



By email: [foi+request-1162-1c8007ef@righttoknow.org.au](mailto:foi+request-1162-1c8007ef@righttoknow.org.au)

Dear Mr Miller

I refer to your request received by the Department of Education and Training (the department) on 10 August 2015 for access under the *Freedom of Information Act 1982* (FOI Act) to: *"a copy all personal questions that were put to my son for the OZPISA Project not necessarily academic or samples of test questions"*.

#### **Preliminary Assessment of the Charge**

In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge for the processing of your request. My preliminary assessment of that charge is \$16.00, calculated as follows:

Search and retrieval time: 1.07 at \$15.00 per hour:	16.00
Decision-making time: 4 hours minus the first 5 hours* at \$20.00 per hour:	Nil
<b>TOTAL</b>	<b>\$16.00</b>

\*The FOI Act provides that the first five hours of decision-making time are free of charge and this is reflected in the calculation.

Participation in PISA forms part of Australia's National Assessment Program, which is endorsed by the education ministers of all states and territories. The Australian Council for Educational Research Ltd (ACER) is contracted by the department to conduct the PISA testing on behalf of all states and territories.

ACER has provided the department with approximately 101 pages of PISA questions falling within the scope of your request. The way the PISA questionnaires work, a small number of questions may only be put to a student if they provided a particular answer to an earlier question.

Without providing ACER with your son's personal and school details, we cannot determine what answers he gave, and therefore precisely which of the PISA questions were actually put to him.

However, we propose providing you with the entire set of possible questions, along with notes indicating where any particular set of questions are contingent on an earlier answer, to assist you.

Noting this, I have calculated the charge based on 50 pages (half of the total 101).

I estimate that it has taken 1.07 hours to locate and retrieve the file and tag the documents relevant to your request. I estimate that it would take 4 hours to examine the documents and prepare a decision on access. As the FOI Act provides that the first five hours of decision-making time are free of charge, you would not be charged for these 4 hours.

### **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:

- A. agree to pay the charge (or the required deposit) and pay it;
- B. contend that the charge:
  - (i) has been wrongly assessed; or
  - (ii) should be reduced or not imposed; or
  - (iii) both; or
- C. withdraw the request for access.

If you do not provide a written response in accordance with one of Options A, B or C above within 30 days of receiving this notice, your request will be taken to have been withdrawn under subsection 29(2) of the FOI Act.

Alternatively, you may wish to refine the scope of your FOI request. If you would like to discuss this please contact me for assistance.

Further information on options A, B and C is set out below.

#### **Option A – pay the charge**

The amount due can be paid by cheque or money order made out to the Collector of Public Monies—Education, or by credit card. If you'd like to pay by credit card, please contact us for further details.

#### **Option B – seek reduction or non-imposition of the charge**

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. Subsection 29(5) of the FOI Act provides that, in deciding whether to reduce or not to impose a charge, the decision-maker must take into account any relevant reasons, including whether payment of the charge, or part of it, would cause you financial hardship, and whether the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public.

If you wish to contend that the charge has been wrongly assessed or should be reduced or not imposed, please set out your reasons and the evidence in support of your reasons as clearly as possible. If you believe that payment of the charge would cause you financial hardship, please provide sufficient details of your financial circumstances to enable the decision-maker to make a well-informed decision in this regard.

#### **Option C – withdraw your request**

If you wish to withdraw your request you may do so in writing.

### **Time limits for processing your request**

Section 31 of the FOI Act provides that where a notice is sent to an applicant regarding the payment of a charge in respect of a request, the time limit for processing the request is suspended from the date the notice is received until either:

- the day following payment of the charge (in full or the required deposit); or
- if applicable, the day following the notification to the applicant of a decision not to impose the charge.



**Publication of information in the FOI disclosure log**

Information released under the FOI Act may be published in a disclosure log on the department's website. Section 11C of the FOI Act requires this publication, subject to certain exceptions, including where publication of personal, business, professional or commercial information would be unreasonable.

**Address for correspondence**

Please send all correspondence regarding your FOI request to me at the following address:

Matthew Simpson  
Schools, Skills and Corporate Legal Branch  
People, Communication and Legal Group  
Department of Education  
LOC: C50MA10  
GPO Box 9880  
CANBERRA ACT 2601

or by email to [foi@education.gov.au](mailto:foi@education.gov.au).

Please contact Lyndal Buik on 02 6240 7335 or me on 02 6240 9305 if you would like to discuss this matter.

Yours sincerely

A handwritten signature in black ink that reads "M Simpson". The signature is written in a cursive, slightly informal style.

Matthew Simpson  
A/g Senior Government Lawyer  
Schools, Skills and Corporate Legal Branch  
People, Communication and Legal Group

27 August 2015