



**Australian Government**  
**Department of Education, Skills and Employment**

John Smith

By email: [foi+request-6221-cf5895d5@righttoknow.org.au](mailto:foi+request-6221-cf5895d5@righttoknow.org.au)

Dear Mr Smith

I refer to your request received by the Department of Education, Skills and Employment (the department) on 12 March 2020 for access under the *Freedom of Information Act 1982* (FOI Act) to:

*"a copy of any reports, or powerpoint presentations on-file at the Department, associated with the consulting firm McKinsey & Company with regard to Commonwealth tender ID: CN3478122."*

On 20 March 2020, the department invited you to consider revising the scope of your request because initial searches indicated that there are a large number of documents falling within the scope of your request. On 26 March 2020, you revised the scope of your request to *"only include final presentations and final reports."*

However, I am advised that the department does not have a 'final presentation' which falls within the scope of your request (i.e. a complete presentation which was formally finalised). I am advised, however, that the department holds the latest versions of certain PowerPoint slides that would fall within the scope of your request. It is on the basis of that material that I have prepared the following decision on charge.

**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 \$90.00, calculated as follows:

Search and retrieval time: 2 hours at \$15.00 per hour:	30.00
Decision-making time: 8 hours minus the first 5 hours* at \$20.00 per hour:	60.00
<b>TOTAL</b>	<b>\$90.00</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.

I am advised that the department has in its possession approximately 60 pages relevant to your request. I estimate that it will take approximately two hours to locate and retrieve those documents, and approximately eight hours to examine the documents, consult with an external third party and prepare a decision on access.

**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 (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.

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

I also note that a report published by the Australian Government which is relevant to your request, titled *Through Growth to Achievement: The Report of The Review to Achieve Educational Excellence in Australian Schools*, is publicly available at the following link:

[https://docs.education.gov.au/system/files/doc/other/662684\\_tgta\\_accessible\\_final\\_0.pdf](https://docs.education.gov.au/system/files/doc/other/662684_tgta_accessible_final_0.pdf)

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

### **Option A – pay the charge**

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.

The amount due can be paid by cheque or money order made out to the Collector of Public Monies— Education, Skills and Employment 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.

### **Third Party Consultation**

Your request covers documents which contain information about the business affairs of an organisation. Under section 27 of the FOI Act where a request is made for a document containing information about the business affairs of an organisation or a person's professional affairs and it appears to the department that the organisation and person might reasonably wish to contend that the information is exempt under provisions of the FOI Act, the department must give the organisation and person a reasonable opportunity to make such a submission in support of the contention.

**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 a third party 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 at the following address:

Freedom of Information Team  
Information Law, Corporate and Schools Legal Branch  
Department of Education, Skills and Employment  
LOC: C50MA10  
GPO Box 9880  
CANBERRA ACT 2601

or by email to [foi@dese.gov.au](mailto:foi@dese.gov.au).

Please contact me at [foi@dese.gov.au](mailto:foi@dese.gov.au) if you would like to discuss this matter.

Yours sincerely



Ruth  
Freedom of Information Team  
Information Law, Corporate and Schools Legal Branch  
2 April 2020

# Credit Card Authorisation

## About this form

You have advised the Department of Education, Skills and Employment 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, Skills and Employment 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 (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, Skills and Employment 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.