



Australian Government
Department of Education

Your Ref
Our Ref LEX1136

s 22
By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 15 August 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

"A copy of the ALL communication between s 22 in any capacity or privately (currently s 22) and the Commonwealth Department of Education, including the Minister for Education Jason Clare to/from s 22, where it relates to either s 22 or s 22, in the last 5-years to current day.

For the purposes of the meaning of communications: All communication and files in any form be it e-mails whether direct or cc copy, all documents, phone texts if available, and covering both internal and communications with external parties to the department where we are mentioned."

The department wrote to you on 16 August 2024 outlining its interpretation of the scope of your request. In particular, the department drew your attention to the following part of your request:

"A copy of the ALL communication between s 22 ... and the Commonwealth Department of Education, including the Minister for Education Jason Clare to/from s 22 ...". [Emphasis added] ...

For the purposes of the meaning of communications: All communication and files in any form be it e-mails whether direct or cc copy, all documents, phone texts if available, and covering both internal and communications with external parties to the department where we are mentioned."

The department advised that it had interpreted those parts of your request as seeking access to external communications (being emails, both addressed to or courtesy copied to, letters, text messages and any other forms of correspondence) between the department or Minister

Jason Clare, and s 22 , in s 22 ,
personal capacity or in s 22 capacity as the s 22 ,
that are held by the department.

The department asked you to advise otherwise by COB 20 August 2024 if this interpretation was not correct. You did not do so, so the department is processing your request based on the above interpretation of this part of the request, with a minor exception; the department has also included any correspondence between the former Minister for Education and s 22 that may fall within the scope of your request. The charge is calculated on this basis.

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 \$191.00, 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*: 3.57 hours, at \$20.00 per hour	\$71.00
TOTAL	\$ 191.00

*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 6 documents with approximately 9 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 \$47 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@education.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.

As your request covers documents that contain information about another person/other persons, I need to ask that person/those persons about releasing their information before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

3 September 2024

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 27A of the FOI Act provides that if the department receives a request for access to documents containing the personal information of another person and believes the person may object to the release of the documents, the department is required to consult with that person before making a decision on access to the documents.

Section 26A of the FOI Act provides that where consultation arrangements have been entered into between the Commonwealth and a State and it appears to the department that the State might reasonably wish to contend that the requested documents are conditionally exempt under section 47B and granting access would, on balance, be contrary to the public interest, the department must not give access to the documents unless consultation has taken place.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref LEX 1099

s 22

By email: s 22

Dear s 22 ,

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 22 July 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

"I seek access to the following documents:

1. *The contract(s) between the Australian Government and s 22 pertaining specifically to s 22*
2. *Any appendices, schedules, or amendments related to the contract referred to in Item 1.*
3. *Documents outlining the criteria and guidelines used by s 22*
4. *The Dataset maintained by the s 22*
 - a. *Include the names of s 22*
 - b. *Include the names of providers engaged for each project.*
 - c. *Include the amount of funds approved per project.*

d. Include any specific s 22 each project addresses.”

You have specified that the date range 1/07/2019 to 22/07/2024 applies to the documents sought under your FOI 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 \$386.90, calculated as follows:

Search and retrieval time: 4.5 hours, at \$15.00 per hour	\$67.50
Decision-making time including consultation with approximately 11 relevant third parties, after deduction of 5 hours*: 15.97 hours, at \$20.00 per hour	\$319.40

TOTAL	\$ 386.90
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*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 9 documents with approximately 231 pages relevant to your request.

Interpretation of the scope of your request

In part 1 and 2 of your request, you have sought access to the following:

- “1. The contract(s) between the Australian Government and s 22 pertaining specifically to s 22 .
2. Any appendices, schedules, or amendments related to the contract referred to in Item 1.”

You also specified that the date range 1/07/2019 to 22/07/2024 applies to your FOI request.

We note that s 22

fall outside the date range you have specified s 22 . However, it appears from part 1 and 2 of your request that you are requesting access to these documents.

As such, we have interpreted the date range of 1/07/2019 to 22/07/2024 as applying to parts 3 and 4 of your request, but as not applying to parts 1 and 2 of your request.

This has had the effect of including s 22 and the Department in relation to s 22 within the scope of your request.

As such we have also included the processing time for these two documents in the calculation of the charge as set out in this charge notice.

Please let us know by **COB Wednesday 14 August 2024** if the department has not correctly interpreted part 1 and 2 of your request. That is, if you did intend for the date range of

1/07/2019 to 22/07/2024 to apply to parts 1 and 2 of your request, which would exclude the [s 22](#) from the scope. If that is the case, we will remove these two documents from the calculation of the charge, and will send you a revised charge notice. If we do not hear from you by this time, we will process your request on the basis that we have interpreted your request correctly.

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 \$96.70 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@education.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.

As your request covers documents that contain information concerning the business, commercial or financial affairs of an organisation or a person's business or professional affairs, I need to ask that organisation or person about the release of that information before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

[s 22](#)

Authorised decision maker
Freedom of Information Team
Department of Education

9 August 2024

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref: LEX 1047

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 10 June 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

'a copy of the last six Privacy Impact Assessments that have been completed by the Department.'

On 25 July 2024, you revised the scope of your request to the following:

'the Fraud Fusion Taskforce PIA and Data sharing agreement between the Department of Education and the Australian Bureau of Statistics.'

The department has interpreted your revised request as seeking access to the 'Fraud Fusion Task Force' Privacy Impact Assessment (PIA), dated May 2024, and the 'Data sharing agreement between the Department of Education and the Australian Bureau of Statistics' PIA, dated May 2024.

Please let me know if this interpretation is not correct by **COB 2 August 2024**, otherwise we will continue to process your request based on this interpretation.

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 \$182.50, calculated as follows:

Search and retrieval time: 1.5 hours, at \$15.00 per hour	\$ 22.50
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 8 hours, at \$20.00 per hour	\$160.00

TOTAL	\$182.50
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*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 9 documents with approximately 94 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 \$45.60 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@education.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.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

31 July 2024

Relevant sections of the *Freedom of Information Act 1982*

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref LEX 1085

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 3 July 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

"I am very happy if the department could produce:

- *Total amount of subsidies paid to a service for each financial year.*
- *Total amount of grants and support payments such as the payment of Community Child Care Fund grant payments and income support payments paid to a service for each financial year.*

I am seeking information on all three in their own right, not just when s 22

I would like to note all payments on record. For ease, could it be returned similar to the last FOI in a simple table aggregated by financial year? I am not seeking access to documents or any personal information and want to ensure this is not a burdensome task on the department."

On 8 July 2024 we sought to clarify our interpretation of the scope of your request with you. We provided you with our interpretation of your request, which is set out below. We asked you to let us know by COB 10 July 2024 if we had misinterpreted your request and notified you that if we did not hear otherwise from you by that date, we would proceed on the basis that we had correctly interpreted your request. As we did not hear back from you within the relevant time period, as notified, we have continued to process your request based on the following interpretation:

"information relating to s 22

s 22

. In particular, you are seeking access to the following information held on the department's systems relating to these three services:

- The total amount of subsidies paid to each service for each financial year available.
- The total amount of grants and support payments such as the payment of Community Child Care Fund grant payments and income support payments paid to each service for each financial year available.

If possible, you would like the above information to be compiled by the department into a bespoke document that presents this information in aggregated tables breaking down payments by financial year for each service.

The relevant business area has advised us that the department's existing systems contain information from 1 July 2018 onwards and that any information prior to 1 July 2018 is contained on payment systems which have been decommissioned and/or has been archived.

Accordingly, noting that you have asked for "payments on record", the department is limited in its ability to access payment information prior to 1 July 2018, and you have asked for information about payments made in financial years, we have interpreted your request to be for information **from 1 July 2018 to 30 June 2024** (being the date of the last financial year).

We note that you are not seeking access to any personal information, including staff details, within 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 \$ 416.20, calculated as follows:

Search and retrieval time: 0 hours, at \$15.00 per hour	\$ 0
Production of a document containing information held by the department that is not available in a discrete form:	\$356.22
<ul style="list-style-type: none">• 6 hour, APS6 at \$59.37 per hour	
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 3 hours, at \$20.00 per hour	\$ 60.00
TOTAL	\$ 416.20 (rounded down from \$416.22)

*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 produced 1 new document with approximately 1 page to provide information in response 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 \$104.05 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@education.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.

