

UNCLASSIFIED



18 February 2019

Ms Karen Jones
BY EMAIL: foi+request-5224-fe2a6060@righttoknow.org.au

Dear Ms Jones

Re: Your Freedom of Information request (DHA ref: FOI19002)

I refer to your email of 22 January 2019 under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) in which you requested access to the following:

- *Any human resources or conflict of interest policy relating to hiring of direct family members;*
- *Extracts of employment data/records identifying the number of DHA employees employed/appointed over the past 7 years who are direct family members of current members of DHA's executive/SES staff (eg this data could be extracted from existing employment records by matching name, address or name of next of kin);*
- *Employment history records showing the process by which those employees (the direct family members of the executive/SES staff) were first appointed – ie. confirming if it was via a competitive process or by direct appointment;*
- *Employment or organisational records showing whether the DHA executive/SES staff member was in the approval chain for the family members' appointment as an employee of DHA or records showing whether the executive/SES member was the General Manager/senior executive of the relevant division at the time the family member was appointed/promoted;*
- *Where the DHA executive/SES staff member was in the approval chain, the records showing the name of the relevant executive/SES staff member(s);*
- *Any conflicts of interest declarations made by executives/SES staff members regarding the hiring of direct family members over the same 7-year period.*

Defence Housing Australia (DHA) acknowledged receipt of your request on 23 January 2019.

I confirm I am an officer authorised under section 23 of the FOI Act to make decisions in respect of your request for access.

UNCLASSIFIED

Head office
26 Brisbane Ave Barton ACT 2600
T. 139 342 | dha.gov.au
ABN 72 968 504 934



I wrote to you on 1 February 2019 to clarify certain parts of your request. As I did not receive a response from you, I made a determination on the following matters to allow me to continue to process your request:

1. *'direct family member'* is taken to mean spouse/de facto and children (including step children and foster children)
2. reference to *'executive/SES staff'* is taken to mean the Senior Executive Group or equivalent over the past 7 years consistent with DHA's Senior Executive as described and published in DHA's Annual Reports.

When I wrote to you on 6 February 2019 to advise you of my determination, I made reference to 'or equivalent over the past 7 years' in item 2. Upon further reading of your request, I note that you are seeking information relating to **current** members of DHA's executive/SES staff. On that basis, I rephrase item 2 above to read:

2. reference to *'executive/SES staff'* is taken to mean the Senior Executive Group consistent with DHA's Senior Executive as described and published in DHA's Annual Report.

Liability to pay charges

In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge for processing your request and for giving access to any documents that may be released to you.

The decision that you are liable to pay a charge does not mean that you are required to pay. You will only have to pay if, after consideration of your response to this letter, the decision is made to impose a charge. DHA will inform you when such a decision has been made and will let you know about your rights to seek review of the decision. You may, at any stage before a charge is imposed, withdraw your request. You would then not be legally required to pay the charge.

Preliminary assessment of charges schedule

Your request of 22 January 2019 was referred to the relevant areas in DHA for an estimate to be made of the work that would be involved in processing it. The purpose of obtaining these estimates is to allow a preliminary assessment to be made of the charge that, if imposed, your request would attract.

The preliminary assessment of the charge is \$700.00. You are required to pay a deposit of \$175.00. A breakdown of the charges is below:

Document estimate	
Number of relevant documents	12
Number of relevant pages	30



UNCLASSIFIED

PROCESSING CHARGES		
Search and retrieval		
Task	Time	Cost @ \$15/hr
Search and retrieval of relevant electronic and registry files	14.00	210.00
Search and retrieval of relevant pages in file (electronic/hardcopy)	22.50	337.50
Preparation of schedule of documents	1.50	22.50
A. Search and retrieval subtotal	38.00	570.00
Decision making		
Task	Time	Cost @ \$20/hr
Examination of documents (5 mins per page)	2.50	50.00
Consultation with any person or body	1.00	20.00
Preparation of documents for release	6.00	120.00
Preparation of notice of access decision	2.00	40.00
Decision making subtotal (before deduction of 5 hours)	11.50	230.00
B. Decision making subtotal (after deduction of first 5 hours free)	6.50	130.00

