



Australian Government
**Department of Industry,
Innovation and Science**

Our ref: IEF17/624

Mr James Smith
Right to Know

By email: foi+request-3162-a7656e79@righttoknow.org.au

Dear Mr Smith

Freedom of Information Act 1982 – Notice of third party consultation

I refer to your correspondence received by the Department of Industry, Innovation and Science (the department) on 26 February 2017, in which you sought access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

1. *All documents wherein the outcome of any enterprise bargaining ballots were communicated to the department by the entity who undertook the ballots.*
2. *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.*
3. *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.*

Notice of Third Party Consultation

Business or commercial information

Your request covers documents that contain information about the business affairs of a certain organisation.

Under section 27 of the FOI Act, where a request is made for a document containing information about the business affairs of an organisation and it appears to the department that the organisation might reasonably wish to contend that the information is:

- o exempt under section 47; or
- o conditionally exempt under section 47G and giving access to the document would, on balance, be contrary to the public interest;

the department must give the organisation a reasonable opportunity to make a submission in support of the contention.

Under section 27 the department must have regard to any submissions made by the organisation before making a decision to give access to the document.

Timing for consultation with third parties

Given that consultation with third parties is required, subsection 15(6) of the FOI Act extends the standard statutory 30-day time limit for processing requests by another 30 days. Accordingly, this will give the department 60 days within which to notify you of its decision on access to the documents.

Should you have further queries regarding this letter, please contact the FOI team at FOI@industry.gov.au

Yours sincerely

FOI team
Legal, Audit and Assurance Branch
Corporate Division

22 March 2017