



Australian Government
Department of Employment
and Workplace Relations

Procedure Manual¹

Freedom of Information

¹ The FOI Procedure Manual is to be updated annually in January and as needed throughout the year.

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Document 1 (pages 3-11) deleted under section 22(1)(a)(ii) of the ***Freedom of Information Act 1982*** (Cth).

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Processing requests for information stored in an electronic form

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requests.
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If relevant, the DM may also consider specific charges applicable to s 17

Document 1 (pages 13-18) deleted under section 22(1)(a)(ii) of the ***Freedom of Information Act 1982*** (Cth).

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Charges

Preliminary assessment of processing charge

An agency may impose a charge in respect of a request for access to a document. The charge must be assessed in accordance with the [Freedom of Information \(Charges\) Regulations 2019](#).

Requests by applicants for their own personal information or from third parties acting on behalf of another person are free.

After the DSM and documents are returned the DM should consider if a charge should be imposed. The decision on whether or not to impose a charge is ultimately made by the PGL.

The charge is estimated using the AGS Charges tool, [\[Template 4.1\]](#). The information provided in the DSM is used as the basis for the charges tool however the DM should cross check the information with the documents.

Checklist for charge calculations

- Check the number of pages and documents.
- Consider the line area's estimate regarding the number of pages considered sensitive and likely to be exempt.
- Consider the line area's estimate of the amount of time for search and retrieval, noting that the department is generally not able to charge an applicant for time spent searching for misfiled or missing documents.
- Consider the number of third party consultations required.

- Ensure appropriate reductions are applied, for example, if part of the documents caught by the request are the applicant's own personal information, the charge should be reduced proportionally as access to a person's personal information is free.

Note: The charges tool automatically discounts decision making time by 5 hours in line with Schedule 1, part 1 of the Charges Regulations.

If an applicant applies for Information Commissioner review of a decision to impose a charge the department bears the onus of proof. The DM must prepare a thorough file note documenting the reasons for reaching the preliminary estimate.

Notice to applicant – preliminary estimate of charges

Once the charges tool populates a total costs figure (currently located at cell 'D45') the DM should consider whether to issue a notice to the applicant with a preliminary estimate of charges undertaking a common sense approach. If the department determines that the applicant is liable to pay a charge and the charges amount exceeds \$25, the applicant will be required to pay a deposit in line with section 12 of the Charges Regulations. The charges tool will populate that figure in cell 'D46', which is effectively:

- \$20 if the charge is \$100 or less; or
- 25% of the total amount if the charge is greater than \$100.

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Document 1 (pages 21-43) deleted under section 22(1)(a)(ii) of the ***Freedom of Information Act 1982*** (Cth).



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Department of Employment and Workplace Relations charges for Freedom of Information requests from 2022/2023 financial year to 24 July of the 2026/2027 financial year. The data is based on the date charges are notified, collected or a charges decision is made.¹

Financial Year	Charges notified	Charges collected	Charges contested	Charges decision when a charge was contested²
2022/2023	18 matters - \$5973	11 matters - \$1485	13 matters	Decision made to not impose charges - 6 Decision made to reduce charges - 5 Decision made to impose charges - 2
2023/2024	3 matters - \$1750	0	2 matters	Decision made to impose charges – 2
2024/2025	1 matter - \$1482	0	0	0
2025/2026	3 matters - \$2460	2 matters - \$241.29	2 matters	Decision made to reduce charges with part refund issued - 1 Decision made to impose charges – 1
2026/2027 (Until 24 July 2026)	2 matters – \$398	0	1 matter	Decision made to not impose charges - 1

¹ The various actions taken in relation to charges can occur in different financial years.

² A charges decision is made only if an applicant contests the notified charges. Otherwise, charges may be resolved by payment or by withdrawal of the request.