



Jackson Gothe-Snape

By email: [foi+request-2729-32e43099@righttoknow.org.au](mailto:foi+request-2729-32e43099@righttoknow.org.au)

Dear Mr Snape

I refer to your request received by the Department of Education and Training (the department) on 15 November 2016 for access under the *Freedom of Information Act 1982* (FOI Act) to:

*"the topics list for briefs created in preparation for hearings of Senate 2016-2017 Supplementary Budget Estimates"*

**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 \$106.60 calculated as follows:

Search and retrieval time: 6.07 hours at \$15.00 per hour:	91.00
Decision-making time: 5.78 hours minus the first 5 hours* at \$20.00 per hour:	15.60
<b>TOTAL</b>	<b>\$106.60</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.

I am advised that the department has in its possession approximately 28 pages of material relevant to your request. I estimate that it will take 6 hours to locate and retrieve those documents, and an additional 5.7 hours to examine the documents and prepare a decision on access.

**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with one of Options A, B or C above within 30 days of receiving this notice, your request will be taken to have been withdrawn under subsection 29(2) of the FOI Act.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**

As the charge exceeds \$100, you are required to pay a deposit of \$26.65, which is 25% of the total amount, within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point.

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 fill out the attached authorisation form and send it back to us.

Please note, the charge is a fee for the *processing* of your request, not a payment for documents. Payment of the charge in full (or deposit) does not guarantee you access to any or all of the documents you have requested. As your request is being processed, the release of documents will be considered by the decision-maker in accordance with the provisions of the FOI Act.

### **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:

Mark Yabsley  
Schools, Child Care 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 me on (02) 6240 3704 if you would like to discuss this matter.

Yours sincerely

A handwritten signature in black ink, appearing to be 'm y'.

Mark Yabsley  
Government Lawyer  
Schools, Child Care and Corporate Legal Branch  
People, Communication and Legal Group

25 November 2016

# Credit Card Authorisation

## About this form

You have advised the Department of Education and Training that you would like to pay the charge imposed for the processing of your freedom of information (FOI) request by credit card. This form collects the details required from you in order to process that payment by credit card. Please ensure all fields have been filled in correctly.

## Part 1: Applicant Details

Name:

Contact number:

## Part 2: Credit Card Details

I authorise the Department of Education to debit my credit card in the amount of: \$

Cardholder's Name (please print name in capital letters):

Credit Card Number:

Credit Card Type (Diner's Card not accepted):

Credit Card Expiry Date:

Card Holders Signature:

Date:

## Privacy Statement

The personal information collected on this form is collected by the Department of Education and Training for the purposes of administering payment of the charge imposed for processing your freedom of information request. The information collected will not be disclosed unless authorised or required by law.