



Australian Government
Department of Employment,
Skills, Small and Family Business

Our Ref LEX 38841

Richard Smith
Right to Know

By email: foi+request-5785-945bd96d@righttoknow.org.au

Dear Mr Smith

Your Freedom of Information request - charge decision

I refer to your revised request, received by the Department of Employment, Skills, Small and Family Business (the department) on 19 November 2019, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

- 'a)... Documents detailing the process of searching for, interviewing, considering and selecting suitable candidates for the National Careers Ambassador;
- b) Documents detailing the Position Description of the National Careers Ambassador;
- c) Documents detailing the level and form of remuneration of the position of National Careers Ambassador paid by the Commonwealth for the period 1 July 2019 to 30 June 2021; and
- d) Documents detailing the total budgeted cost expected to be incurred by the Commonwealth for the National Careers Institute for the period 1 July 2019 to 30 June 2021.'

My decision

I have decided to impose the original charge of **\$340.50**.

The reasons for my decision, including relevant sections of FOI Act, are set out at **Attachment A**.

Payment details

If you would like the department to continue processing your request, you must respond to the department within 30 days after receiving this notice. If you do not respond within 30 days, your request will be taken to have been withdrawn and no further action will be taken by the department.

As the charge exceeds \$25, you are required to pay a deposit of **\$85.13** within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point.

Payment can be made by:

- cheque or money order made out to the Collector of Public Monies - Department of Employment, Skills, Small and Family Business and forwarded to the following address:

Corporate Legal
LOC: C12MT1-LEGAL
GPO Box 9880
CANBERRA ACT 2601 AUSTRALIA
- credit card by completing the attached credit card authorisation and sending a scanned copy to foi@employment.gov.au or posting it to the above address

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:

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

You can ask for a review of my decision

If you disagree with any part of the decision, you can ask for a review. There are two ways you can do this. You can ask for an internal review by the department or an external review by the Australian Information Commissioner.

You can find information about your rights of review under the FOI Act at **Attachment B**.

Further assistance

If you have any questions, please email foi@employment.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sinead', with a stylized flourish at the end.

Sinead
Authorised Decision Maker
Information Law Team
Corporate Legal Branch

18 December 2019

REASONS FOR DECISION

What you requested

- '...a) Documents detailing the process of searching for, interviewing, considering and selecting suitable candidates for the National Careers Ambassador;
- b) Documents detailing the Position Description of the National Careers Ambassador;
- c) Documents detailing the level and form of remuneration of the position of National Careers Ambassador paid by the Commonwealth for the period 1 July 2019 to 30 June 2021;
- d) Documents detailing the total budgeted cost expected to be incurred by the Commonwealth for the National Careers Institute for the period 1 July 2019 to 30 June 2021; and
- e) Documents detailing the decision making in regards to the Commonwealth's determination of the need for and the formulation of aims of the Institute in establishing the National Careers Institute.'

On 15 November 2019, the department wrote to you noting that you were liable to pay a charge for the processing of your request under section 29 of the FOI Act.

On 19 November 2019, you revised your request as follows:

- 'a)... Documents detailing the process of searching for, interviewing, considering and selecting suitable candidates for the National Careers Ambassador;
- b) Documents detailing the Position Description of the National Careers Ambassador;
- c) Documents detailing the level and form of remuneration of the position of National Careers Ambassador paid by the Commonwealth for the period 1 July 2019 to 30 June 2021; and
- d) Documents detailing the total budgeted cost expected to be incurred by the Commonwealth for the National Careers Institute for the period 1 July 2019 to 30 June 2021.'

What I took into account

In reaching my decision, I took into account:

- your original request dated 25 October 2019 and your revised request dated 19 November 2019;
- other correspondence with you, specifically the preliminary charge estimate dated 15 November 2019 and your response dated 19 November 2019;
- the documents that fall within the scope of your request;

- consultations with departmental officers about the nature of the documents and the operating environment and functions of the department;
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the FOI Guidelines);
- the *Freedom of Information (Charges) Regulations 2019*;
- the FOI Act.

Reasons for my decision

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

I have decided to affirm the charge of **\$340.50**. My findings of fact and reasons for this decision are discussed below.

Preliminary assessment of charge

On 15 November 2019, I wrote to you to advise you that I had decided to impose of charge of \$340.50 for processing your request.

