



Felix
(Curtin Eye)

By email: foi+request-2758-31bf18f1@righttoknow.org.au

Dear Felix,

I refer to your request received by the Office of the Minister for Education and Training on 20 November 2016 and transferred to the Department of Education and Training (department) on 23 November 2016, for access under the *Freedom of Information Act 1982* (FOI Act) to:

“any document (just one will be enough): (i) showing the Minister considered the issue of the appointment of Ms Erin Watson-Lynn to the advisory board of the National Centre for Student Equity in Higher Education, and/or (ii) purporting to approve the appointment? Useful search terms: Erin Watson-Lynn, NCSEHE, National Centre for Student Equity in Higher Education, board. Date range: 1/9/2016 to 7/11/2016.”

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

Charge decision

On 29 November 2016, the department issued you with a charge estimate (the Charge) of \$182 for the processing of your FOI request. On 26 December 2016, the department received correspondence from you submitting that the charge was wrongly assessed, and should not be imposed.

In that correspondence you revised the scope of your request to:

“.....just 1 page (maybe 2) actually “(i) SHOWING the Minister considered the issue of the appointment of Ms Erin Watson-Lynn to the advisory board of the National Centre for Student Equity in Higher Education, and/or (ii) PURPORTING TO APPROVE the appointment.....It’ll be the page with Simon’s signature saying something like “I approve [or appoint] Erin Watson-Lynn, PhD student, to chair the board of my National Centre for Student Equity in Higher Education: or maybe just ‘I recommend Ms Erin-Watson-Lynn’.....”

We have interpreted the revised scope of your request to mean that you are only seeking one page containing the recommendation by the Minister for Education and Training of Ms Watson-Lynn to the advisory board of the National Centre for Student Equity in Higher Education.

I am authorised to make decisions under the FOI Act and have decided to waive the Charge, on the basis that only one page remains within the revised scope of your request.

I have enclosed information about your rights of review under the FOI Act at **Attachment A**.

Should you have any questions, contact us at foi@education.gov.au.

Yours sincerely



Genevieve Fiot
Senior Government Lawyer
Schools, Child Care and Corporate Legal Branch
People, Communication and Legal Group

24 January 2017

Your Rights of Review

Internal review

Section 54 of the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision you must apply for the review, in writing, within 30 days of receipt of this letter.

No particular form is required for an application for internal review, but to assist the decision-maker you should clearly outline the grounds upon which you consider the decision should be reviewed. Applications for internal review can be lodged in one of the following ways:

Post: The FOI Coordinator
Schools, Child Care and Corporate Legal Branch
People, Communication and Legal Group
Department of Education and Training
Location Code: C50MA10
GPO BOX 9880
CANBERRA ACT 2601

Email: foi@education.gov.au

External Review by the Australian Information Commissioner

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC you must apply for the review, in writing or by using the online merits review form available on the AIC's website at www.oaic.gov.au, within 60 days of receipt of this letter. To assist the AIC your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the AIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act. Applications for review or complaint can be lodged in one of the following ways:

Online: www.oaic.gov.au
Post: GPO Box 5218 Sydney NSW 2001
Fax: +61 2 9284 9666
Email: enquiries@oaic.gov.au
In person: Level 3, 175 Pitt Street
Sydney, NSW 2000

For general enquiries, please call 1300 363 992 or +61 2 9284 9749 for international.

The Commonwealth Ombudsman

You can complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Commonwealth Ombudsman may be made orally or in writing. The Ombudsman may be contacted for the cost of a local call from anywhere in Australia on telephone 1300 362 072.