As your request covers documents that contain information concerning the business, commercial or financial affairs of an organisation or a person's business or professional affairs, I need to ask that organisation or person about the release of that information before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

29 July 2024

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref LEX 1089

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 8 July 2024 for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

“Copies of all communications in any form, internal or external correspondence, text messages, video call transcripts etc and all notes and records relating to correspondence we received today from s 22 and as attached below, i.e between the s 22 and s 22 staff, the s 22, s 22 and any other third party, including prior and subsequent internal or external communication about the matter.”

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 \$171.00, calculated as follows:

Search and retrieval time: 5 hours, at \$15.00 per hour	\$75.00
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 4.8 hours, at \$20.00 per hour	\$96.00
TOTAL	\$171.00

*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 20 documents with approximately 70 pages relevant to your request.

Interpretation of scope

The department has interpreted the reference in your request to “*correspondence [you] received [on 8 July 2024] from s 22*” as referring to the [s 22](#)

The above interpretation has been applied to processing your request to date, including calculating this charge.

If we have misinterpreted your request, please let us know by **COB Friday 26 July 2024** and we will issue you with a revised charge notice. If we do not hear otherwise from you by that date, we will proceed on the basis that we have correctly interpreted this part of 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 \$42.75 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@education.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.

As your request covers documents, originating with, or received from a State, I need to consult with the relevant State about releasing the relevant documents before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

24 July 2024

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.

Consultation

Section 26A of the FOI Act provides that where consultation arrangements have been entered into between the Commonwealth and a State and it appears to the department that the State might reasonably wish to contend that the requested documents are conditionally exempt under section 47B and granting access would, on balance, be contrary to the public interest, the department must not give access to the documents unless consultation has taken place.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref LEX 1059

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 19 June 2024, and revised to seek access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

- "1. Final Tender Documentation and Submission by s 22 :*
- Please provide the final tender documentation and submission provided by s 22 , excluding any statements of tax record issued by the Australian Tax Office and certificates of currency for insurance.*
- 2. Final Tender Evaluation Report:*
- I request access to the final tender evaluation report used to assess the tender submissions for s 22 .*
- 3. Final Contract:*
- Please provide the final contract awarded to s 22 including all terms and conditions, but excluding any drafts of the contract.*
- 4. Correspondence Related to Specific Topics:*
- I seek correspondence between the Department of Education and s 22 regarding the tender process and the awarding of the contract, limited to final email chains that discuss the awarding of the contract and excluding any drafts of documents or correspondence.*

Exclusions:

- Personal information of all individuals except for the names of key personnel involved in the procurement process.*
- Duplicate documents."*

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 revised request. My preliminary assessment of the charge is \$806.83, calculated as follows:

Search and retrieval time: 5 hours, at \$15.00 per hour	\$75.00
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 36.59 hours, at \$20.00 per hour	\$731.83
TOTAL	\$806.83

*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 70 documents with approximately 450 pages relevant to your revised 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 \$201.71 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@education.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.

Option – seek to refine the scope of your request

We have understood Part 4 of your request to be seeking both “*correspondence ... regarding the tender process*” and “*correspondence ... regarding the awarding of the contract, limited to the email chains that discuss the awarding of the contract...*”.

As such the first part, seeking “*correspondence ... regarding the tender process*” is quite broad. Currently the correspondence captured by part 4 of your request includes correspondence:

- generally relating to [s 22](#) tender
- seeking and providing updates on the tender process
- notifying [s 22](#) that they are the successful tenderer
- relating to negotiating the contract
- about documents submitted for the purpose of undertaking financial viability checks on third parties - I am advised that there are approximately 20 such documents (comprising approximately 100 pages).

To assist the department to process your request, and potentially reduce the charge associated with it, you may wish to further clarify and narrow the scope of your request, but it is up to you whether and how to do so.

While the wording of your request is a matter for you to determine, you may wish to consider:

- refining the scope of your request to seek fewer parts (e.g. not all of parts 1 – 4 of your request)
- refining part 4 of your request to seek certain categories of correspondence of particular interest to you, or excluding certain categories that are not of interest to you
- excluding the financial viability check information of third parties, and documents submitted for the purpose of undertaking those financial viability check on third parties, if this is not of interest to you.

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.

As your revised request covers documents that contain information concerning the business, commercial or financial affairs of a number of organisations, I need to ask those organisations about the release of that information before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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 further revising the scope of your request. If you would like to revise your request further, please email foi@education.gov.au.

Yours sincerely

s 22

[s 22](#)

Authorised decision maker
Freedom of Information Team
Department of Education

19 July 2024

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref: LEX 1047

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 10 June 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

“a copy of the last six Privacy Impact Assessments that have been completed by the Department.”

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 \$252.50, calculated as follows:

Search and retrieval time: 1.5 hours, at \$15.00 per hour	\$ 22.50
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 11.5 hours, at \$20.00 per hour	\$230.00
TOTAL	\$252.50

*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 13 documents with approximately 291 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 \$63.10 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@education.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.

As your request covers documents that contain information concerning the business, commercial or financial affairs of an organisation or a person's business or professional affairs, I need to ask that organisation or person about the release of that information before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

[s 22](#)

Authorised decision maker
Freedom of Information Team
Department of Education

8 July 2024

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 of the FOI Act, the 30-day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref 1042

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 7 June 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

*"All forms of internal and external notes, deliberations, communication including e-mails and any recorded calls to/from s 22
s 22 that related to s 22 and
referred to in The Canberra Times Article:*

s 22

canberratimes.com.au

NB: This will have crossover with other FOI Requests, however, please provide the information as requested."

On 18 June 2024 we sought to clarify our interpretation of the scope of your request with you. We provided you with our interpretation of your request, which is set out below. We asked you to let us know by COB 19 June 2024 if we had misinterpreted your request and notified you that if we did not hear otherwise from you by that date, we would proceed on the basis that we had correctly interpreted your request. As we did not hear back from you within the relevant time period, as notified, we will continue to process your request based on the following interpretation:

“All forms of internal and external notes, deliberations, communication including e-mails and any recorded calls to/from s 22 of the Commonwealth Department of Education that relate to s 22

and which are also referred to in the Canberra Times Article titled s 22

These statements are about s 22

correspondence from s 22 to the s 22, and and to s 22

We understand that you wish to be provided any information which also falls in scope of your other current FOI requests with the department.”

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 \$84.00, calculated as follows:

Search and retrieval time: 3.00 hours, at \$15.00 per hour	\$45.00
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 1.95 hours, at \$20.00 per hour	\$39.00

TOTAL	\$ 84.00
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*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 5 documents with approximately 17 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 \$20.00 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@education.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.

As your request covers documents, originating with, or received from a State, I need to consult with the relevant State about releasing the relevant documents before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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

Further assistance

Please email foi@education.gov.au if you require further assistance, including regarding revising the scope of your request, as outlined above.

Yours sincerely

S 22

S 22

Authorised decision maker
Freedom of Information Team
Department of Education

01 July 2024

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.

Consultation

Section 26A of the FOI Act provides that where consultation arrangements have been entered into between the Commonwealth and a State and it appears to the department that the State might reasonably wish to contend that the requested documents are conditionally exempt under section 47B and granting access would, on balance, be contrary to the public interest, the department must not give access to the documents unless consultation has taken place.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Our Ref [LEX1041]

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 7 June 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

"I would like a new FOI to be issued, which is the identical request as LEX 948 but from the end date of that request [13 March 2024] to current day 7 June 2024 inclusive:

'FOI Request: Please provide copies of ALL correspondence and notes mentioning s 22, s 22 or s 22, from the "end date" of my previous 1 July 2023 request to 12 March 2024, between:

1. *All correspondence and other forms of traceable communication between s 22 Australian Government Department of Education, and:*
 - a) s 22
 - b) s 22
 - c) s 22
 - d) s 22 & s 22
2. *All correspondence and other forms of traceable communication between s 22 Australian Government Department of Education, Skills and Employment (DESE) and:*
 - a) s 22
 - b) s 22
 - c) s 22
 - d) s 22 & s 22

NB: Excluding any information that was/will be provided in the previous FOI requests."

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 \$132.00, calculated as follows:

Search and retrieval time: 5 hours, at \$15.00 per hour	\$75.00
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 2.85 hours, at \$20.00 per hour	\$57.00

TOTAL	\$132.00
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*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 24 documents with approximately 31 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 \$33 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@education.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.

