

## FOI ACKNOWLEDGEMENT LETTER

10 July 2015

Our ref: F13/567-21

Dr Mark R Diamond

**Right to Know website:**

**([www.righttoknow.org.au/request/cost of legal advice in 2011](http://www.righttoknow.org.au/request/cost_of_legal_advice_in_2011))**

Dear Dr Diamond

### **Your Freedom of Information Request**

I refer to your to your posting on the Right to Know website on 5 July 2015 to the Australian Curriculum, Assessment and Reporting Authority (**ACARA**), which ACARA received on the same date, seeking access to documents under the Freedom of Information Act 1982 (Commonwealth) (**FOI Act**).

I confirm your request is for:

*"In the letter to me from Robyn Ziino dated 1 April 2015 (Your F13/567-4) reference is made on page 2, section 3, to "Legal advice from the Australian Government Solicitor to ACARA data 28 April 2011". A copy of the letter appears on the Right to Know website at <https://www.righttoknow.org.au/request/c...>)*

*I seek access to a copy of any document(s) that shows the itemized cost to ACARA of obtaining that legal advice. By "cost", I mean the amount charged by the the Australian Government Solicitor for the preparation of the advice, for any preliminary consultations and discussion, and so forth, rather than indirect costs such as the amount of in-house staff time devoted to briefing the AGS".*

This letter formally acknowledges receipt of your request, as required by s15(5)(a) of the FOI Act. Information on the processing of your request is set out below. I am an authorised decision-maker under section 23 of the FOI Act.

### **Timeframe for providing you with our decision**

The statutory timeframe for processing a request is 30 days after the day on which the request is received. This timeframe may be extended where:

- I need to negotiate with you on the final scope or wording of your request in circumstances where I am unable to process your request in its original form;
- charges are levied as prescribed by the Freedom of Information (Charges) Regulations 1982 [Regulations] (see charges below); or
- consultation with third parties is necessary (see consultation with third parties below).

## Charges

Agencies may decide that an Applicant is liable to pay a charge in respect of a request for access to documents. These charges are set by the Regulations and are for search and retrieval of documents, decision making and provision of access (for example, copying and postage).

If ACARA decides to charge you in respect of this FOI request, I will send you a preliminary assessment of the charges as soon as possible following retrieval of any documents that may be relevant to your request.

Please note that under changes to the FOI Act from 1 November 2010 no application fee applies.

## Consultation with third parties

ACARA may be required under the FOI Act to consult other parties (third parties) where information relating to third parties arises in documents sought by your request. The Act prescribes a further 30 days processing time for ACARA to undertake this consultation.

## Your request

I advise that ACARA may need to consult with third parties in relation to your request. Currently, the deadline for providing you with my decision is **Monday 4 August 2015** (30 days). You will be notified if ACARA decides to consult with third parties.

If you require clarification of any of the matters discussed in this letter, or have any queries throughout the process, please contact Peter Matheson, Board Secretary by email: [peter.matheson@acara.edu.au](mailto:peter.matheson@acara.edu.au) or phone 02 8098 3116.

Yours sincerely



**Robyn Ziino**  
Director of Communications and Strategic Relations, ACARA