



Dear Troy

By email: foi+request-5915-5220fc3d@righttoknow.org.au

I refer to your request received by the Department of Education (the department) on 18 November 2019 for access under the *Freedom of Information Act 1982* (FOI Act) to:

...the minutes for the (Tuition Protection Service) Advisory Board meetings held within the 2018 and 2019 calendar years.

Notice of 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. This letter sets out the preliminary estimate of that charge and information about options available to you.

Background

I am advised that the department has in its possession approximately 50 pages of material relevant to your request. These are the minutes of the TPS Advisory Board meetings for the 2018 and 2019 calendar years.

I have conducted a preliminary review of the documents in deciding whether to impose a charge and the amount of that charge. Charge amounts are based on the amount of time that will be spent in processing a request.

The documents contain information relating to numerous third parties. I anticipate consultation with approximately 13 third parties will be required in relation to your request, in addition to a consultation process with TPS Advisory Board members. These third parties have attended and contributed to TPS Advisory Board meetings over the time period of your request. As a result, the documents contain personal and business information about third parties that they may wish to contend should not be disclosed. In these circumstances I am required under sections 27 and 27A of the FOI Act to provide those third party individuals and organisations with a reasonable opportunity to make a submission in this regard.

Due to the large number of third parties I anticipate that conducting this consultation and taking into account the numerous submissions in reaching a decision will require a significant amount of time and this is reflected in the preliminary estimate of the charge set out below.

It may also assist you to note that the draft advice of the TPS Advisory Board concerning the 2020 TPS Levy is publicly available. I am advised it is available here: <https://tps.gov.au/StaticContent/Get/ProviderLevy>

Assistance to revise your request

An option open to you to reduce the charge is to narrow the scope of your request or make a new request that does not capture as much material and third party information.

It is, of course, a matter for you as to whether and how you may wish to do this. However, as a starting point you may wish to consider requesting only specific content from the minutes of interest to you. The

minutes touch on a wide variety of subjects and you may prefer to specify which aspects of the minutes are of interest.

However, if you wish to proceed with your request as currently worded, information about the charge and options available to you in relation to this charge is set out below.

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 \$660.00, calculated as follows:

Search and retrieval time: 2 hours at \$15.00 per hour:	\$30.00
Decision-making time: 36.5 hours minus the first 5 hours* at \$20.00 per hour:	\$630.00
TOTAL	\$660.00

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

I estimate that it will take approximately two hours to locate and retrieve the documents, and an additional 36.5 hours to examine the documents, consult with numerous third parties and prepare a decision on access.

Required action

If you would like the department to continue processing your request as currently worded, you must notify the department in writing within 30 days of receiving this notice that you:

- A. agree to pay the charge (or the required deposit) and pay it;
- B. contend that the charge:
 - (i) has been wrongly assessed; or
 - (ii) should be reduced or not imposed; or
 - (iii) both; or
- 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 subsection 29(2) of the FOI Act.

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

Option A – pay the charge

As the charge exceeds \$100, you are required to pay a deposit of \$165.00, which is 25% of the total amount, within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point.

The amount due can be paid by cheque or money order made out to the Collector of Public Monies— Education, or by credit card. If you'd like to pay by credit card, please fill out the attached authorisation form and send it back to us.

Please note, the charge is a fee for the *processing* of your request, not a payment for access to documents. Payment of the charge does not guarantee you access to any or all of the documents you have requested. Access to documents will be considered by the decision-maker in accordance with the provisions of the FOI Act.

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. 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.

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

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:

- 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.

In addition, as consultation with third parties is required, subsection 15(6) of the FOI Act extends the standard statutory 30-day time limit for processing requests by another 30 days.

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.

Address for correspondence

Please send all correspondence regarding your FOI request to me by email to foi@education.gov.au or to the following address:

Freedom of Information Team
Department of Education
LOC: C50MA10
GPO Box 9880
CANBERRA ACT 2601

Yours sincerely

J.T.

Jim
Senior Government Lawyer
Child Care, Corporate & Practice Management Legal Branch

2 December 2019

Credit Card Authorisation

About this form

You have advised the Department of Education 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 Education to debit my credit card in the amount of: \$

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

Credit Card Number:

Credit Card Type (Diner's Card not accepted):

Credit Card Expiry Date:

Card Holders Signature:

Date:

Privacy Statement

The personal information collected on this form is collected by the Department of Education for the purposes of administering payment of the charge imposed for processing your freedom of information request. The information collected will not be disclosed unless authorised or required by law.