As your request covers documents that contain information concerning the business, commercial or financial affairs of an organisation or a person's business or professional affairs, I need to ask that organisation or person about the release of that information before making a decision on your request.

As your request covers documents, originating with, or received from a State, I need to consult with the relevant State about releasing the relevant documents before making a decision on your request.

For these reasons, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

28 June 2024

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 26A of the FOI Act provides that where consultation arrangements have been entered into between the Commonwealth and a State and it appears to the department that the State might reasonably wish to contend that the requested documents are conditionally exempt under section 47B and granting access would, on balance, be contrary to the public interest, the department must not give access to the documents unless consultation has taken place.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref LEX 1046

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your revised request, received by the Department of Education (department) on 9 June 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

“documents, including electronically stored information on record keeping and other HR systems and platforms, that the department holds relating to the lack of diversity and cultural safety for Aboriginal and Torres Strait Islander people with respect to the following points:

- *The number of Aboriginal and Torres Strait Islander applicants per financial year for five years compared to mainstream applicants (2019-2020 to 2023-2024).*
- *The number of Aboriginal and Torres Strait Islander applicants merit listed per financial year for five years compared to mainstream applicants merit listed (2019-2020 to 2023-2024).*
- *The number of Aboriginal and Torres Strait Islander applicants offered a position per financial year for five years compared to mainstream applicants offered a position (2019-2020 to 2023-2024).*
- *The number of complaints about bullying, harassment, discrimination, or unfair treatment by Aboriginal and Torres Strait Islander employees per financial year for five years (2019-2020 to 2023-2024).*
- *The turnover rate of Aboriginal and Torres Strait Islander people compared to other employees encompassing both voluntary and involuntary separations per financial*

year for five years (2019-2020 to 2023-2024). * [For ease of reference I refer to the above part of the request, including the above 5 dot points as “Parts 1 – 5” of the request.]

- *Plans, reports, policies, presentations, initiatives, or programs that the department has drafted, developed, or implemented to improve Aboriginal employment in this financial year (2023-24). [For ease of reference I refer to the above dot point as “Part 6” of the request.]*

.... **I understand that most agencies use the APSC’s ‘agency exit rate’ as outlined in the ‘Commonwealth Workforce Metrics’ (April 2023). This is the number of ongoing employees who left the organisation (voluntarily and involuntarily) as a percentage of the average headcount (ongoing) for the specified period. The formula is Exits (Ongoing) / Average headcount (Ongoing)*100. For the avoidance of doubt, I would assume that most agencies use this formula to obtain the turnover rate for people who are Aboriginal and Torres Strait Islander people and for people who do not identify as Aboriginal and Torres Strait Islander. As an alternative, if your department does not use these formulas for some reason, then you could provide documents with the base figures for the specified time frames.”*

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 \$497.46, calculated as follows:

Search and retrieval time (for Part 6 of your request): 5 hours, at \$15.00 per hour	\$75.00
Producing a document of information held by the department that is not available in a discrete form (for Parts 1 to 5 of your request)	\$402.88
• 6.5 hours, APS 6 at \$61.98 per hour	
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 0.98 hours, at \$20.00 per hour	\$19.58

TOTAL	\$497.46
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*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 6 documents with approximately 84 pages relevant to your request.

However, in calculating the charge I have **excluded** the documents that are publicly available in their previous versions, and have only taken into account the 3 documents (29 pages) that are not publicly available.

In addition, the department has produced 1 new document with 3 pages to provide information in response 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 \$124.37 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@education.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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

[s 22](#)

Authorised decision maker
Freedom of Information Team
Department of Education

26 June 2024

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref LEX1040

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 7 June 2024, and revised on 13 June 2024 to seek access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

1. All forms of communication, including emails, other written forms of communications, and recorded calls, between s 22 and s 22 in the past 12 months [7 June 2023 – 7 June 2024].
2. All forms of communication, including emails, other written forms of communications, and recorded calls, between s 22 and s 22 or s 22 in the past 12 months [7 June 2023 – 7 June 2024].
3. All forms of communication, including emails, other written forms of communications, and recorded calls, between s 22 and s 22 and s 22 or s 22 in the past 12 months [7 June 2023 – 7 June 2024] relating to s 22 .

The department wrote to you on 12 June 2024 outlining its interpretation of the scope of your request. On 13 June 2024, you clarified that the scope of your request is in the terms set out above. On 19 June 2024, the department confirmed it would process your request in the terms outlined above.

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 \$152.00, calculated as follows:

Search and retrieval time: 7 hours, at \$15.00 per hour	\$105.00
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 2.35 hours, at \$20.00 per hour	\$47.00
TOTAL	\$152.00

*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 20 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 \$38.00, which is 25% of the total charge amount, 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@education.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.

As your request covers documents, originating with, or received from a State, I need to consult with the relevant State about releasing the relevant documents before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

25 June 2024

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.

Consultation

Section 26A of the FOI Act provides that where consultation arrangements have been entered into between the Commonwealth and a State and it appears to the department that the State might reasonably wish to contend that the requested documents are conditionally exempt under section 47B and granting access would, on balance, be contrary to the public interest, the department must not give access to the documents unless consultation has taken place.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref Lex 1022

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 14 May 2024 and revised on 20 May 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

[1] I would like to request copies of any documents or correspondence between the Department and third parties that make reference to s 22 ; s 22 ; s 22 ; s 22 and/or s 22

[2] I would like to request copies of any internal documents or correspondence that make reference to s 22 ; s 22 ; s 22 ; s 22 and/or s 22

[3] I would like to request copies of any documents or correspondence between s 22 and the Department that make reference to s 22 ; s 22 ; s 22 and/or s 22

[4] I would like to request copies of any documents or correspondence referring to s 22 ; s 22 ; s 22 and/or s 22

[5] I would like to request copies of any documents or correspondence between s 22 and the Department relating to s 22

[6] I would like to request copies of any documents or correspondence between s 22 and the Department relating to s 22

s 22

Excluding documents and correspondence related to the general establishment of the
s 22 sent to or from s 22

Date range: 01/03/2024 – 14/05/2024

I have numbered the parts of your request for ease of reference.

We acknowledge receipt of your email dated 20 May 2024 and thank you for refining the scope of your request.

Date range for your request

By email dated 20 May 2024, you amended the date range for your request to 1 March 2024 - 20 May 2024. Under the FOI Act, FOI applicants can generally only seek access to documents in existence as at the date of their request. As your original request was received on 14 May 2024, we have interpreted the date range of your revised request to be 1 March 2024 - 14 May 2024.

Interpretation of scope of your request

“Make reference to”

Parts 1-3 of your request seek access to documents and correspondence that “make reference to” yourself, s 22, s 22, s 22 and/or s 22

Part 4 of your request seeks access to documents or correspondence “referring to” yourself, s 22, s 22, s 22 and/or s 22

The department has interpreted the phrases “make reference to” and “referring to” in parts 1-4 of your request to include only correspondence that refers to the named individuals and companies in the body of the correspondence. We have not interpreted these phrases to extend to emails sent to or from the individuals named in your request, whose names may appear in signature blocks in emails or as addressees.

The estimated number of pages falling within the scope of your request, and the preliminary estimate of the charge outlined below, are based on this interpretation.

If we have misinterpreted this aspect of your request, please advise accordingly by **COB 7 June 2024**, as this is likely to impact on the estimate of the charge. If we do not hear otherwise from you by that date, we will proceed on the basis that we have correctly interpreted this aspect of your request.

Part 5 of your request

Part 5 of your request seeks access to:

“... any document or correspondence between s 22
and the department relating to s 22

”.

The documents falling within the scope of this part of your request could potentially include correspondence relating to the day-to-day administration of the s 22

s 22), such as correspondence between the department and s 22

I am advised that there could be several hundreds of pages of such material and that a large amount of this material would be commercially sensitive information of s 22. Further, that such material relating to the s 22

, or refer to yourself or the individuals and companies named in parts 1-4 of your request.

The department has had regard to the very specific nature of the other parts of your request, which focus on yourself, s 22, s 22, s 22 and/or s 22

and s 22

Noting the above-mentioned focus of your request on these topics, the department has interpreted part 5 of your request within the context of your request as a whole.

This wholistic interpretation of part 5 of your request, results in the exclusion of documents and correspondence relating to the day-to-day administration of the s 22, which do not refer to yourself or the individuals and companies named in parts 1-4 of your request, or s 22

The estimated number of pages falling within the scope of your request, and the preliminary estimate of the charge outlined below, are based on this interpretation.

