

PO Box 7820  
CANBERRA BC ACT 2610

Please quote: LEX 4563

18 September 2013

Ms Ria Smit

By email:

foi+request-357-  
b0f7d3a2@righttoknow.org.au



**Australian Government**

**Department of Human Services**

Dear Ms Smit

### **Re Your Freedom of Information Request**

1. I refer to your request dated received by the Department of Human Services (the department) on 20 August 2013 in which you sought access to the following documents under the *Freedom of Information Act 1982* (FOI Act):

*"I desire to know how many aged pensioners received the "work bonus" in 2012-2013 tax year, which allows them to earn an extra \$250 p.p.p., and accumulate for later use any amount that is not used up to \$6500 per annum.*

*Also, what percentage of age pensioners, does this represent?"*

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

2. 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 \$25.50, calculated as follows:

Data extraction time: 0.5 hours, at \$50.85 per hour:	25.40
Decision-making time: 0.5 hours minus the first 5 hours* at \$20.00 per hour:	00.00
Photocopying charges: 1 pages, at \$0.10 per page:	00.10
Postage:	00.00
<b>TOTAL</b>	<b>\$25.50</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.

3. I am advised that the department has in its possession approximately 1 page of data relevant to your request that can be extracted from its computer systems.

4. Please note that the preliminary assessment of charge above does not include the time it will take to process your request insofar as it relates to documents containing your personal information (for which there is no charge).

## **Required Action**

5. 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.

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with one of Options A, B or C above within 30 days of receiving this notice, your request will be taken to have been withdrawn under subsection 29(2) of the FOI Act.

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

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

### **Option A – pay the charge**

9. As the charge exceeds \$25 but is less than \$100, you are required to pay a deposit of \$20 within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point.

11. The amount due should be paid by cheque or money order made out to the Collector of public Monies. Please quote reference number 4563 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**

12. 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.

13. 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**

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

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

15. 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**

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

Vickie Denham  
FOI Legal Team  
Strategic Information Management Legal Branch  
Department of Human Services  
PO Box 7788  
CANBERRA ACT 2601

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**

17. 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.

18. Should you have any enquiries concerning this matter, please contact me. If you are phoning long-distance, you may reverse the charges.

Yours sincerely



Amanda McLeod  
Lawyer  
Strategic Information Management Legal Branch  
Department of Human Services  
Telephone: (02) 6223 4874

**To comment on our service**

- To comment on our service, go to [humanservices.gov.au/feedback](http://humanservices.gov.au/feedback)
- If you have a concern that our Customer Relations staff have not resolved to your satisfaction, you can call the Commonwealth Ombudsman on **1300 362 072**.

