



**Australian Government**  
**Department of Education**

Your Ref  
Our Ref Lex 1115

Ash Roth

By email: [foi+request-11811-18633ed9@righttoknow.org.au](mailto:foi+request-11811-18633ed9@righttoknow.org.au)

Dear Ash

**Your Freedom of Information request - decision**

I refer to your requests, received by the Department of Education (department) on 31 July 2024 at 10.46 am (request 1) and 10.51 am (request 2), for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

***Request 1***

*"... final copies of briefing notes provided to the Minister for Education between 1 January 2024 and 1 May 2024 regarding the issue of HECS indexation."*

***Request 2***

*"... copies of final briefing notes provided to the Minister for Education on the issue of HECS indexation, between 1 January 2024 and 1 May 2024."*

By email dated 13 August 2024, the department advised you that your requests 1 and 2 appeared to be seeking access to the same documents, and that the department would deem your earlier request (request 1) to be withdrawn unless you advised otherwise by 15 August 2024. As you did not advise that you wished to proceed with your request 1, we have deemed your request 1 to be withdrawn.

By email dated 13 August 2024, the department also advised you that we had interpreted your request to be seeking access to:

*"formal briefs provided to the Minister for Education on the issue of indexation of the HELP program (previously known as HECS), between 1 January 2024 and 1 May 2024."*

We asked that you advise us by 15 August 2024 if we had misinterpreted your request. As you did not advise otherwise, we have proceeded on the basis that we have correctly interpreted your request.

## **My decision**

I am authorised to make decisions under section 23(1) of the FOI Act.

The department holds three documents (totalling 15 pages) that fall within the scope of your request, being formal briefs that were provided to the Minister for Education on the issue of indexation of the HELP program (previously known as HECS) between 1 January 2024 and 1 May 2024.

I have decided to grant you **access in full** to the documents (subject to the redaction of irrelevant material).

A schedule of the documents and the reasons for my decision are set out at **Attachment A**.

## **Charge**

In accordance with the FOI Act, the department can impose a processing charge for FOI requests. In this instance, the processing charge would have been relatively small, given that the scope of your request is narrow and captures a small number of documents. Accordingly, the department has decided not to impose a processing charge for your request, as the costs of processing the charge would have exceeded the value of the charge.

## **How we will send your documents**

The documents released in accordance with this decision are attached.

## **You can ask for a review of my decision**

If you disagree with any part of the decision, you can ask for a review. There are two ways you can do this. You can ask for an internal review by the department or an external review by the Australian Information Commissioner.

You can find information about your rights of review under the FOI Act, as well as information about how to make a complaint at **Attachment B**.

## **Further assistance**

If you have any questions, please email [foi@education.gov.au](mailto:foi@education.gov.au).

Yours sincerely



Vicki  
Authorised decision maker  
Freedom of Information Team  
Department of Education  
29 August 2024

**SCHEDULE OF DOCUMENTS – Ash Roth**

<b>Number</b>	<b>Pages</b>	<b>Date</b>	<b>Description</b>	<b>Decision</b>	<b>Exemption</b>	<b>Comments</b>
1.	1-5	6 February 2024	QB24-000034 re student debt (including HELP loan indexation)	Grant access in full	N/A	Irrelevant material deleted under section 22
2.	6-10	27 February 2024	QB24-000034 re student debt (including HELP loan indexation)	Grant access in full	N/A	Irrelevant material deleted under section 22
3.	11-15	19 March 2024	QB24-000034 re student debt (including HELP loan indexation)	Grant access in full	N/A	Irrelevant material deleted under section 22

## REASONS FOR DECISION

### What you requested

By email dated 13 August 2024, the department advised that it has interpreted your request as seeking access to:

*“formal briefs provided to the Minister for Education on the issue of indexation of the HELP program (previously known as HECS), between 1 January 2024 and 1 May 2024.”*

We asked that you advise us by 15 August 2024 if we had misinterpreted your request. As you did not advise otherwise, we have proceeded on the basis that we have correctly interpreted your request.

### What I took into account

In reaching my decision, I took into account:

- your original request dated 31 July 2024
- other correspondence with you
- the documents that fall within the scope of your request
- consultations with departmental officers about the nature of the documents and the operating environment and functions of the department
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (FOI Guidelines)
- the FOI Act.

### Reasons for my decision

I am authorised to make decisions under section 23(1) of the FOI Act.

#### Section 22 of the FOI Act: access to edited copies with irrelevant matter deleted

I have decided that the documents falling within the scope of your request contain irrelevant material. In this regard, sections 22(1) and (2) of the FOI Act provide that:

#### *Scope*

(1) *This section applies if:*

*(a) an agency or Minister decides:*

- (i) to refuse to give access to an exempt document; or*
- (ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and*



- (b) *it is possible for the agency or Minister to prepare a copy (an edited copy) of the document, modified by deletions, ensuring that:*
  - (i) *access to the edited copy would be required to be given under section 11A (access to documents on request); and*
  - (ii) *the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and*
- (c) *it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:*
  - (i) *the nature and extent of the modification; and*
  - (ii) *the resources available to modify the document; and*
- (d) *it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.*

*Access to edited copy*

- (2) *The agency or Minister must:*
  - (a) *prepare the edited copy as mentioned in paragraph (1)(b); and*
  - (b) *give the applicant access to the edited copy.*

The documents set out in the Schedule of Documents contain material relating to indexation of the HELP program (previously known as HECS), as well as material relating to other issues. To the extent that material in the documents does not relate to the issue of indexation of the HELP program (previously known as HECS), I have deleted that material as irrelevant to your request, in accordance with section 22 of the FOI Act.

**Conclusion**

I have decided to grant you **access in full** to the three documents (subject to the redaction of irrelevant material).

## YOUR RIGHTS OF REVIEW

### Asking for a formal review of an FOI decision

If you believe the decision is incorrect, the FOI Act gives you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by:

- an internal review officer in the department and/or
- the Australian Information Commissioner.

There are no fees for applying for a formal review.

### Applying for an internal review by an internal review officer

If you apply for internal review, a different decision maker to the decision maker who made the original decision will review your request. The internal review decision maker will consider all aspects of the original decision afresh and decide whether the decision should change.

An application for internal review must be made in writing within 30 days of receiving this letter. You can lodge your application by email to [foi@education.gov.au](mailto:foi@education.gov.au).

### Applying for external review by the Australian Information Commissioner

If you do not agree with the original decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision.

You will have 60 days to apply in writing for a review by the Australian Information Commissioner.

You can lodge your application in one of the following ways:

Online:

[https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR\\_10](https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10)

Email: [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

Post: Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

## **Complaints to the Australian Information Commissioner**

### *Australian Information Commissioner*

You may complain to the Australian Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Australian Information Commissioner must be made in writing and can be lodged in one of the following ways:

Online:

[https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICCA\\_1](https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICCA_1)

Email: [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

Post: Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001