



By email: foi+request-763-d129ec23@righttoknow.org.au

Dear Mr Housen

I refer to your request received by the Department of Education (the department) on 16 September 2014 for access under the *Freedom of Information Act 1982* (FOI Act) to:

"A copy of any Departmental procedures, policies (or similar documents) which outlines the means by which the Department handles Ministerial correspondence".

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 \$140.00, calculated as follows:

| | |
|---|-----------------|
| Search and retrieval time: six hours, at \$15.00 per hour: | 90.00 |
| Decision-making time: seven hours minus the first 5 hours* at \$20.00 per hour: | 40.00 |
| TOTAL | \$130.00 |

*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 am advised that the department has in its possession approximately 100 pages of material relevant to your request. I estimate that it will take six hours to locate and retrieve those documents, and an additional seven hours to examine the documents 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with one of Options A, B or C above within 30 days of receiving this notice, your request will be taken to have been withdrawn under subsection 29(2) of the FOI Act.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 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 \$100, you are required to pay a deposit of \$32.50, 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 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.

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: C50MA10
 GPO Box 9880
 CANBERRA ACT 2601

or by email to foi@education.gov.au.

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

Yours sincerely

A handwritten signature in blue ink that reads "Alexandra Brown". The signature is written in a cursive, flowing style.

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

26 September 2014

