



14 March 2017

Our reference: LEX 27827

Mr James Smith  
Right to Know

By email: [foi+request-3160-72efbb08@righttoknow.org.au](mailto:foi+request-3160-72efbb08@righttoknow.org.au)

Dear Mr Smith

### **Freedom of Information Request - Charges**

I refer to your request dated 26 February 2017 and received by the Department of Human Services (the **department**) on the same day for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following:

'I request all documents wherein the outcome of any enterprise bargaining ballots were communicated to the department by the entity who undertook the ballots.

This shall include the YES/NO vote amounts or percentages as well as any additional information related to the vote. For example, a breakdown of the vote by employee location, or APS level.

The scope of this request covers any such documents that were received as a result of EBA offers made to staff under:

Workplace Bargaining Policy 2015  
or  
Australian Government Public Sector Workplace Bargaining Policy 2014.'

### **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 request. My preliminary assessment of that charge is \$505, calculated as follows:

Search and retrieval time: 3.8 hours, at \$15.00 per hour:	\$57.00
Decision-making time (*after deduction of 5 hours): 22.4 hours, at \$20.00 per hour	\$448.00

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<b>TOTAL</b>	<b>\$505.00</b>
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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 21 documents with 188 pages relevant to your request. The charge above is based on reviewing the documents in scope and applying redactions to material as well as consulting third parties.

### **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 \$126.25 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 27827 with your payment.

Should you elect to pay the charge please email [FOI.Legal.Team@humanservices.gov.au](mailto:FOI.Legal.Team@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 [FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@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 [FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@humanservices.gov.au) or phone me on the number below. If you are calling long-distance you are welcome to reverse the charges.

Yours sincerely

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