



Mr Robert Candelori

By email: foi+request-572-757c290c@righttoknow.org.au

Dear Mr Candelori

I refer to your request received by the Department of Employment (the department) on 27 March 2014 for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

“any and all internal correspondence, ministerial briefing papers, policy documents, memos, roadmaps, discussions, analyses or file notes relating to penalty rates in the Hospitality and Tourism industries and the impact, if any, penalty rates under the Fair Work Act has had on employment, trading hours and profitability in that particular industry.

The above request is confined to between 8 September 2013 and 28 March 2014.”

Preliminary Assessment of the Charge

In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge for the processing of your request. My preliminary assessment of that charge is \$440.00, calculated as follows:

Search and retrieval time: 10 hours at \$15.00 per hour:	150.00
Decision-making time: 19.5 hours minus the first 5 hours* at \$20.00 per hour:	290.00
TOTAL	\$440.00

*The FOI Act provides that the first five hours of decision-making time are free of charge and this is reflected in the calculation.

I am advised that the department has in its possession approximately 26 documents containing an estimated 130 pages relevant to your request. I am advised that it has taken over 10 hours to locate and retrieve those documents and I estimate that it will take an additional 19.5 hours to examine the documents, undertake any necessary consultations and prepare the decision on access.

Required Action

If you would like the department to continue processing your request, you must notify the department in writing within 30 days of receiving this notice that you:

- A. agree to pay the charge and pay the charge (in full or the required deposit);
- B. wish to contend that the charge:
 - (i) has been wrongly assessed; or
 - (ii) should be reduced or not imposed; or
 - (iii) both
- C. withdraw the request for access.

If you do not provide a written response in accordance with one of Options A, B or C above within 30 days of receiving this notice, your request will be taken to have been withdrawn under the FOI Act.

Alternatively you may wish to refine the scope of your FOI request. If you would like to discuss this please contact me for assistance.

Further information on options A, B and C is set out below.

Option A – pay the charge

As the charge exceeds \$100, you are required to pay a deposit of \$110.00, which is 25% of the total amount, within 30 days of receiving this notice. Alternatively you may pay the charge in full at this point.

The amount due should be paid by cheque or money order made out to the Collector of Public Monies— Department of Employment. Please contact me for details of how to pay the charge by credit card.

Option B – seek reduction or non-imposition of the charge

If you believe that the charge has been wrongly assessed, or should be reduced or not imposed, please set out your reasons and any evidence that the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public. These factors will be taken into account by the department's decision-maker when determining whether to reduce or not impose the charge.

If you believe that payment of the charge, or part of it, would cause you financial hardship, please provide sufficient details of your financial circumstances to enable the decision-maker to make a well-informed decision in this regard.

Option C – withdraw your request

If you wish to withdraw your request you may do so in writing.

Time limits for processing your request

The time period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (either in full or the required deposit) or the day on which the department makes a decision not to impose a charge.

Address for correspondence

Please send all correspondence regarding your FOI request to me at the following address:

Information Law Team
Corporate Legal
LOC: C12MT1-LEGAL
GPO Box 9880
CANBERRA ACT 2601

or by email to foi@employment.gov.au.

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

Yours sincerely,



Shari Beaumont
Principal Government Lawyer
Information Law Team
10 April 2014