

15 May 2017

Our reference: LEX 29011

Mr Derek Adams

By email: foi+request-2936-2480a920@righttoknow.org.au

Dear Mr Adams

Freedom of Information Request – Varied decision

I refer to your correspondence sent to the Office of the Australian Information Commissioner (**OAIC**), seeking a review of the Department of Human Services' (**the department**) deemed affirmation of the preliminary assessment of charges (the **Charges Decision**) dated 15 March 2017, in response to your freedom of information request (**LEX 25125**).

The department has reconsidered the preliminary assessment of charges for your request and has made a new decision in accordance with section 55G(1) of the FOI Act, which relevantly states:

‘...An agency may vary (or set aside and substitute) an access refusal decision in relation to a request at any time during an IC review of the access refusal decision if the variation or substitution (the **Revised Decision**) would have an effect of: ...

(b) relieving the IC review applicant from liability to pay a charge.

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

Revised Decision on charges

In accordance with section 55G, the department has set aside the Charges Decision. The department has substituted the Charges Decision with the Revised Decision.

The Revised Decision is that no charge is payable for processing this request.

The department will provide you with a final decision on access to the documents on 19 May 2017.

Rights of review of the Revised Decision

The Office of the Australian Information Commissioner is currently reviewing the department's Charges Decision. Under section 55G(2)(b), the Information Commissioner must deal with your review application for the Charges Decision as if it were an application for review of the department's Revised Decision.

The Office of the Australian Information Commissioner will provide you with a decision on the outcome of your review. Any questions about review of the Office of the Australian Information Commissioner decision should be directed to that office.

Further assistance

If you have any questions please email freedomofinformation@humanservices.gov.au.

Yours sincerely

Charlie
Freedom of Information Team
FOI and Litigation Branch | Legal Services Division
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