If we have misinterpreted the scope of your request, please advise us by **COB 7 June 2024**. If we have misinterpreted part 5 of your request, and you did in fact wish to include within the scope of your request correspondence relating to the day-to-day administration of the s 22

we may need to commence a formal consultation process with you to further revise the scope of your request.

If we do not hear otherwise from you by **COB 7 June 2024**, we will proceed on the basis that we have correctly interpreted part 5 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 \$136.95, calculated as follows:

Search and retrieval time: five hours, at \$15.00 per hour	\$ 75.00
Decision making time including consultation with a relevant third party, after deduction of 5 hours*: 4.5 hours, at \$20.00 per hour	<u>\$ 90.00</u>
Sub total	\$165.00
Less 17% discount for personal information**	<u>\$ 28.05</u>
Total	\$136.95

*The Freedom of Information (Charges) Regulations 2019 (Charges Regulations) provides that the first five hours of decision-making time are free of charge and this is reflected in the calculation.

**The Charges Regulations provide that there is no charge payable for an applicant's personal information. I am advised that approximately 17% of the pages falling within the scope of the request contain your personal information.

I am advised that the department has in its possession approximately 75 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 \$34.24 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@education.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.

As your request covers documents that contain information concerning the business, commercial or financial affairs of an organisation or a person's business or professional affairs, I need to ask that organisation or person about the release of that information before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

4 June 2024

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 27A of the FOI Act provides that if the department receives a request for access to documents containing the personal information of another person and believes the person may object to the release of the documents, the department is required to consult with that person before making a decision on access to the documents.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref LEX1000

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your revised request, received by the Department of Education (department) on 9 May 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

The final report, modelling and assessments made by s 22

, with a date range of 01/01/2023 to 25/04/2024.

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 \$166 calculated as follows:

Search and retrieval time: 2 hours, at \$15.00 per hour	\$30
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 6.8 hours, at \$20.00 per hour	\$136

TOTAL	\$166
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*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 1 document with approximately 65 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 \$41.50 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@education.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.

As your request covers documents that contain information concerning the business, commercial or financial affairs of an organisation or a person's business or professional affairs, I need to ask that organisation or person about the release of that information

before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

16 May 2024

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 27A of the FOI Act provides that if the department receives a request for access to documents containing the personal information of another person and believes the person may object to the release of the documents, the department is required to consult with that person before making a decision on access to the documents.

Section 26A of the FOI Act provides that where consultation arrangements have been entered into between the Commonwealth and a State and it appears to the department that the State might reasonably wish to contend that the requested documents are conditionally exempt under section 47B and granting access would, on balance, be contrary to the public interest, the department must not give access to the documents unless consultation has taken place.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref 910

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your FOI request, received by the Department of Education (department) on 12 February 2024 and revised requests received on 8 March 2024 and most recently on 8 April 2024.

Your revised request of 8 April 2024 seeks access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

"Under the FOI Act 1982 I am seeking documents, as listed below, held by the Department of Education ~~and/or Minister's office~~ directly related to s 22

(1) any documents which contain a s 22

; and

(2) any documents provided by s 22

; and

(3) any documents which contain final advice from the departments external legal representatives".

On the 11 April 2024, we notified you that as the department and the Minister for Education are different entities for the purpose of the FOI Act, where you had made a request to the

department, we would interpret it as only applying to documents held by the department. This was particularly in circumstances where you were refining the scope of a request made to the department for documents held by the department. On 11 April 2024 you confirmed that your revised scope from the 8 April continues to exclude the following:

- publicly available information
- drafts
- duplicates
- personal information other than position titles and
- correspondence that falls within the scope of your revised request of 8 April 2024, between the department and any third parties other than:
 - [s 22](#)

 - the department's external legal representatives

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 revised request. My preliminary assessment of the charge is \$567.00, calculated as follows:

Search and retrieval time: 4.34 hours, at \$15.00 per hour	\$65.08.
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 25.12 hours, at \$20.00 per hour	\$502.45
TOTAL	\$ 567.00 (rounded down from \$567.53)

*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 23 documents with approximately 330 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 \$141.75 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@education.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 was suspended from the day we issued you the original charge notice (4 March 2024) 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.

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.

Furthermore, as previously flagged as your request covers documents that contain information concerning the business, commercial or financial affairs of an organisation or a person's business or professional affairs, I need to ask that organisation or person about the release of that information before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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

Further assistance

Please email foi@education.gov.au if you require further assistance, including regarding revising the scope of your request, as outlined above.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

17 April 2024

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 27A of the FOI Act provides that if the department receives a request for access to documents containing the personal information of another person and believes the person may object to the release of the documents, the department is required to consult with that person before making a decision on access to the documents.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref LEX 933

s 22

By email: s 22

Dear s 22 ,

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 27 February 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

Senate Estimates briefs prepared by the department for the February 2024 hearings related to school funding, the National School Reform Agreement and bilateral agreements with states and territories.

(All names of departmental staff and contact details can be excluded).

On 13 March 2024, we clarified that your request is for the following:

Senate Estimates briefs prepared by the department for the February 2024 hearings related to school funding (specifically recurrent and capital funding), the National School Reform Agreement and bilateral agreements with states and territories.

(All names of departmental staff and contact details can be excluded).

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 \$472.00, calculated as follows:

Search and retrieval time: 2.19 hours, at \$15.00 per hour	\$32.88
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Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 21.97 hours, at \$20.00 per hour \$439.38

TOTAL **\$ 472.00**

(rounded
down
from
\$472.26)

*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 19 documents with approximately 187 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.

Interpretation of scope of request for the purposes of calculating the charge

For the purposes of processing your FOI request and calculating this charge the department has interpreted the part of your request that seeks '*Senate Estimates briefs prepared by the department for the February 2024 hearings related to school funding (specifically recurrent and capital funding),...*' as seeking briefs specifically about recurrent and capital school funding itself. This includes briefs about funding calculations, amounts and distribution. The department has interpreted this part of your request as not seeking briefs which capture other material that is not specifically about recurrent and capital schools funding, including briefs about:

- funding compliance and assurance processes generally or in respect to specific schools and approved authorities;
- independent oversight and auditing of funding arrangements; and
- how funding is reported on in the sector.

If we have misinterpreted your request, please let us know by **COB Friday 19 April 2024** and we will issue with a revised charge notice. If we do not hear otherwise from you by that date, we will proceed on the basis that we have correctly interpreted this part of your request.

Option - pay the charge

As the charge exceeds \$25, you are required to pay a deposit of \$118.00 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@education.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.

As previously advised, as your request covers documents that contain information concerning the business, commercial or financial affairs of an organisation or a person's business or professional affairs and documents, originating with, or received from a State, I need to consult with the relevant State and organisation about releasing the relevant documents before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

15 April 2024

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 27A of the FOI Act provides that if the department receives a request for access to documents containing the personal information of another person and believes the person may object to the release of the documents, the department is required to consult with that person before making a decision on access to the documents.

Section 26A of the FOI Act provides that where consultation arrangements have been entered into between the Commonwealth and a State and it appears to the department that the State might reasonably wish to contend that the requested documents are conditionally exempt under section 47B and granting access would, on balance, be contrary to the public interest, the department must not give access to the documents unless consultation has taken place.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Our Ref [LEX957]

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your revised request, received by the Department of Education (department) on 25 March 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

1. *"As such, the department has interpreted your request to be seeking access to department documentation or communications (either internal or external with 'external' meaning documents or communications that have been provided by the department to an external entity or to the department from an external entity) that relate to the statement that 's 22 reviewed s 22 claims, and found that each of these were unsubstantiated", as referenced in the red circled sentence of the page you have provided."*
2. *"access to department internal and external documentation/communication that led to the actual drafting of the dot point in the page provided."* and additionally if not captured in the above:
3. *" All form of documentation supplied by s 22 to the department in support of making the said claim that the information was unsubstantiated, including electronic i.e. USB Keys etc."*

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 \$366.37, 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*: 12.32 hours, at \$20.00 per hour	\$246.37

TOTAL	\$366.37
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*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 14 documents with approximately 121 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 \$91.59 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@education.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.

As your request covers documents that contain information concerning the business, commercial or financial affairs of an organisation or a person's business or professional affairs, I need to ask that organisation or person about the release of that information before making a decision on your request.

