



24 March 2017

Jeremy Nadel
By email: foi+request-3279-ba99708a@righttoknow.org.au

Dear Mr Nadel,

Freedom of Information – Notice of Extended Timeframe Due to Third Party Consultation
FOI Reference number: 16/17-34

I refer to your email received by the Fair Work Commission (**Commission**) on 23 March 2017 in which you seek access to the following documents under the *Freedom of Information Act 1982 (FOI Act)*:

In accordance with the Freedom of Information Act 1982, I am requesting the document Catalyst Services Enterprise Agreement 2014 AG2014/10012. In regards to this document I also request:

- 1) *The Form F17-Employer's statutory declaration in support of an application for approval of an enterprise bargaining agreement made by Robert Malpass on behalf of Catalyst Recruitment Services Pty Ltd (the F17).*
 - (a) *In regards to the F17, I also request that the following information contained within it not be redacted:*
 - (i) *How many employees cast a vote;*
 - (ii) *How many employees voted to approve the agreement;*
 - (iii) *The signature and date of the person making the F17;*
 - (iv) *The signature and date of the person witnessing the declaration of the F17.*
- 2) *The Form F16 - Application for approval of an enterprise bargaining agreement made by Robert Malpass on behalf of Catalyst Recruitment Services Pty Ltd (the F16)*
 - a) *In regards to the F16, I also request that the following information not be redacted:*
 - i) *all names;*
 - ii) *all signatures and dates;*
 - iii) *all names and/or signatures in the box titled "signature of person making the agreement;"*
 - iv) *on page 5/5 the name and signature of the signatory whose position/capacity is IR/ER.*
- 3) *In regards to the Catalyst Services Enterprise Agreement 2014 AG2014/10012, I request that the following information not be redacted:*
 - a) *All names and/or signature in all boxes titled "signatories to the agreement";*
 - b) *All names and signatures included in the box titled "authorised employee representative details";*
 - c) *The name written in all spaces that are labelled "A person duly authorised to give this undertaking on behalf of the employer.";*
 - d) *The name of the addresser of the email sent to deputy president Kovacic on the 18th of December 2014 titled "AG2014/10012 Application FOR approval of the Catalyst Services Enterprise Agreement 2014".*

The 30 day statutory time period for processing your request commenced on the day after the day on which your request was received (subsection 15(5) of the FOI Act).

Personal Information – Consultation Process

As your request covers documents which contain the personal information of another individual, the Commission is required to consult with that individual (under section 27A of the FOI Act)

before making a decision on the release of those documents.

For this reason the period for processing your request has been extended by 30 days in order to allow the Commission time to consult with that individual (section 15(6) of the FOI Act). The due date for a decision on your request is therefore **22 May 2017**.

The consultation mechanism under section 27A of the FOI Act applies if an FOI request is made for documents and it appears to the Commission that the individual may wish to contend that the documents are conditionally exempt under section 47F of the FOI Act (personal privacy) and that release of the documents would, on balance, be contrary to the public interest.

We will take into account any comments we receive from the individual concerned but the final decision about whether to grant you access to the documents you requested rests with the Commission.

Please note that any information released under the FOI Act may later be published online on the Commission's disclosure log, subject to certain exceptions (for example, personal information will not be published where this would be unreasonable).

We will contact you using the email address you have provided.

Should you have any queries about this matter, please feel free to contact me on (03) 8656 4856 or by email at foi@fwc.gov.au.

Yours sincerely

Haydar Tuncer
Freedom of Information Officer
Reporting, Planning and Legal
Fair Work Commission
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