



Mr Jackson Gothe-Snape

By email: foi+request-772-681e56e8@righttoknow.org.au

Dear Mr Gothe-Snape

I refer to your correspondence received by the Department of Education (the department) on 24 September 2014, in which you requested access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

itinerary, briefing and expense documents pertaining to the visit to Rome, Italy in April 2014 by Lisa Paul.

Preliminary Assessment of the Charge

I have decided that you are liable to pay a charge for the processing of your request. My preliminary assessment of that charge is \$210.00, calculated as follows:

Search and retrieval time: 2 hours, at \$15.00 per hour:	30.00
Decision-making time: 14 hours minus the first 5 hours* at \$20.00 per hour:	180.00
TOTAL	\$210.00

*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 8 documents relevant to your request. I estimate that it has taken 2 hours to locate and retrieve these documents, and will take an additional 14 hours to examine the material, undertake any necessary consultations including third party consultations 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
- 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with one of Options A, B or C above within 30 days of receiving this notice, your request will be taken to have been withdrawn under subsection 29(2) of the FOI Act.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 \$52.50, 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. Alternatively, payment of the charge by credit card is also available. For details on how to pay by credit card please contact me.

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. 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 personal information about a number of individuals. Under section 27A of the FOI Act, if it appears to the department that the individual might wish to contend that the documents are conditionally exempt under section 47F and access to the documents would, on balance, be contrary to the public interest, the department must give the individual 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, given that 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. Accordingly, this will give the department 60 days within which to notify you of its decision on access to the documents.

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. 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:

Attention: Kirsten Burns
Schools, Youth Child Care, and Corporate Legal Branch
People, Communication and Legal Group
Department of Education
Location Code: L10 50MC
GPO Box 9880
CANBERRA ACT 2601

Alternatively, you can send an email to foi@education.gov.au.

If you have any questions about this matter, please do not hesitate to contact me on 02 6121 5966.

Yours sincerely



Kirsten Burns
Senior Government Lawyer
Schools, Youth, Child Care, and Corporate Legal Branch
People, Communication and Legal Group

17 October 2014