As your request covers documents that contain information about another person/other persons, I need to ask that person/those persons about releasing their information before making a decision on your request. For these reasons, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

11 April 2024

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 27A of the FOI Act provides that if the department receives a request for access to documents containing the personal information of another person and believes the person may object to the release of the documents, the department is required to consult with that person before making a decision on access to the documents.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Our Ref [LEX948]

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 12 March 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

'FOI Request: Please provide copies of ALL correspondence and notes mentioning s 22, s 22 or s 22, from the "end date" of my previous 1 July 2023 request to 12 March 2024, between:

1. All correspondence and other forms of traceable communication between s 22 Australian Government Department of Education,

and:

a) s 22

b) s 22

c) s 22

d) s 22 & s 22

2. All correspondence and other forms of traceable communication between s 22 Australian Government Department of Education, Skills and Employment (DESE) and:

a) s 22

b) s 22

c) s 22

d) s 22 & s 22

NB: Excluding any information that was/will be provided in the previous FOI requests.'

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 \$383.82, calculated as follows:

Search and retrieval time: 6 hours, at \$15.00 per hour	\$90.00
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 15.70 hours, at \$20.00 per hour	\$314.02

TOTAL	\$383.82**
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*The FOI Act provides that the first five hours of decision-making time are free of charge and this is reflected in the calculation.

**A discount has been factored into the total figure, having regard to the content that has been captured that comprises your own personal information.

I am advised that the department has in its possession approximately 57 documents with approximately 167 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 \$95.95 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@education.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.

As your request covers documents that contain information about another person/other persons, I need to ask that person/those persons about releasing their information before making a decision on your request.

As your request covers documents that contain information concerning the business, commercial or financial affairs of an organisation or a person's business or professional affairs, I need to ask that organisation or person about the release of that information before making a decision on your request.

Further, as your request covers documents, originating with, or received from a State, I need to consult with the relevant State about releasing the relevant documents before making a decision on your request. For these reasons, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

S 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

2 April 2024

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 27A of the FOI Act provides that if the department receives a request for access to documents containing the personal information of another person and believes the person may object to the release of the documents, the department is required to consult with that person before making a decision on access to the documents.

Section 26A of the FOI Act provides that where consultation arrangements have been entered into between the Commonwealth and a State and it appears to the department that the State might reasonably wish to contend that the requested documents are conditionally exempt under section 47B and granting access would, on balance, be contrary to the public interest, the department must not give access to the documents unless consultation has taken place.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref LEX930

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on Friday 23 February 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

"1. Correspondence with s 22 since 1 June 2022 (including any attachments) regarding s 22

2. Correspondence with the s 22 since 1 June 2022 (including any attachments) regarding s 22

."

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 \$557.00, calculated as follows:

Search and retrieval time: 6.00 hours, at \$15.00 per hour	\$90.00
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 23.35 hours, at \$20.00 per hour	\$467.00

TOTAL **\$ 557.00**

*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 52 documents with approximately 240 pages relevant to your request.

I note that we have **excluded** from this charge notice a document that is publicly available online.

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 \$139.25 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@education.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.

As your request covers documents that contain information concerning the business, commercial or financial affairs of an organisation or a person's business or professional affairs, I need to ask that organisation or person about the release of that information before making a decision on your request. Additionally, as your request covers documents, originating with, or received from a State, I need to consult with the relevant State about releasing the relevant documents before making a decision on your request. For these reasons, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

8 March 2024

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 27A of the FOI Act provides that if the department receives a request for access to documents containing the personal information of another person and believes the person may object to the release of the documents, the department is required to consult with that person before making a decision on access to the documents.

Section 26A of the FOI Act provides that where consultation arrangements have been entered into between the Commonwealth and a State and it appears to the department that the State might reasonably wish to contend that the requested documents are conditionally exempt under section 47B and granting access would, on balance, be contrary to the public interest, the department must not give access to the documents unless consultation has taken place.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref 910

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 12 February 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

“Under the FOI Act 1982 I am seeking documents (excluding duplicates, drafts and personal information other than position titles) related to s 22

for the period 1 March 2023 to-date. [We refer to this as “Part 1” of your request].

s 22

I am also seeking for the same period:

- *any final documents provided by s 22, and/or*
- *any final documents related to s 22 whether provided by Minister or its delegate, or s 22 ; and/or*
- *any financial reports or financial accountability documentation provided under s 22, and/or*
- *any final documents provided by s 22, but*

- excluding documents already made publicly available such as [s 22](#)

[We refer to this as **“Part 2”** of your request].

[s 22](#)

.”

On 21 February 2024 you clarified that we correctly interpreted the following part of your scope ‘any financial reports or financial accountability documentation provided under [s 22](#), and/or’ to be for ‘any financial reports [s 22](#)

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 \$859.00, calculated as follows:

Search and retrieval time: 6.60 hours, at \$15.00 per hour	\$ 99.00
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 38 hours, at \$20.00 per hour	\$760.00

TOTAL	\$ 859.00
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*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 46 documents with approximately 500 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 \$214.75 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@education.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.

Option – seek to refine the scope of your request

Parts 1 and 2 of your request are currently quite broad. To assist the department in being able to process your request, and potentially reduce the charge associated with it, you may wish to further clarify and narrow the scope of your request, but it is up to you whether and how to do so.

While the wording of your request is a matter for you to determine, you may wish to consider:

- Limiting your request to documents which are ‘directly relevant to’ (as opposed to ‘related to’) what you have sought in part 1 of your request. The use of the phrase ‘related to’ in your request broadens its scope and captures documents, which may not be directly relevant to what you have sought.
- Limiting your request to documents about a particular aspect of [s 22](#)

for the period 1 March 2023 to-date.

- Excluding correspondence enclosing or discussing the final documents and other reports sought in Part 2 of your request.
- Limiting your request to the “most current” financial reports or financial accountability documentation provided under [s 22](#)
- Excluding documents quoting or extracting the final documents and other reports sought in Part 2 of your request.

- Excluding correspondence between the department and parties other than [s 22](#), that might otherwise be included within the scope of Part 1 of your request.

If you would like to refine your request, please email foi@education.gov.au, with details of the revised request.

Clarification about scope of request

In part 1 of your request, you have sought access to: “...documents (excluding duplicates, drafts and personal information other than position titles) related to [s 22](#)

for the period 1

March 2023 to-date.”

We have interpreted this scope as requesting “documents ... related to [s 22](#)

for the period 1

March 2023 to-date.”

Please let us know by **COB Friday 8 March 2024** if the department has not correctly interpreted part 1 of your request. If we do not hear from you by this time, we will process your request on the basis of our interpretation of part 1.

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.

As your request covers documents that contain information concerning the business, commercial or financial affairs of an organisation or a person’s business or professional affairs, I need to ask that organisation or person about the release of that information before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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

Further assistance

Please email foi@education.gov.au if you require further assistance, including regarding revising the scope of your request, as outlined above.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

4 March 2024

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 27A of the FOI Act provides that if the department receives a request for access to documents containing the personal information of another person and believes the person may object to the release of the documents, the department is required to consult with that person before making a decision on access to the documents.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref LEX 915

[s 22](#)

By email: [s 22](#)

Dear [s 22](#)

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 17 February 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

All legal expenses incurred by the Department and the Minister for Education relating to [s 22](#)

since 1 July 2023 to-date. This would include, if applicable, [s 22](#)

. I do not seek personal names or any duplicate documents.

Interpretation of the scope of your request

On 20 February 2024, the department advised you that, consistent with the approach taken with regard to your previous related FOI request (Lex 794), the department would exclude correspondence of an administrative nature from the scope of your request and only include invoices issued to the department outlining legal expenses incurred by the department in relation to [s 22](#) unless you advised otherwise by 23 February 2024.

As we did not receive a response from you within this timeframe, we have interpreted the scope of your request as only including the invoices outlining the relevant legal expenses. If we have misinterpreted the scope of your request, please let us know in a response to this notice. We note that we have calculated the charge, as set out below, on the basis of our interpretation of your request as discussed above and changes to this interpretation may affect the calculation of the charge.

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 \$75.00, calculated as follows:

Search and retrieval time: 1 hour, at \$15.00 per hour	\$15.00
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 3 hours, at \$20.00 per hour	\$60.00

TOTAL	\$75.00
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*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 5 documents with approximately 20 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 \$18.75, which is 25% of the total charge amount, 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@education.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.

