



By email: [foi+request-747-a23741ff@righttoknow.org.au](mailto:foi+request-747-a23741ff@righttoknow.org.au)

Dear Mrs Gale

I refer to your request received by the Department of Education (the department) on 23 August 2014 for access under the *Freedom of Information Act 1982* (FOI Act) to:

*"...documents (details below) in regards to international travel (no matter if undertaken or merely booked) by/for employees in the Senior Executive Service in Higher Education Division/Group area.*

*I request only documents created in the period May 27th, 2014 to Friday, August 22nd, 2014. I request only those parts of documents that identify the:*

- (i) name of the Senior Executive Service traveller*
- (ii) rank/position of the traveller*
- (iii) total cost of the travel*
- (iv) purpose of the travel*
- (v) destination(s) and dates of travel or proposed travel*
- (vi) date the travel booking was made (if the travel has not yet taken place)*

*All else may be redacted. If a document repeats information from another document, only one document is requested. I have seen that in the case of similar requests made to Department of Finance in regards to parliamentary expenses, said department has frequently reduced costs by preferring to answer the request with a summary table in place of the original documents".*

#### **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 \$45.00, calculated as follows:

Search and retrieval time: three hours, at \$15.00 per hour:	\$45.00
Decision-making time: one hour minus the first 5 hours* at \$20.00 per hour:	00.00
<b>TOTAL</b>	<b>\$45.00</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 created a summary table consisting of one page in place of the original documents, as per your request. It took three hours to locate the relevant documents and prepare the summary table, and I estimate that an additional hour would be required to prepare the 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 refine the scope of your FOI request. If you would like to discuss this please contact me for assistance.

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 should be paid by cheque or money order made out to the Collector of Public Monies—Education.

#### **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.

#### **Charges for personal information**

As you are seeking access to documents containing your personal information only, you are not liable to pay any charges in respect of your request.

**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:

Schools, Youth, Child Care, and Corporate Legal Branch  
People, Communication and Legal Group  
Department of Education  
LOC: L1050MC  
GPO Box 9880  
CANBERRA ACT 2601

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

Please contact me on (02) 6240 2570 if you would like to discuss this matter.

Yours sincerely



Alexandra Brown  
Senior Government Lawyer  
Schools, Youth, Child Care, and Corporate Legal Branch  
People, Communication and Legal Group

5 September 2014

