



Australian Government
Department of Employment

Mr Jackson Gothe-Snape

By email: foi+request-3228-d9e7f991@righttoknow.org.au

Dear Mr Gothe-Snape

I refer to your request, dated 13 March 2017, to the Department of Employment (the Department) for access under the *Freedom of Information Act 1982 (Cth)* (FOI Act) to:

...any correspondence with the Minister's office on reporting of the contract with identifier CN3174232

I also refer to your correspondence dated 15 May 2017, requesting waiver of the charges in relation to your request, and contending that the charges had been wrongly assessed.

Background

On 4 April 2017, the Department notified you that you were liable to pay a charge (**\$587.50**) in relation to your request (the Charge).

On 27 April 2017, you revised the scope of your request by removing attachments to the correspondence. This had the effect of reducing the number of documents within scope and, consequently, the amount of the Charge. The Department notified you on 4 May 2017 that the amount of the Charge had been reduced to **\$157.50**.

In your correspondence dated 15 May 2017, you made two contentions in relation to the Charge, namely that:

1. the Charge had been wrongly assessed; and
2. the Charge should not be imposed on public interest grounds.

I am authorised to make decisions under the FOI Act and the following is my decision in relation to your contention that the Charge has been wrongly assessed and in relation to your request for waiver of the Charge.

Decision

I have decided to waive the Charge in relation to your request, although I do not consider that the Charge has been wrongly assessed.

The subject matter of your two requests was distinct, and two separate search and retrieval processes were required to locate the relevant documents. Search and retrieval for your current request was not, as you assert, carried out earlier, as correspondence with the Minister's office on reporting of Sarina Russo's employment services contract fell outside the scope of your earlier request.

Accordingly, the Department considers that the charges have been correctly assessed.

Waiver of charges

Under subsection 29(5) of the FOI Act, in determining whether to waive or reduce the charges, a decision maker is required to take into account the following:

- (a) whether the payment of the charge, or part of it, would cause financial hardship to the applicant, or to a person on whose behalf the application was made; and
- (b) whether the giving of access to the document in question is in the general public interest or in the interest of a substantial section of the public.

Financial hardship

I have not considered financial hardship as you have not contended that this is relevant in the circumstances.

Public interest

I have weighed up the public interest in the subject matter, the documents within the scope of your request and the time and resources that would be required by the Department and relevant third parties to respond to your request. I consider that, on balance, it is appropriate to waive charges in relation to this matter.

Please note that this decision on public interest goes only to the question of whether charges should be imposed, and not to issues of whether the documents should ultimately be released.

Should you have any queries concerning this matter, please contact me via email at foi@employment.gov.au.

Yours sincerely



James Ramsay
Government Lawyer
Information Law Team
Information Law, Practice Management and Corporate Advising Branch
13 June 2017