As your request covers documents that contain information concerning the business, commercial or financial affairs of organisations, I need to ask those organisations about the release of that information before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

1 March 2024

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>



Australian Government
Department of Education

Your Ref
Our Ref [LEX892]

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 29 January 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

- 1. Any and all records or documents showing the Insurer of s 22 for the period 1997-2008*
- 2. Any and all records relating to the investigation of s 22 by the Department of Education in 2007 & 2008*
- 3. Any and all schooling records pertaining to s 22*

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 \$822.83, calculated as follows:

Search and retrieval time: 10.5 hours, at \$15.00 per hour	\$157.50
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 33.27 hours, at \$20.00 per hour	\$665.33
TOTAL	\$822.83

*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 40 documents with approximately 204 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 \$205.71 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@education.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.

As your request covers documents that contain information about other persons, and concerning the business, commercial or financial affairs of organisations, I need to ask those persons and organisations about releasing their information before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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. For example, you could consider revising the scope of the second part of your request to:

“Documents about the findings and outcome of the investigation of [s 22](#)
by the Department of Education in 2007 & 2008.”

Revising the scope of your request could reduce the decision-making time, including consultations with relevant third parties and change the amount of the charge.

If you would like to revise your request, please email foi@education.gov.au.

Yours sincerely

[s 22](#)

[s 22](#)

Authorised decision maker
Freedom of Information Team
Department of Education

Date 15 February 2024

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 27A of the FOI Act provides that if the department receives a request for access to documents containing the personal information of another person and believes the person may object to the release of the documents, the department is required to consult with that person before making a decision on access to the documents.

Section 26A of the FOI Act provides that where consultation arrangements have been entered into between the Commonwealth and a State and it appears to the department that the State might reasonably wish to contend that the requested documents are conditionally exempt under section 47B and granting access would, on balance, be contrary to the public interest, the department must not give access to the documents unless consultation has taken place.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref LEX885

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 24 January 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

"I write seeking documents under the Freedom of Information Act, specifically any report or briefing notes arising from the s 22

."

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 \$287.50, calculated as follows:

Search and retrieval time: 4.5 hours, at \$15.00 per hour	\$67.50
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 11 hours, at \$20.00 per hour	\$220.00
TOTAL	\$287.50

*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 4 documents with approximately 68 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 \$71.88 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@education.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.

As your request covers documents that contain information concerning the business, commercial or financial affairs of an organisation or a person's business or professional affairs, I need to ask that organisation or person about the release of that information before making a decision on your request.

As your request covers documents that contain information, originating with, or received from a State, I may also need to consult with the relevant State about releasing the relevant documents before making a decision on your request. For these reasons, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

[s 22](#)

Authorised decision maker
Freedom of Information Team
Department of Education

12 February 2024

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 26A of the FOI Act provides that where consultation arrangements have been entered into between the Commonwealth and a State and it appears to the department that the State might reasonably wish to contend that the requested documents are conditionally exempt under section 47B and granting access would, on balance, be contrary to the public interest, the department must not give access to the documents unless consultation has taken place.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref LEX871

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 9 January 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following document:

Report of the Students with Disability loadings settings review

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 **\$55.55**, calculated as follows:

Search and retrieval time: 1.165 hours, at \$15.00 per hour	\$17.48
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Decision-making time, after deduction of 5 hours*: 1.9 hours at \$20.00 per hour	\$38.08
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TOTAL	\$55.56 (rounded down to \$55.55)
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*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 1 document with approximately 28 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 \$20 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@education.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 revise your request, please email foi@education.gov.au.

Yours sincerely

[s 22](#)

[s 22](#)

Authorised decision maker
Freedom of Information Team
Department of Education

30 January 2024

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref LEX 839

[s 22](#)

By email: [s 22](#)

Dear [s 22](#)

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 17 November 2023, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

A table showing Commonwealth recurrent funding for NSW non-government schools (individual schools not Approved Authorities) in 2022. The table should show school name, location, sector, 2022 Commonwealth SRS share, 2022 per student and total funding.

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 \$330.62, calculated as follows:

Search and retrieval time: 0 hours, at \$15.00 per hour	\$ 0
Production of a document:	\$ 157.22
▪ 1 hours 50 minutes, EL1 at \$70.19 per hour	
▪ 0.5 hours, APS 6 at \$57.08 per hour	
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 8.67 hours, at \$20.00 per hour	\$ 173.40
TOTAL	\$ 330.62

*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 produced one document with approximately 12 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 \$82.65 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@education.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.

As your request covers documents that contain information concerning the business, commercial or financial affairs of an organisation or a person's business or professional

affairs, I need to ask that organisation or person about the release of that information before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

[s 22](#)

Authorised decision maker
Freedom of Information Team
Department of Education

15 December 2023

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref Lex 842

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 20 November 2023, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

"... the current s 22 contract and any applicable variations ...".

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 \$157.50, calculated as follows:

Search and retrieval time: 30 minutes, at \$15.00 per hour	\$ 7.50
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 7.5 hours, at \$20.00 per hour	\$150.00
TOTAL	\$157.50

*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 seven documents with approximately 140 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 \$39.38 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@education.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.

As your request covers documents that contain information concerning the business, commercial or financial affairs of an organisation, I need to ask that organisation about the release of that information before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

6 December 2023

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref LEX 815

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 18 October 2023, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

... all email correspondence within the Department of Education; all email correspondence between the Department of Education and the Department of Employment and Workplace Relations; all email correspondence between the Department of Education and the Minister for Early Childhood Education's office; all email correspondence within the Minister for Early Childhood Education's office; and, all email correspondence between the Minister for Early Childhood Education's office any other Minister's office: that references the phrase "123,000 additional educators and teachers" during the period 18 September 2023 and 5 pm 18 October 2023.

I am not seeking personal information as part of the FOI request.

I am not seeking media mentions or press clippings as part of this request.

I am not seeking duplicates as part of this request.

On 1 November 2023, the department informed you that as the department and the Minister for Early Childhood Education are different entities for the purpose of the FOI Act,

where you have made a request to the department, it would only apply to documents held by the department and the department would process your request on that basis.

The department also informed you it had interpreted your request to be seeking access to email correspondence within the department, and between the department and the parties you had specified, that reference and relate to the phrase “123,000 additional educators and teachers” during the period 18 September 2023 and 5pm 18 October 2023; and to the extent that the documents pertained to matters that did not reference and relate to that phrase during the relevant time period, those parts of the documents would be treated as out of scope. The department asked you to let us know by 6 November if we had misinterpreted your request noting that if we did not hear otherwise from you by that date, we would proceed on the basis that we had correctly interpreted your request. You have not informed us that you have any concerns about our 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 \$212.20, calculated as follows:

Search and retrieval time: 3 hours, at \$15.00 per hour	\$45
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 8.36 hours, at \$20.00 per hour	\$167.20
TOTAL	\$212.20

*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 22 documents with approximately 64 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 \$53.05 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@education.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.

As your request covers documents that contain information about another other persons, I need to ask that those persons about releasing their information before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team

Department of Education

9 November 2023

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 27A of the FOI Act provides that if the department receives a request for access to documents containing the personal information of another person and believes the person may object to the release of the documents, the department is required to consult with that person before making a decision on access to the documents.

Section 26A of the FOI Act provides that where consultation arrangements have been entered into between the Commonwealth and a State and it appears to the department that the State might reasonably wish to contend that the requested documents are conditionally exempt under section 47B and granting access would, on balance, be contrary to the public interest, the department must not give access to the documents unless consultation has taken place.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref Lex 805

s 22

By email: [s 22](#)

Dear [s 22](#)

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 26 September 2023, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

*I am emailing to make an FOI request regarding the **appointment process of [s 22](#)**
[s 22](#) , **per this**
[announcement](#) **by [s 22](#)** . . .*

I am requesting documentation for the following:

- *Decision-making communication regarding the appointment process, inclusive of emails, meeting minutes, ministerial briefs etc.*
- *Conflict of interest assessments for all potential appointees.*
- *Remuneration details for this appointment, including non-cash entitlements.*
- *Details of grants administered in the last five years or ongoing by the Department of Education (including former MOG entities) to [s 22](#)*

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 \$260.00, calculated as follows:

Search and retrieval time: 10 hours, at \$15.00 per hour	\$150.00
Decision-making time including consultation with a relevant third party, after deduction of 5 hours*: 5.5 hours, at \$20.00 per hour	\$110.00
TOTAL	\$260.00

*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 70 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 \$65.00 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@education.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.

On 24 October 2023, I advised you that your request covers documents that contain information about another person. I need to ask that person about releasing their information before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

27 October 2023

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.

