



27 May 2016

Our reference: LEX 19000

Mr James Smith

By Email: [foi+request-1935-3dfd2247@righttoknow.org.au](mailto:foi+request-1935-3dfd2247@righttoknow.org.au)

Dear Mr Smith

### Freedom of Information Request - Charges

I refer to your request dated 10 May 2016 and received by the Department of Human Services (the **department**) on the same date, for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following:

'Sixty departmental public servants were investigated after they forwarded an email, sent in March by Mr Hudson to all staff about DHS's troubled enterprise bargaining process, to "external" recipients.

I request the following information:

1. A copy of Mr Hudson's email referred to in the above text.
2. Copies of any emails or other documents which address the matter of the email referred to in (1) being sent to external recipients. This includes any instructions issued to commence investigations, and any decisions made with regard to staff who were identified by the department as having sent the email referred to in (1) to any recipients external to the department.
3. The Canberra Times article states: 'No action was taken against 40 of the workers for flicking the message on, 13 were issued with "reminders" of the department's rules about emails and five were hit with official warnings.' I seek any document which details the reasons for the different treatment of staff.'

On 23 May 2016, the department wrote to you providing a notice of intention to refuse your request under section 24AB(2) of the FOI Act as your request was too big to process. You were given an opportunity to consult with the department to revise your request so as to remove the practical refusal reason.

On 23 May 2016, you revised your request to be:

'I confirm a revision of scope to the following:

1. Documents relating to code of conduct investigations that have resulted from the forwarding of the DHS all staff email dated 10 March 2016.
2. The email referred to in (1).'

## Preliminary Assessment of the Charge

In accordance with section 29 of 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 that charge is \$54.17 calculated as follows:

Search and retrieval time: 1.37 hours, at \$15.00 per hour:	\$20.55
Decision-making time (*after deduction of 5 hours): 1.68 hours, at \$20.00 per hour	\$33.60

---

<b>TOTAL</b>	<b>\$54.15</b>
--------------	----------------

\*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 ten documents with 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:

- A) agree to pay the charge;
- B) wish to contend that the charge:
  - i. has been wrongly assessed; or
  - ii. should be reduced or not imposed; or
  - iii. both
- C) withdraw the request for access.

If you do not provide a written response in accordance with one of Options A, B or C above within 30 days of receiving this notice, your request will be taken to have been withdrawn under section 29(2) of the FOI Act.

Alternatively you may wish to refine the scope of your FOI request. If you would like to discuss this please contact me for assistance.

Further information on options A, B and C is set out below.

### Option A - pay the charge

As the charge exceeds \$25, you are required to pay a deposit of \$13.54 within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point.

The amount due should be paid by cheque or money order made out to the Collector of Public Monies. Please quote the reference number FOI LEX 19000 with your payment.

Should you elect to pay the charge please email [Alice.Linacre@humanservices.gov.au](mailto:Alice.Linacre@humanservices.gov.au) once you have posted your cheque or money order to advise us of your payment.

### **Option B - seek reduction or non-imposition of the charge**

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. Section 29(5) of the FOI Act provides that, in deciding whether to reduce or not to impose a charge, the decision-maker must take into account any relevant reasons, including whether payment of the charge, or part of it, would cause your organisation financial hardship, and whether the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public.

If you wish to contend that the charge has been wrongly assessed or should be reduced or not imposed, please set out your reasons and the evidence in support of your reasons as clearly as possible. If you believe that payment of the charge would cause your organisation financial hardship, please provide sufficient details of your financial circumstances to enable the decision-maker to make a well-informed decision in this regard.

### **Option C - withdraw your request**

If you wish to withdraw your request you may do so in writing.

### **Time limits for processing your request**

Section 31 of the FOI Act provides that where a notice is sent to an applicant regarding the payment of a charge in respect of a request, the time limit for processing the request is suspended from the date the notice is received until either:

- (a) the day following payment of the charge (in full or the required deposit); or
- (b) if applicable, the day following the notification to the applicant of a decision not to impose the charge.

### **Address for correspondence**

Please send all correspondence regarding your FOI request to me at the following address:

Freedom of Information team  
Department of Human Services  
PO Box 7820  
CANBERRA ACT 2610

Or by email to [Alice.Linacre@humanservices.gov.au](mailto:Alice.Linacre@humanservices.gov.au)

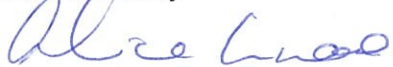
### **Publication of information in the FOI disclosure log**

Information released under the FOI Act may be published in a disclosure log on the department's website. Section 11C of the FOI Act requires this publication, subject to certain exceptions, including where publication of personal, business, professional or commercial information would be unreasonable.

**Further assistance**

If you have any questions please email [Alice.Linacre@humanservices.gov.au](mailto:Alice.Linacre@humanservices.gov.au).

Yours sincerely



**Alice Linacre**

Freedom of Information Team  
FOI and Litigation Branch Legal Services Division  
Department of Human Services