



Australian Government
Department of Education

Your Ref
Our Ref LEX 1202

CR

By email: foi+request-12111-d1162020@righttoknow.org.au

Dear CR

Your Freedom of Information request - decision

I refer to your request, received by the Department of Education (department) on 1 October 2024 and revised on 8, 11, 14 and 23 October 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

"1. The most recent 30 notices of charges issued to FOI applicants.

For each of these 30 requests, if applicable, please also provide:

- 2. Any subsequent decisions regarding charges following applicant contention.*
- 3. Any subsequent decisions regarding charges following internal or external review.*

The time period for my request is from 1 July 2022 to 1 October 2024.

Please exclude the following information:

- i) Personal information of FOI applicants, including supporting evidence or details of personal circumstances in a financial hardship contention.*
- ii) Emails that attached the charges notices/decision letters.*
- iii) Personal information of third parties.*
- iv) Business information about third parties.*

If a preliminary charge notice or decision of a charge is sent via the body of an email (as opposed to an email attachment) I wish to access a copy of that email, as well as the applicant's contention reasons."

Background

I appreciate your cooperation in revising your request following consultation with the department, namely to exclude personal information of third parties and business information about third parties.

As advised by the department on 11 October 2024, the department quotes the scope of the relevant FOI request in charge notices and charge decisions, and this often includes personal information about individuals other than the FOI applicant as well as information about businesses. The department invited you to consider excluding the scopes of FOI requests that are contained in the notices of charges and decisions on charges captured by your request, to remove the need for the department to undertake consultation under the FOI Act with those parties. In response, you advised that you wished to exclude the personal information of third parties.

On 14 October 2024, the department wrote to you to ask whether you would also like to exclude business information about third parties from the scope of your request. The department noted that if you exclude business information about third parties from the scope of your request, this may result in the scope of FOI requests quoted in charge notices and/or decisions (or parts of them) being redacted. On the same day, you advised that you wished to exclude business information about third parties.

Processing 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 the time taken to search for and retrieve the documents and given that the *Freedom of Information (Charges) Regulation 1982* provides that the first five hours of decision-making time is free. Accordingly, I have decided not to impose a processing charge for your request on this occasion.

My decision

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

The department holds 35 documents (totalling 176 pages) that fall within the scope of Parts 1 and 2 of your request. I have decided to grant you **access in full** to the documents and these are **attached**.

For completeness, the department does not hold any documents falling within the scope of Part 3 of your request as none of the decisions captured by Part 2 of your request were subject to internal or external review.

By email dated 11 October 2024, the department advised you that it would treat the names, signatures, position titles and contact details of staff members as irrelevant in accordance with section 22 of the FOI Act unless you advised otherwise. As you did not advise that you wished to have this information included in the scope of your request, I have redacted the

names, signatures, and position titles of departmental staff members as irrelevant material under section 22 of the FOI Act.

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.

Yours sincerely

A handwritten signature in blue ink that reads "Emily".

Emily
Authorised decision maker
Freedom of Information Team
Department of Education