Consultation

Section 27A of the FOI Act provides that if the department receives a request for access to documents containing the personal information of another person and believes the person may object to the release of the documents, the department is required to consult with that person before making a decision on access to the documents.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref LEX 810

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 6 October 2023, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

*All ministerial briefing held by the Department associated with awarding of a s 22
s 22 This request
covers the period 1 January 2022 to 30 June 2022.*

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 \$180.00, calculated as follows:

Search and retrieval time: 6 hours, at \$15.00 per hour	\$ 90.00
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 4.5 hours, at \$20.00 per hour	\$ 90.00
TOTAL	\$180.00

*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 four documents with approximately 59 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 \$45.00 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@education.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.

As your request covers documents that contain information concerning the business, commercial or financial affairs of an organisation or a person's business or professional

affairs, I need to ask that organisation or person about the release of that information before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

24 October 2023

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref LEX770

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your request, received by the Department of Education (department) on 1 September 2023, for access under the *Freedom of Information Act 1982* (FOI Act) to certain documents. You subsequently revised your request on 24 September 2023 and again on 29 September 2023.

I now refer to your revised request, received by the department on 29 September 2023, for access under the FOI Act to the following documents:

"I request copies of ALL internal and external or inter-agency e-mails, ~~notes and deliberations made~~ inside the "Schools Group" of the department by s 22, s 22 ~~and any other staff, as also referred to in the~~ s 22 ~~attached, including their correspondence to the~~ s 22 ~~and previous,~~ on the matter of s 22

*. This FOI request is for the period
1st of January 2023 to 31 August 2023."*

On the suggestions for clarifying the scope of my request, with a view to reducing the allocation of resources, the following applies:

- *No reduction in the timeframe that my request relates to,*
- *On limiting my request to documents created or received by specific individuals, see above deletion of "notes and deliberations made" and 's 22 and any other staff, as also referred to in the s 22 attached, including their correspondence to the s 22 and previous".*
- *No limiting of my request to specific categories of documents, emails, notes and deliberations made by the Schools Group and all correspondence between the Schools Group and s 22 ,*

- *No limiting the scope of my request to particular topics or areas of interest in relation to varied payments,*
- *Please exclude all duplicates,*
- ~~*Do not exclude draft documents,*~~
- *Exclude all documents provided to the department by [s 22](#)*
- *Exclude all documents provided to [s 22](#) by the department, and*
- *Exclude publicly available documents.”*

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 \$365.00, calculated as follows:

Search and retrieval time: 7 hours, at \$15.00 per hour	\$105.00
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 13 hours, at \$20.00 per hour	\$260.00
TOTAL	\$365.00

*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 42 documents with approximately 150 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 \$91.25 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@education.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.

As your request covers documents that contain information about another person, I need to ask that person about releasing their information before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

[s 22](#)

[s 22](#)

Authorised decision maker
Freedom of Information Team
Department of Education

13 October 2023

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.

Consultation

Section 27A of the FOI Act provides that if the department receives a request for access to documents containing the personal information of another person and believes the person may object to the release of the documents, the department is required to consult with that person before making a decision on access to the documents.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref LEX773

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge

I refer to your revised request, received by the Department of Education (department) on 24 September 2023, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

I request copies of ALL internal and external or inter-agency e-mails, notes and deliberations made inside the "Schools Group" of the department by s 22, including their correspondence to the s 22, on the matter of s 22

. This FOI request is for the period 1st of July 2019 to 30 June 2020.

On the suggestions for clarifying the scope of my request, with a view to reducing the allocation of resources, the following applies:

- No reduction in the timeframe that my request relates to,
- On limiting my request to documents created or received by specific individuals, see above deletion of "any other staff".

- No limiting of my request to specific categories of documents, emails, notes and deliberations made by the Schools Group and all correspondence between the Schools Group and the Secretary,
- No limiting the scope of my request to particular topics or areas of interest in relation to varied payments,
- Please exclude all duplicates,
- Do not exclude draft documents,
- Exclude all documents provided to the department by s 22
- Exclude all documents provided to s 22 by the department, and
- Exclude publicly available documents.

On 26 September 2023, you clarified the scope of your request as follows:

... as s 22 I am interested in s 22 personally and documents either generated or received by s 22 .

Any correspondence in any form to and from other staff to each other on this matter, not instigated by s 22 , can be left out for now.

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 \$529.71, calculated as follows:

Search and retrieval time: 5 hours, at \$15.00 per hour	\$75.00
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 10 hours, at \$20.00 per hour	\$454.71
TOTAL	\$529.71

*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 47 documents comprising approximately 222 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 \$132.43, which is 25% of the total charge, 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@education.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.

As your request covers documents that contain:

- personal information about other persons
- information about the business or professional affairs of other persons and/or information about the business, commercial or financial affairs of organisations, and

- information that originated with, or was received from, a State,

I need to ask the relevant third parties about the release of information relating to them, before making a decision on your request. For this reason, the department has extended the time for processing your request by 30 days under the FOI Act.

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 revise your request, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

11 October 2023

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.

Consultation

Section 27 of the FOI Act provides that if the department receives a request for access to documents containing information in relation to the business, commercial or financial affairs of an organisation or a person's professional affairs and believes the organisation or person may object to the release of the documents, the department is required to consult with that organisation or person before making a decision on access to the documents.

Section 27A of the FOI Act provides that if the department receives a request for access to documents containing the personal information of another person and believes the person may object to the release of the documents, the department is required to consult with that person before making a decision on access to the documents.

Section 26A of the FOI Act provides that where consultation arrangements have been entered into between the Commonwealth and a State and it appears to the department that the State might reasonably wish to contend that the requested documents are conditionally exempt under section 47B and granting access would, on balance, be contrary to the public interest, the department must not give access to the documents unless consultation has taken place.

Section 15(6) of the FOI Act provides that when the department consults with a person under section 27 and/or section 27A of the FOI Act, the 30 day period for processing a request under the FOI Act is extended by 30 days.

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 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.education.gov.au/privacy>.



Australian Government
Department of Education

Your Ref
Our Ref Lex 810

s 22

By email: s 22

Dear s 22

Your Freedom of Information request – charge decision

I refer to your request, received by the Department of Education (the department) on 6 October 2023, for access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

*“All ministerial briefing held by the Department associated with awarding of a s 22
s 22 This request covers the
period 1 January 2022 to 30 June 2022.”*

Background

On 24 October 2023, the department advised you of the preliminary estimate of the charge for processing your request, being \$180.00 (the Charge). On 25 October 2023, you contended that the Charge should not be imposed on public interest grounds.

Decision

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

Subsection 29(5) of the FOI Act provides that, without limiting the matters that an agency may take into account when making a decision about whether to reduce, or not impose, a processing charge, the decision maker must consider:

- whether payment of a charge, or part of it, would cause financial hardship to an applicant; and
- whether the giving of access to the document in question is in the general public interest, or in the interest of a substantial section of the public.

In addition to these two matters, paragraph 4.3 of the FOI Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act provides that an agency has a discretion to impose or not impose a charge, or to impose a lower charge.

While I consider there are grounds for a processing charge to be imposed for the processing of your FOI request, on this occasion, I have decided to exercise my discretion to not impose the Charge. The department will notify you of the decision on your FOI request within the statutory timeframes of the FOI Act.

Further assistance

If you have any questions, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team

24 November 2023



Australian Government
Department of Education

Your Ref
Our Ref LEX 815

s 22

By email: s 22

Dear s 22

Your Freedom of Information request - charge decision

I refer to your request, received by the Department of Education (department) on 18 October 2023, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

... all email correspondence within the Department of Education; all email correspondence between the Department of Education and the Department of Employment and Workplace Relations; all email correspondence between the Department of Education and the Minister for Early Childhood Education's office; all email correspondence within the Minister for Early Childhood Education's office; and, all email correspondence between the Minister for Early Childhood Education's office any other Minister's office: that references the phrase "123,000 additional educators and teachers" during the period 18 September 2023 and 5 pm 18 October 2023.

I am not seeking personal information as part of the FOI request.

I am not seeking media mentions or press clippings as part of this request.

I am not seeking duplicates as part of this request.

Background

On 9 November 2023, the department advised you of the preliminary estimate of the charge for processing your request, being \$212.20. On 9 November 2023, you contended that the

charge for processing your request under the FOI Act should be not imposed on the grounds of public interest.

