



23 May 2017

Our reference: LEX 29265

Mr Keith Owen  
Right to Know

By email: [foi+request-3440-58d5ed90@righttoknow.org.au](mailto:foi+request-3440-58d5ed90@righttoknow.org.au)

Dear Mr Owen

### Freedom of Information Request - Charges

I refer to your revised request originally dated 23 April 2017 and received by the Department of Human Services (the **department**) on the same day, for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following:

1. *The number of payees prosecuted for fraud or making false statements by the Child Support Arm of the Department of Human Services over the last 12 months.*
2. *The number of payers prosecuted for fraud or making false statements by the Child Support Arm of the Department of Human Services over the last 12 months.*
3. *The number of actual referrals made by the Child Support Arm of the Department of Human Services to the Commonwealth Director of Public Prosecutions over the last 12 months.*
4. *The number of Employees of the Child Support Arm of the Department of Human Services referred to the Commonwealth Director of Public Prosecutions over the last 12 months.*
5. *The number of Employees of the Child Support Arm of the Department of Human Services who have been:*
  - a. *investigated for potential breaches of the Australian Public Service Code of Conduct with respect to: administrative fraud, payment fraud or for unauthorised access/use of customer information, and have been disciplined as a result, in the last 12 months.*
  - b. *how many of those employees identified have been referred to the Commonwealth Department of Public Prosecutions, for the purpose of a prosecution, in the last 12 months.*

### 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 \$626.55 calculated as follows:

Search and retrieval time at the standard rate: 1 hour, at \$15.00 per hour:	\$15.00
Collation of data and quality checking by a senior departmental officer: 8 hours at \$57.00 per hour	\$456.00
Clearance time for data prepared: 0.75 hours at \$90.25 and 0.75 hours at \$117.15 per hour	\$155.55
Decision-making time (*after deduction of 5 hours): 0.00 hours, at \$20.00 per hour	\$0.00
<b>TOTAL</b>	<b>\$626.55</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 two documents with two pages relevant to your request. The charge above reflects the time required of department officers to extract, collate and quality assure the data you are seeking access to.

### 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;
- b) wish to contend that the charge:
  - i. has been wrongly assessed; or
  - ii. should be reduced or not imposed; or
  - iii. both
- 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 section 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 \$25, you are required to pay a deposit of \$156.63 within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point.

The amount due should be paid by cheque or money order made out to the Collector of Public Monies. Please quote the reference number FOI LEX 29265 with your payment.

Should you elect to pay the charge please email [FOI.Legal.Team@humanservices.gov.au](mailto:FOI.Legal.Team@humanservices.gov.au) once you have posted your cheque or money order to advise us of your payment.

### 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. Section 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 your organisation 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 or your organisation 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:

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

### **Address for correspondence**

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

Freedom of Information team  
Department of Human Services  
PO Box 7820  
CANBERRA ACT 2610

Or by email to [FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@humanservices.gov.au)

### **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.

### **Further assistance**

If you have any questions please email [FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@humanservices.gov.au).

Yours sincerely

Charlotte  
Authorised FOI Decision Maker  
FOI and Litigation Branch Legal Services Division  
Department of Human Services