



Australian Government

Department of Education, Skills and Employment

Your Ref
Our Ref LEX 302

Justin Warren

By email: foi+request-8955-c14b3ef3@righttoknow.org.au

Dear Justin

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education, Skills and Employment (department) on 28 May 2022, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

- *The business case document(s) (or equivalent) for the Points Based Activation System (<https://www.dese.gov.au/new-employment-services-model/resources/points-based-activation-system>), including any attachments. I request only the final version of the document(s) that were submitted for approval of the proposal.*

- *Documents constituting a risk register or equivalent documentation describing the risks from the proposal, risk ratings, proposed treatments and mitigations, etc. Where multiple versions of such documents exist (such as drafts) I only request two versions (if they are different):*

- 1. the version current when the proposal was submitted for approval, and 2. the version current on 27 May 2022 at 9am Australia/Melbourne time.*

- *Documents, including emails, containing the submission of the proposal for consideration and approval.*

- *Meeting minutes or equivalent that document approval of the proposal.*

On 10 June 2022, the department acknowledged receipt of your request. In this acknowledgement, we stated that we understood your request to be for:

“The business case document(s) (or equivalent) for the Points Based Activation System (<https://www.dese.gov.au/new-employment-services-model/resources/points-based-activation-system>), including any attachments. I request only the final version of the

document(s) that were submitted for approval of the proposal". We have interpreted this as referring to the final version of the document(s), including any attachments, that the department submitted for the final approval of the Points Based Activation System as part of the New Employment Services Model.

"Documents constituting a risk register or equivalent documentation describing the risks from the proposal, risk ratings, proposed treatments and mitigations, etc. Where multiple versions of such documents exist (such as drafts) I only request two versions (if they are different): the version current when the proposal was submitted for approval, and 2. the version current on 27 May 2022 at 9am Australia/Melbourne time".

"Documents, including emails, containing the submission of the proposal for consideration and approval". We have interpreted this as referring to documents, including emails, containing the submission of the final proposal for approval of the Points Based Activation System as part of the New Employment Services Model.

"Meeting minutes or equivalent that document approval of the proposal". We have interpreted this as referring to meeting minutes (or equivalent documents) that document the approval of the department's final proposal to proceed with the Points Based Activation System as part of the New Employment Services Model.

On 13 June 2022, in your email response to the department, you stated that "the scope you have identified appears to be accurate based on the information that is publicly available about what the PBAS program is called".

I have drafted the preliminary estimate of charge based on the above interpretation of your request.

Preliminary assessment of the charge

Under the FOI Act, I have decided that you are liable to pay a charge for the processing of your request. My preliminary assessment of the charge is \$370.00 calculated as follows:

Search and retrieval time: 8 hours, at \$15.00 per hour	\$120.00
Decision-making time, including consultation with relevant third parties, after deduction of 5 hours*: 12.5 hours, at \$20.00 per hour	\$250.00
TOTAL	\$370.00

*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 10 documents with approximately 170 pages relevant to your request.

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:

- agree to pay the charge
- wish to contend that the charge has been wrongly assessed, should be reduced or not imposed or both or
- withdraw your request.

If you do not respond within 30 days, your request will be taken to have been withdrawn by the operation of the FOI Act.

Option - pay the charge

As the charge exceeds \$25, you are required to pay a deposit of \$92.50 within 30 days of receiving this notice. You may elect to pay the charge in full at this point.

Payment can be made by credit card by completing the attached credit card authorisation and sending a scanned copy to foi@dese.gov.au.

If you are unable to pay by credit card, please contact us on the above email.

Please note that the charge is a fee for processing 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 FOI Act.

Option - seek reduction or non-imposition of the charge

If you want to ask the department to reduce or not to impose the charge, you should tell us why and give us evidence to support your reasons. You may wish to tell us:

- whether paying the charge would cause you financial hardship and/or
- whether access to the documents is in the general public interest or in the interest of a substantial section of the public.

We must take these matters into account in deciding whether or not to reduce or not impose the charge.

Time limits for processing your request

Under the FOI Act, the time limit for processing your request is suspended from today until the day following payment of the charge (in full or the required deposit) or, if applicable, the day following a decision not to impose the charge.

To assist you, I have set out the relevant sections of the FOI Act at **Attachment A**.

Further assistance

As an alternative, you may wish to consider revising the scope of your request. If you would like to discuss this, please email foi@dese.gov.au.

Yours sincerely

Damon

Damon
Authorised decision maker
Department of Education, Skills and Employment

16 June 2022

Relevant sections of the *Freedom of Information Act 1982*

Charge

Section 29(1) of the FOI Act provides that, where the department decides that an applicant is liable to pay a charge in respect of a request for access to a document, or the provision of access to a document, the department must give the applicant written notice. The notice must state, among other things, that the applicant must within 30 days after the notice was given tell the department in writing that the applicant:

- agrees to pay the charge
- wishes to contend that the charge has been wrongly assessed or should be reduced or not imposed or both or
- wishes to withdraw the request.

Under section 29(2) of the FOI Act, if the applicant does not do one of these things within 30 days, the request will be taken to have been withdrawn.

Credit Card Authorisation

Use this form to pay a Freedom of Information charge by credit card

Applicant's details			
Name		Phone number	
Credit card details			
Credit card type			
Card holder's name			
Credit card number			
Expiry date		CCV number	
Amount			
Signature			
Date			

Privacy statement

Your personal information is collected by the Department of Education, Skills and Employment for the purposes of processing the payment of a charge imposed under the *Freedom of Information Act 1982* and related purposes. If you do not provide some or all of the information requested, the department may be unable to process your credit card payment. Your personal information may be disclosed to other parties where you have agreed, or where it is otherwise permitted by law. The department's Privacy Policy, including information about how to make a complaint and access to and correction of your personal information, can be found at <https://www.dese.gov.au/privacy>.