



16 May 2014

Mr Mark Diamond

By email: foi+request-593a4acfda0@righttoknow.org.au

Our reference: LEX 8121

Dear Mr Diamond,

Your Freedom of Information request

1. I refer to your request received by the Department of Human Services (the department) on 21 April 2014 in which you sought access to the following documents under the *Freedom of Information Act 1982* (FOI Act):

'In the recently determined Administrative Appeals Tribunal case of Kostas and Comcare [2014] AATA 217 (<http://www.austlii.edu.au/au/cases/cth/AATA/2014/217.html>), Deputy President RP Handley noted at paragraph 35 that a witness gave evidence that "towards the end of 2011, an independent officer was appointed to investigate the culture of the unit [i.e., Centrelink's Business Integrity unit in Hurstville] and the behaviour of its staff"

I request access to:

- (1) a copy of the document or documents appointing the independent officer;*
- (2) a copy of the document or documents to that officer requesting that they undertake the investigation which is mentioned above; and*
- (3) a copy of the report from that officer about the result of their investigation.'*

Preliminary Assessment of the Charge

2. 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 \$321.30, calculated as follows:

Search and retrieval time: 1.42 hours, at \$15.00 per hour:	\$21.30
Decision making time: 20 hours minus the first 5 hours* at \$20.00 per hour:	\$300.00

TOTAL	\$321.30
--------------	-----------------

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

3. I am advised that the department has in its possession approximately ten documents containing an estimated 48 pages relevant to your request.

4. I note that documents falling within scope include attachments to the report that you have requested. It is open to you to remove these attachments from the scope of your request which would thereby reduce the charge. Please note that any change to the scope of your request would mean the department would have to recalculate the charge that you are liable to pay.
5. I have calculated the charge on the basis that the documents in the scope of your request contain sensitive personal information and each line needs to be carefully considered for redaction.

Required Action

6. 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;
 - B. wish to contend that the charge:
 - a. has been wrongly assessed; or
 - b. should be reduced or not imposed; or
 - c. both
 - C. withdraw the request for access.
7. 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 subsection 29(2) of the FOI Act.
8. Alternatively you may wish to refine the scope of your FOI request. If you would like to discuss this please contact me for assistance.
9. Further information on Options A, B and C is set out below.

Option A – pay the charge

10. As the charge exceeds \$100, you are required to pay a deposit of \$80.30, which is 25% of the total amount, within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point.
11. The amount due should be paid by cheque or money order made out to the Collector of Public Monies. Please quote reference number LEX 8121 with your payment and send to:

FOI Legal Team
Strategic Information Management Legal Branch
Department of Human Services
PO Box 7788
CANBERRA ACT 2610

12. Should you elect to pay the charge, please email FOI.Legal.Team@humanservices.gov.au once you have posted your cheque or money order, to advise us of your payment.

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

13. You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. Subsection 29(5) of the FOI Act provides that, in deciding whether to reduce or not to impose a charge, the decision maker must take into account any relevant reasons, including whether payment of the charge, or part of it, would cause you financial hardship, and whether the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public.
14. If you wish to contend that the charge has been wrongly assessed or should be reduced or not imposed, please set out your reasons and the evidence in support of your reasons as clearly as possible. If you believe that payment of the charge 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

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

Time limits for processing your request

16. Section 31 of the FOI Act provides that where a notice is sent to an applicant regarding the payment of a charge in respect of a request, the time limit for processing the request is suspended from the date the notice is received until either:
 - the day following payment of the charge (in full or the required deposit); or
 - if applicable, the day following the notification to the applicant of a decision not to impose the charge.

Address for correspondence

17. Please send all correspondence regarding your FOI request to the following address:

FOI Legal Team
FOI and Information Release Legal Branch
Legal Services Division
Department of Human Services
PO Box 7788
CANBERRA ACT 2610

Or by email to FOI.Legal.Team@humanservices.gov.au

Publication of information in the FOI disclosure log

18. Information released under the FOI Act may be published in a disclosure log on the department's website. Section 11C of the FOI Act requires this publication, subject to certain exceptions, including where publication of personal, business, professional or commercial information would be unreasonable.
19. Should you have any enquiries concerning this matter, please contact me. If you are phoning long-distance, you may reverse the charges.

Yours sincerely,

A handwritten signature in black ink, appearing to be a stylized 'A' or 'R'.

FOI Delegate
FOI and Information Release Branch
Legal Services Division
Department of Human Services