My preliminary assessment of that charge was calculated as follows:

Search and retrieval time: 7.5 hours, at \$15.00 per hour	\$112.50
Consultation with 3 of third parties, one hour per party, at \$20.00 per hour	\$ 60.00
Decision-making time (*after deduction of 5 hours): 8.4 hours, at \$20.00 per hour	\$168.00
TOTAL	\$340.50

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

As a preliminary matter, I have reviewed my calculation of the charge. I am satisfied that the charge has been calculated correctly.

Your contentions

On 19 November 2019, you contended the charge for processing your request under the FOI Act. Specifically, your correspondence sought to reduce the scope by removing part (e) of your original request but did not provide submissions contending the charge on public interest or financial hardship grounds.

The removal of part (e) of your original request did not remove any pages from the documents due to the incorporation of information under part (e) of your request in documents which also cover parts (a) to (d). Based on this, on 26 November 2019, the department notified you that the department's charge would not change because of your

scope revision, and the outcome of your contention is likely to result in the original charge being imposed.

On the same date, the department invited you to provide submissions, by 2 December 2019, on why the charge should be reduced or waived on public interest or financial hardship grounds. The department notes that it had not received any submissions on these matters to date.

In the absence of any information on how the department's charge would cause you financial hardship, the department was not able to take this into account. I accept that there may be some general public interest in processing your request. However, on balance, I consider this is outweighed by information already on the public record, the content of the documents, and the lack of submissions by you on how the requested documents will add to public debate or comment. Accordingly, I have decided to impose the original charge of **\$340.50**.

YOUR RIGHTS OF REVIEW

Asking for an explanation of an FOI decision

Before you ask for a formal review of an FOI decision, you can contact us and we will explain the decision to you.

Asking for a formal review of an FOI decision

If you still believe the decision is incorrect, the FOI Act gives you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by:

- an internal review officer in the department; and/or
- the Australian Information Commissioner.

There are no fees for applying for a formal review.

Applying for an internal review by an internal review officer

If you apply for internal review, a different decision maker to the decision maker who made the original decision will review your request. The internal review officer will consider all aspects of the original decision afresh and decide whether the decision should change.

An application for internal review must be made in writing within 30 days of receiving this letter. You can lodge your application:

Post: The Information Law Team
 Corporate Legal Branch
 Department of Employment, Skills, Small and Family Business
 Location Code: C12MT1-LEGAL
 GPO BOX 9880
 CANBERRA ACT 2601

Email: foi@employment.gov.au

Applying for external review by the Australian Information Commissioner

If you do not agree with the original decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision.

You will have 60 days to apply in writing for a review by the Australian Information Commissioner.

You can lodge your application:

Online: www.oaic.gov.au
Post: Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

Email: enquiries@oaic.gov.au

Complaints to the Australian Information Commissioner and the Commonwealth Ombudsman

Australian Information Commissioner

You may complain to the Australian Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Australian Information Commissioner must be made in writing. The contact details of the Australian Information Commissioner are:

Phone: 1300 363 992

Online: www.oaic.gov.au

Commonwealth Ombudsman

If you are not satisfied with the response of the Australian Information Commissioner to your complaint, you may also complain to the Commonwealth Ombudsman about 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 in person, by telephone or in writing. The contact details of the Commonwealth Ombudsman are:

Phone: 1300 362 072

Online: www.ombudsman.gov.au

Credit Card Authorisation

About this form

You have advised the Department of Employment, Skills, Small and Family Business that you would like to pay the charge imposed for the processing of your Freedom of Information (FOI) request by credit card. This form collects the details required from you in order to process that payment by credit card. Please ensure all fields have been filled in correctly.

Part 1: Applicant Details

Name:

Contact number:

Part 2: Credit Card Details

I authorise the Department of Employment, Skills, Small and Family Business to debit my credit card in the amount of:
(please specify amount in the space provided)

Cardholder's Name (please print name in capital letters):

Credit Card Number:

Credit Card Type:
(Diners Card not accepted)

Credit Card
Expiry Date:

CCV Number

Card Holders Signature:

Date:

Privacy Statement

The personal information collected on this form is collected by the Department of Employment, Skills, Small and Family Business (the department) for the purpose of administering payment of the charge imposed for processing your FOI request. The personal information collected will only be used for this purpose and any related purposes. The personal information collected will not be disclosed unless authorised or required by law. Further information on how you may access or seek correction of your personal information held by the department or how you may make a complaint is available in the department's [Privacy Policy](#).