposed for the processing of your FOI request, on this occasion, I have decided to exercise my discretion to not impose the charge. The department will notify you of the decision on your FOI request within the statutory timeframes of the FOI Act.

## Further assistance

If you have any questions, please email [foi@education.gov.au](mailto:foi@education.gov.au).

Yours sincerely

*Katherine*

Katherine  
Authorised decision maker  
Freedom of Information Team  
Department of Education

15 April 2024

