



Australian Government
Department of Employment

Mr Jackson Gothe-Snape

By email: foi+request-3002-1b508b21@righttoknow.org.au

Dear Mr Gothe-Snape

1. I refer to your correspondence received by the Department of Employment (the Department) on 31 January 2017 in which you requested access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to the following documents:

Records as defined in the Commonwealth Procurement Rules clause 7.2 relating to the tender referenced by the CN ID of CN3174232.

2. In light of paragraph 7.2 of the Commonwealth Procurement Rules, I have interpreted your request as being for documents relating to Sarina Russo's response to the Request for Tender for Employment Services 2015-2020 (Employment Services RFT) and providing information on:
 - the requirement for the procurement;
 - the process that was followed;
 - how value for money was considered and achieved;
 - relevant approvals; and
 - relevant decisions and the basis of those decisions.

Notice of intention to refuse your FOI request

3. I have consulted with officers within the Quality and Integrity Group that hold the documents you have requested. These officers are best placed to advise on the number and nature of documents held by the Department that are relevant to the scope of your request, and the work involved in processing your request.
4. The procurement to which your request relates was a large and complex one which covered several categories of employment services. Further, consideration of responses to the Employment Services RFT included a region-by-region assessment. Your request captures documentation relating to each region covered by Sarina Russo's tender and more than one category of employment services. As such, the scope of your request is very large, capturing approximately **1500 pages** of documents. On the basis of consultation with the relevant officers, and my preliminary consideration of the documents within the scope of your request, I have estimated that it would take over **200 hours** to process your request. This is a conservative estimate (which excludes time already spent already searching for and retrieving the documents), including time for examination of documents and decision making, undertaking necessary consultation with third parties and preparing the Department's decision and documents for release.

5. Furthermore, many of the documents contain the information of third party organisations. Given that value of money consideration involves a comparative assessment of tenders, I am satisfied that your request would require the Department to consult a significant number of third party organisations (i.e. at least **30**), in order to provide them with an opportunity to contend that certain information is exempt from release under the FOI Act, and to have regard to any submissions. The complexity and sensitivity of the documents is such that further time would also be needed to consider a number of possible exemptions under the FOI Act.
6. Accordingly, I am satisfied that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the Department from its other operations and that a practical refusal reason exists in relation to your request for the purposes of subsection 24AA(1) of the FOI Act.
7. In view of this, I am writing to you under subsection 24AB(2) of the FOI Act to notify you of my intention to refuse your FOI request, on the basis that a practical refusal reason exists.

Request Consultation Process (section 24AB)

8. Before making a decision to refuse your request on the above grounds, I am providing you with an opportunity to contact me and make submissions in support of your request as currently worded or to revise the scope of your request, so that the practical refusal reason will no longer exist.
9. In revising the scope of your request you may wish to consider whether the Employment Services RFT satisfies the part of your request relating to the *requirement* for the procurement.
10. The Employment Services RFT and related documents are available on the Department's website: <https://www.employment.gov.au/employment-services-2015-2020-rft-information>
11. You have **14 days** from the day you receive this letter to contact me and do one of the following:
 - a. withdraw your request;
 - b. make a revised request; or
 - c. indicate that you do not wish to revise the request.
12. You can contact me by writing to the following address:

Attention: James Ramsay
Government Lawyer
Information Law, Practice Management and Corporate Advising Branch
Loc: C12MT1-Legal
GPO Box 9880
Canberra ACT 2601

Alternatively, you can send an email to foi@employment.gov.au.

13. If you do not contact the Department within this period, your FOI request will be taken to have been withdrawn under subsection 24AB(7) of the FOI Act.

14. If you have any questions about this matter, please do not hesitate to contact me or Paul Coleman, Principal Government Lawyer, Information Law Team, on (02) 6121 5755.

Yours sincerely

A handwritten signature in black ink, appearing to read 'James Ramsay', with a stylized, cursive script.

James Ramsay
Government Lawyer
Information Law Team
Information Law, Practice Management and Corporate Advising Branch
24 February 2017