31 October 2024

SCHEDULE OF DOCUMENTS – CR

Number	Pages	Date	Description	Decision	Comments
1.	1 – 5	3 September 2024	Charge notice – LEX 1136	Grant access in full	Irrelevant material deleted under section 22
2.	6 – 11	9 August 2024	Charge notice – LEX 1099	Grant access in full	Irrelevant material deleted under section 22
3.	12 – 16	31 July 2024	Charge notice – LEX 1047	Grant access in full	Irrelevant material deleted under section 22
4.	17 – 22	29 July 2024	Charge notice – LEX 1085	Grant access in full	Irrelevant material deleted under section 22
5.	23 – 27	24 July 2024	Charge notice – LEX 1089	Grant access in full	Irrelevant material deleted under section 22
6.	28 – 33	19 July 2024	Charge notice – LEX 1059	Grant access in full	Irrelevant material deleted under section 22
7.	34 – 38	8 July 2024	Charge notice – LEX 1047	Grant access in full	Irrelevant material deleted under section 22
8.	39 – 44	1 July 2024	Charge notice – LEX 1042	Grant access in full	Irrelevant material deleted under section 22
9.	45 – 49	28 June 2024	Charge notice – LEX 1041	Grant access in full	Irrelevant material deleted under section 22
10.	50 – 55	26 June 2024	Charge notice – LEX 1046	Grant access in full	Irrelevant material deleted under section 22
11.	56 – 60	25 June 2024	Charge notice – LEX 1040	Grant access in full	Irrelevant material deleted under section 22
12.	61 – 67	4 June 2024	Charge notice – LEX 1022	Grant access in full	Irrelevant material deleted under section 22
13.	68 – 72	16 May 2024	Charge notice – LEX 1000	Grant access in full	Irrelevant material deleted under section 22

14.	73 – 78	17 April 2024	Charge notice – LEX 910	Grant access in full	Irrelevant material deleted under section 22
15.	79 – 84	15 April 2024	Charge notice – LEX 933	Grant access in full	Irrelevant material deleted under section 22
16.	85 – 89	11 April 2024	Charge notice – LEX 957	Grant access in full	Irrelevant material deleted under section 22
17.	90 – 94	2 April 2024	Charge notice – LEX 948	Grant access in full	Irrelevant material deleted under section 22
18.	95 – 99	8 March 2024	Charge notice – LEX 930	Grant access in full	Irrelevant material deleted under section 22
19.	100 – 106	4 March 2024	Charge notice – LEX 910	Grant access in full	Irrelevant material deleted under section 22
20.	107 – 111	1 March 2024	Charge notice – LEX 915	Grant access in full	Irrelevant material deleted under section 22
21.	112 – 116	15 February 2024	Charge notice – LEX 892	Grant access in full	Irrelevant material deleted under section 22
22.	117 – 121	12 February 2024	Charge notice – LEX 885	Grant access in full	Irrelevant material deleted under section 22
23.	122 – 126	30 January 2024	Charge notice – LEX 871	Grant access in full	Irrelevant material deleted under section 22
24.	127 – 131	15 December 2023	Charge notice – LEX 839	Grant access in full	Irrelevant material deleted under section 22
25.	132 – 136	6 December 2023	Charge notice – LEX 842	Grant access in full	Irrelevant material deleted under section 22
26.	137 – 142	9 November 2023	Charge notice – LEX 815	Grant access in full	Irrelevant material deleted under section 22
27.	143 – 147	27 October 2023	Charge notice – LEX 805	Grant access in full	Irrelevant material deleted under section 22
28.	148 – 152	24 October 2023	Charge notice – LEX 810	Grant access in full	Irrelevant material deleted under section 22

29.	153 – 157	13 October 2023	Charge notice – LEX 770	Grant access in full	Irrelevant material deleted under section 22
30.	158 – 163	11 October 2023	Charge notice – LEX 773	Grant access in full	Irrelevant material deleted under section 22
31.	164 – 165	24 November 2023	Charge decision – LEX 810	Grant access in full	Irrelevant material deleted under section 22
32.	166 – 167	11 December 2023	Charge decision – LEX 815	Grant access in full	Irrelevant material deleted under section 22
33.	168 – 170	15 April 2024	Charge decision – LEX 930	Grant access in full	Irrelevant material deleted under section 22
34.	171 – 173	9 July 2024	Charge decision – LEX 1046	Grant access in full	Irrelevant material deleted under section 22
35.	174 – 176	19 September 2024	Charge decision – LEX 1099	Grant access in full	Irrelevant material deleted under section 22

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.

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://webform.oaic.gov.au/prod?entitytype=ICReview&layoutcode=ICReviewWF>

Email: 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://webform.oaic.gov.au/prod?entitytype=Complaint&layoutcode=FOIComplaintWF>

Email: foidr@oaic.gov.au

Post: Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001