



12 November 2019

Our reference: LEX 48556

Ms Julie Middleton

Only by email: foi+request-5750-475bbeb3@righttoknow.org.au

Dear Ms Middleton,

Freedom of Information Request - Charges

I refer to your request received by the Department of Human Services (**department**) on 21 October 2019, for access under the *Freedom of Information Act 1982 (FOI Act)*, made in the following terms:

1. 'Annual revenue totals from 1992 to 2018 (both inclusive) received as a consequence of the statutory refunds in relation to the Social Security Act 1991 (Cth).
2. To determine statistics for each state and territory, reconcile with the figures in point 1 and provide:
 - a) the annual totals of revenue received from law firms for each separate state and territory;
 - b) the number of transactions that make up the totals in 2 (a). This will identify if there are fewer claims in specific states. Reporting in relation to the MODC forms would assist.
3. The annual revenue totals from 1996 to 2018 received as a consequence of the statutory refunds in relation to the Health and Other Services (Compensation) Act 1995 (Cth).
4. From the figures provided in point 3, the annual totals for the revenue received from law firms in the separate states and territories. These figures will show the recovery rates per state and territory.
5. The annual figures in relation to points 1/2 and 3/4 that have been paid directly from insurers or their claims' managers.'

Preliminary Assessment of the Charge

In the department's acknowledgement of your request, dated 4 November 2019, you were notified that the department would advise you if a charge is payable to process your request.

You have requested documents that are not your personal information. 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 **\$60.00**, calculated as follows:

Search and retrieval time: 4 hours, at \$15.00 per hour:	\$60.00
Decision-making time (*after deduction of 5 hours): 0 hours, at \$20.00 per hour	\$0.00
<hr/>	
TOTAL	\$60.00

*The FOI Act provides that the first five hours of decision-making time are free of charge and this is reflected in the calculation.

The department has identified documents that are relevant to your request.



Please note that the payment of a charge does not guarantee access to the requested documents, in full or in part.

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

Alternatively, you may wish to withdraw your request for access.

If you do not provide a written response in accordance with one of options a) or b) 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.

Further information on options a) and b) are set out below.

Option a) - pay the charge

As the charge exceeds \$25.00, you are required to pay a deposit of **\$20.00** within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point.

You may select from one of the following payment methods:

1. Online payment via Government EasyPay - follow [this link](#) and enter the relevant details. You will need your FOI LEX reference number, **LEX 48556**; or
2. Cheque made out to the Collector of Public Monies and posted to Freedom of Information, Department of Human Services, PO BOX 7820, Canberra BC, ACT 2610; or
3. Money order made out to the Collector of Public Monies and posted to Freedom of Information, Department of Human Services, PO BOX 7820, Canberra BC, ACT 2610.

If you elect to pay the charge, please email FOI.LEGAL.TEAM@humanservices.gov.au to advise us of your payment. Please quote reference number **LEX 48556** in this correspondence.

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 you or 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.

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

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 FOI questions please email FOI.LEGAL.TEAM@humanservices.gov.au.

Yours sincerely

Elsa

Authorised FOI Decision Maker
Freedom of Information Team
Employment Law and Freedom of Information Branch | Legal Services Division
Department of Human Services