



Australian Government
**Department of Employment
and Workplace Relations**

Our Ref LEX 734

Mr Ben Fairless

By email: foi+request-10494-768f7c9b@righttoknow.org.au

Dear Mr Fairless

Your Freedom of Information request - charge

I refer to your request, received by the Department of Employment and Workplace Relations (department) on 22 July 2023, for access to documents under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

I request the below documents:

- *Current Draft Legislation related to reform of the gig economy*
- *Policy Proposals put forward by the Department to the Minister, or put forward by the Minister to the Department*
- *Diary or file notes related to any meetings held between the Department and/or the Minister, and the stakeholders that represent both gig economy workers and the industry.*

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 \$337, calculated as follows:

Search and retrieval time: 6.5 hours at \$15.00 per hour	\$ 97
Decision-making time including consultation with relevant third parties, after deduction of 5 hours*: 12 hours at \$20.00 per hour	\$ 240
TOTAL	\$ 337

*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 nine documents with approximately 172 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If you do not respond within 30 days, your request will be taken to have been withdrawn by the operation of the FOI Act.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 \$84.25 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@dewr.gov.au.

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

Please note that the charge is a fee for processing your request, not a payment for access to documents. Payment of the charge does not guarantee you access to any or all of the documents you have requested. Access to documents will be considered by the decision maker in accordance with the FOI Act.

Option - seek reduction or non-imposition of the charge

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

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

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

Time limits for processing your request

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

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

Further assistance

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

Yours sincerely

Shira

Shira
Authorised decision maker
Information Law Team
Department of Employment and Workplace Relations
16 August 2023

Attachment A

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 Employment and Workplace Relations 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.dewr.gov.au/privacy>.