Decision

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

Subsection 29(5) of the FOI Act provides that, without limiting the matters that an agency may take into account when making a decision about whether to reduce, or not impose, a processing charge, the decision maker must consider:

- whether payment of a charge, or part of it, would cause financial hardship to an applicant; and
- whether the giving of access to the document in question is in the general public interest, or in the interest of a substantial section of the public.

In addition to these two matters, paragraph 4.3 of the FOI Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act provides that an agency has a discretion to impose or not impose a charge, or to impose a lower charge.

While I consider there are grounds for a processing charge to be imposed for the processing of your FOI request, on this occasion, I have decided to exercise my discretion to not impose the Charge. The department will notify you of the decision on your FOI request within the statutory timeframes of the FOI Act.

Further assistance

If you have any questions, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

11 December 2023

Background

On 8 March 2024, the department advised you of the preliminary estimate of the charge for processing your request, being \$557.00. On 17 March 2024, you contended that the charge for processing your request should not be imposed on the ground of public interest. You also revised the scope of your request, which reduced the number of documents falling within the scope. Based on the revised scope, the revised preliminary estimate of the charge for processing your request would be \$439.98.

My decision

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

Subsection 29(5) of the FOI Act provides that, without limiting the matters that an agency may take into account when making a decision about whether to reduce, or not impose, a processing charge, the decision maker must consider:

- whether payment of a charge, or part of it, would cause financial hardship to an applicant; and
- whether the giving of access to the document in question is in the general public interest, or in the interest of a substantial section of the public.

In addition to these two matters, paragraph 4.3 of the FOI Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act provides that an agency has a discretion to impose or not impose a charge, or to impose a lower charge.

While I consider there are grounds for a processing charge to be imposed for the processing of your FOI request, on this occasion, I have decided to exercise my discretion to not impose the charge. The department will notify you of the decision on your FOI request within the statutory timeframes of the FOI Act.

Further assistance

If you have any questions, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

15 April 2024



Australian Government
Department of Education

Your Ref
Our Ref LEX 1046

s 22

By email: [s 22](#)

Dear [s 22](#)

Your Freedom of Information request - charge decision

I refer to your request, received by the Department of Education (department) on 9 June 2024, and revised on 15 June 2024 to seek access under the *Freedom of Information Act 1982* (FOI Act) to the following:

“documents, including electronically stored information on record keeping and other HR systems and platforms, that the department holds relating to the lack of diversity and cultural safety for Aboriginal and Torres Strait Islander people with respect to the following points:

- *The number of Aboriginal and Torres Strait Islander applicants per financial year for five years compared to mainstream applicants (2019-2020 to 2023-2024).*
- *The number of Aboriginal and Torres Strait Islander applicants merit listed per financial year for five years compared to mainstream applicants merit listed (2019-2020 to 2023-2024).*
- *The number of Aboriginal and Torres Strait Islander applicants offered a position per financial year for five years compared to mainstream applicants offered a position (2019-2020 to 2023-2024).*
- *The number of complaints about bullying, harassment, discrimination, or unfair treatment by Aboriginal and Torres Strait Islander employees per financial year for five years (2019-2020 to 2023-2024).*
- *The turnover rate of Aboriginal and Torres Strait Islander people compared to other employees encompassing both voluntary and involuntary separations per financial year for five years (2019-2020 to 2023-2024).**
- *Plans, reports, policies, presentations, initiatives, or programs that the department has drafted, developed, or implemented to improve Aboriginal employment in this financial year (2023-24).*

.... *I understand that most agencies use the APSC's 'agency exit rate' as outlined in the 'Commonwealth Workforce Metrics' (April 2023). This is the number of ongoing employees who left the organisation (voluntarily and involuntarily) as a percentage of the average headcount (ongoing) for the specified period. The formula is Exits (Ongoing) / Average headcount (Ongoing)*100. For the avoidance of doubt, I would assume that most agencies use this formula to obtain the turnover rate for people who are Aboriginal and Torres Strait Islander people and for people who do not identify as Aboriginal and Torres Strait Islander. As an alternative, if your department does not use these formulas for some reason, then you could provide documents with the base figures for the specified time frames."

Background

On 26 June 2024, the department notified you of the preliminary estimate of the charge for processing your request, being \$497.46.

On 2 July 2024, you contended that the charge for processing your request should not be imposed, stating:

[s 22](#)

On 4 July 2024 you provided further submissions in support of your contention that the charge should not be imposed, stating:

[s 22](#)

I note that you have contended the charge on the grounds of financial hardship and public interest, amongst other contentions.

My decision

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

Subsection 29(5) of the FOI Act provides that, without limiting the matters that an agency may take into account when making a decision about whether to reduce, or not impose, a processing charge, the decision maker must consider:

- whether payment of a charge, or part of it, would cause financial hardship to an applicant; and
- whether the giving of access to the document in question is in the general public interest, or in the interest of a substantial section of the public.

In addition to these two matters, paragraph 4.3 of the FOI Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act provides that an agency has a discretion to impose or not impose a charge, or to impose a lower charge.

For completeness, I note that the department imposes charges for processing FOI requests consistent with the FOI Act, the *Freedom of Information (Charges) Regulations 2019* and the FOI Guidelines.

While I consider there are grounds for a processing charge to be imposed for the processing of your FOI request, on this occasion, I have decided to exercise my discretion to **not** impose the charge. The department will notify you of the decision on your FOI request within the statutory timeframes of the FOI Act.

Further assistance

If you have any questions, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

9 July 2024



Australian Government
Department of Education

Your Ref
Our Ref LEX 1099

s 22

By email: s 22

Dear s 22 ,

Your Freedom of Information request - charge decision

I refer to your request, received by the Department of Education (department) on 22 July 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

"I seek access to the following documents:

1. *The contract(s) between the Australian Government and s 22 pertaining specifically to s 22*
2. *Any appendices, schedules, or amendments related to the contract referred to in Item 1.*
3. *Documents outlining the criteria and guidelines used by s 22*
4. *The Dataset maintained by the s 22*
 - a. *Include the names of s 22*
 - b. *Include the names of providers engaged for each project.*
 - c. *Include the amount of funds approved per project.*
 - d. *Include any specific s 22 each project addresses."*

You have specified that the date range 1/07/2019 to 22/07/2024 applies to the documents sought under your FOI request.

Background

On 9 August 2024, the department advised you of the preliminary estimate of the charge for processing your request, being \$386.90. At the same time the department also sought to clarify its interpretation of the scope of your request, which is set out below:

In part 1 and 2 of your request, you have sought access to the following:

“1. The contract(s) between the Australian Government and s 22 pertaining specifically to s 22 .

2. Any appendices, schedules, or amendments related to the contract referred to in Item 1.”

You also specified that the date range 1/07/2019 to 22/07/2024 applies to your FOI request.

We note that both s 22

fall outside the date range you have specified s 22 . However, it appears from part 1 and 2 of your request that you are requesting access to these documents.

As such, we have interpreted the date range of 1/07/2019 to 22/07/2024 as applying to parts 3 and 4 of your request, but as not applying to parts 1 and 2 of your request.

This has had the effect of including s 22

and the Department in relation to s 22 within the scope of your request.

We asked you to let us know by COB 14 August 2024 if we had misinterpreted your request and notified you that if we did not hear otherwise by that date, we would proceed on the basis that we had correctly interpreted your request. As we did not hear back from you within the relevant time period, as notified, we will continue to process your request based on the interpretation outlined above.

On 2 September 2024, you contended that the charge for processing your request should not be imposed on the ground of public interest.

My decision

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

Subsection 29(5) of the FOI Act provides that, without limiting the matters that an agency may take into account when making a decision about whether to reduce, or not impose, a processing charge, the decision maker must consider:

- whether payment of a charge, or part of it, would cause financial hardship to an applicant; and

- whether the giving of access to the document in question is in the general public interest, or in the interest of a substantial section of the public.

In addition to these two matters, paragraph 4.3 of the FOI Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act provides that an agency has a discretion to impose or not impose a charge, or to impose a lower charge.

While I consider there are grounds for a processing charge to be imposed for the processing of your FOI request, on this occasion, I have decided to exercise my discretion to not impose the charge. The department will notify you of the decision on your FOI request within the statutory timeframes of the FOI Act.

Further assistance

If you have any questions, please email foi@education.gov.au.

Yours sincerely

s 22

s 22

Authorised decision maker
Freedom of Information Team
Department of Education

19 September 2024