



DPS ref: 13/80

Mr Sean Van Gorp
foi+request-37-660ff8ec@righttoknow.org.au

Dear Mr Van Gorp

Request for access to documents under *Freedom of Information Act 1982*

I refer to your email to the Department of Parliamentary Services (DPS) on 1 January 2013, receipt of which was acknowledged on 3 January 2013.

In your email, you requested access under the *Freedom of Information Act 1982* to:

... all the contractual terms and documents related to any contracts with Canturf Farms Pty Ltd or related companies for the provision of lawn or turf for Parliament House.

In reply to a request by DPS on 31 January 2013 to extend the time to respond to your request, you indicated that 5 February would be acceptable.

Related companies

Your request refers to "Canturf farms Pty Ltd or related companies". This response assumes that "related companies" has the same meaning as that which is specified for related bodies corporate in section 50 of the *Corporations Act 2001*.

Contractual terms

There is no specific head contract for the procurement of the range of services provided by Canturf.

Canturf has been engaged via the standard purchase order process. The terms and conditions under which the most recent Canturf services have been procured are at attachment A.

An itemised list of transactions conducted with Canturf between 1998 and 2013 is at attachment B.

Additionally, two large items of work in 2005 and 2006 were the result of quotation processes from which Canturf was the successful vendor. Documentation relating to this work is at attachment C.

Request consultation process

In accordance with the terms of your request, we have provided documents relating to fully grown lawn or turf only. In addition, I intend to refuse access to internal financial process documents (such as individual invoices and purchase orders) related to these orders, noting that the substantive information is contained in the attached documents.

In making this decision, I have had regard to section 24AA of the FOI Act pursuant to which, I may decline access where I am satisfied that the work involved in processing it would substantially and unreasonably divert the agency's resources or if the request does not

sufficiently identify the desired documents. In particular, it is not clear if financial process-related documentation – such as copies of individual purchase orders and invoices – fall within the scope of your request. I would note also that financial records are usually destroyed at the end of the relevant retention period specified under the Archives Act.

Before making a final decision, I am obliged under the Act to invite you to further refine the terms of your request. Under this process you may consult with DPS (via the DPS contact person, Gary Lilley, contactable at gary.lilley@aph.gov.au or on (02) 6277 5141) for a period of 14 days after the date of this letter. If you do so DPS will take reasonable steps to assist you to revise this part of your request so that the practical refusal reasons no longer exist.

Review of decision

Under section 54 of the FOI Act, you may apply for an internal review of this decision within 30 days of receiving this correspondence. If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner for a review of the internal review decision.

Alternatively, under section 54L of the FOI Act, you may seek review of this decision by the Australian Information Commissioner without first going to internal review. Your application must be made within 60 days of receiving this notice.

The Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. More information and contact details for the Information Commissioner are available on the Information Commissioner's website www.oaic.gov.au.

You may also complain to either the Australian Information Commissioner or the Commonwealth Ombudsman about action taken by the Department in relation to the application. The Ombudsman will consult with the Information Commissioner before investigating a complaint about the handling of an FOI request.

If you wish to discuss any aspect of this matter, please contact me on (02) 6277 7102 or by email at dianne.heriot@aph.gov.au.

Yours sincerely



Dianne Heriot
Parliamentary Librarian
5 February 2013