



13 February 2020

Our reference: LEX 50081

Ms Julie Middleton

Only by email: foi+request-5907-7e97d143@righttoknow.org.au

Dear Ms Middleton

Freedom of Information Request - Charges

I refer to your request dated 16 December 2019, and received by the Department of Human Services (**department**), now known as the Services Australia, on the same date for access under the *Freedom of Information Act 1982 (FOI Act)* to the following documents:

‘Compensation Recovery Policies and Procedures in relation to the receipting, monitoring and reporting on compensation recoveries from 1992 to present’.

On 10 January 2020, Services Australia wrote to you about your request. That same day, you revised the scope of your request to the following:

‘Copies of the Department’s existing (current) policies and procedures in relation to the receipting, monitoring and report on compensation recoveries.’

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 \$175.20 calculated as follows:

Search and retrieval time: 1.67 hours, at \$15.00 per hour:	\$25.00
Decision-making time (*after deduction of 5 hours): 7.54 hours, at \$20.00 per hour	\$150.20

TOTAL	\$175.20
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*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 Services Australia has documents relevant to your request and the above is the time spent to identify and process the documents in scope of your request under the FOI Act. On 20 December 2019 you provided:

‘Please note that I do not agree to the Department providing my requested documents under administrative access arrangements and request that the Department proceed to process my request under the FOI Act.’

Required Action

If you would like Services Australia to continue processing your request, you must notify Services Australia 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;
 - 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 \$100, you are required to pay a deposit of 25% of \$175.20, being \$43.80, 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 50081**; or
2. Cheque made out to the Collector of Public Monies and posted to Freedom of Information, Services Australia, 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, Services Australia, PO BOX 7820, Canberra BC, ACT 2610.

Further payment option

On 20 December 2019, you requested Services Australia retain a money order in the amount of \$60.00, which you provided in relation to a preliminary estimate of charges for a separate FOI request. You requested that Services Australia hold the amount of \$60.00 in credit for future FOI requests made by you. On 22 January 2020, Services Australia notified you of a processing charge of \$25.50 for matter LEX 50114. On the same date you confirmed that the \$25.50 for LEX 50114 could be deducted from the \$60.00. Therefore, as of the date of this letter, Services Australia holds \$34.50 in credit.

If you elect to pay the charge, please email FOI.LEGAL.TEAM@servicesaustralia.gov.au to advise us of your payment. Alternatively, please advise whether you authorise Services Australia to deduct the deposit amount of \$43.80, or part of the full amount of \$175.20, from the \$34.50 held in credit. Please quote reference number **LEX 50081** 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
Services Australia
PO Box 7820
CANBERRA ACT 2610

Or by email to FOI.LEGAL.TEAM@servicesaustralia.gov.au.

Publication of information in the FOI disclosure log

Information released under the FOI Act may be published in a disclosure log on Services Australia'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@servicesaustralia.gov.au.

Yours sincerely

Colette

Authorised FOI Decision Maker
Freedom of Information Team
FOI and Litigation Branch Legal Services Division
Services Australia