ACCESS AND DELIVERY CHARGES		
	No. of pages	Cost
Transcription (\$4.40/page)		Nil
Photocopy (\$0.10/page)		Nil
Other copies (\$4.40/page)		Nil
		Cost
Electronic production (actual cost)		Nil
Delivery (actual cost)		Nil
	Time	Cost
Inspection (@ \$6.25 per half hour)		Nil
C. Access and delivery charges subtotal		0



ESTIMATED TOTALS AND DEPOSIT	
ESTIMATED TOTAL (total of A, B and C)	700.00
REQUIRED DEPOSIT (25% of the Estimated Total)	175.00

Explanation of the basis for estimates on which charges are assessed

The basis of the estimates on which this preliminary assessment was made is as follows:

Search and retrieval time:

The officers who would be responsible for processing your request have advised that it would take approximately 36.5 hours to identify, retrieve and export the information into a purposeful PDF format. This would involve searching of DHA databases to cross-match names and addresses of employees, searching file indexes to establish the location of relevant electronic and hardcopy files including CD backups, physically locating and extracting files including recalling hardcopy files from archives, reviewing their content to locate documents relevant to your request and to identify third parties (if any).

Decision-making time:

- a. Approximately 2.5 hours to examine 30 pages that may fall within the parameters of your request
- b. 6 hours to decide whether to disclose the documents and preparation of the documents for release
- c. 3.5 hours in preparing notices of decision and a schedule of documents to be sent to you; and
- d. 1 hour for other decision-making tasks such as consulting.

This estimate has been adjusted to take into account the free decision-making time allowed under the FOI charges regulations.

Response to this notice

Under section 29 of the FOI Act, you have 30 days of receipt of this letter to notify DHA of your decision to:

- a. withdraw your request (you will not be required to pay any charges); or
- b. agree to pay the charges as set out in the preliminary estimate of charges schedule above; or
- c. contend that the charge has been wrongly assessed, or should be reduced or not imposed (you should give your full reasons for doing so).

If you require additional time to respond, please contact me.

If you do not respond to this letter within 30 days of receiving it (or by a later date if we give you an extension), we will take it that you have withdrawn your request. DHA would therefore expect a response from you by 20 March 2019.



The 30-day time limit for processing your request is suspended from the day that you receive this letter and resumes either:

- a. on the day you agree to pay the charge (this will mean that you will not be entitled to access any documents until the full charge is paid);
- b. the day DHA receives the required deposit; or
- c. the day on which DHA makes a decision not to impose a charge.

Rights to challenge assessment of charges

As indicated above, you may wish to contend that the charge for your request has been wrongly assessed, or should be reduced or not imposed. The decision maker, when deciding whether or not to reduce or impose a charge will consider all relevant reasons, including the following reasons:

- a. whether payment of the charge, or part of it, would cause you financial hardship; and
- b. whether the giving of access to the documents requested is in the general public interest or in the interest of a substantial section of the public.

Adjustment of charges after request processed

After processing your request has been completed, the charge payable may be adjusted to reflect the actual processing time and the final number of pages of documents, if any, that are disclosed. However, the amount payable can only be more than the preliminary assessment if the decision is to release all of the documents requested in full.

Deposit required

If you wish to proceed with your request, and agree to pay the charge, a deposit of 25% of the full charge is required. Please include the deposit of \$175 with your reply to this letter in anticipation of the charge being imposed. Upon receipt of your deposit we will continue to process your request.

Cheques or money orders should be made out to 'Freedom of Information' at Defence Housing Australia and forwarded to 26 Brisbane Avenue, Barton ACT 2600.

Third party consultation may be required

Please be aware there may be a requirement to consult third parties in relation to the administration of your request, which will extend the statutory time frame of your request. Should this be the case, DHA will advise you in writing.



FOI disclosure log

In accordance with the requirements of section 11C of the FOI Act, DHA is required to publish, on its website, information released under the FOI Act within 10 working days of the applicant being given access to documents. DHA will also publish the decision notice, with personal and business information redacted. The information published does not include personal information or the business, commercial, financial or professional affairs of any person if publication of that information would be unreasonable. Other information not published also includes that which the Australian Information Commissioner determines is unreasonable to publish.

Further information

Please do not hesitate to contact me if you have any questions about this matter.

Yours sincerely

A handwritten signature in black ink, appearing to be 'AC', with a stylized, circular flourish.

Amy Cuddihy
FOI Officer
Governance Division
E. foi@dha.gov.au
Defence Housing Australia

