



Australian Government
Department of Social Services

Mr Andy Johnson

By email: foi+request-6182-eefd7820@righttoknow.org.au

Dear Mr Johnson

Freedom of Information Request No. 19/20-107

I refer to your request received by the Department of Social Services (the department) on 25 February 2020 for access under the *Freedom of Information Act 1982* (FOI Act) to:

... a copy of all reports / documents delivered by consulting firm McKinsey & Company to the Department since 1990. In addition, I would like to request a copy of each invoice paid to McKinsey for each report (including \$ fees paid, rate card applied, and other commercial terms).

Background

On 13 March 2020, the department advised you of the preliminary estimate of the charge for processing your request, being \$224.47 (the charge).

On 20 March 2020, you contended that the charge not be imposed on public interest grounds.

Specifically, you made the following submissions in support of your contention:

Given the significant public interest in how government departments spend significant sums of money on a consulting firm that supports corrupt regimes, I would argue this has to be done free of charge.

Decision

In accordance with section 54C of the FOI Act, I am required to review the primary decision to impose a charge and make a fresh decision. As the decision-maker for the internal review of charge, I am in no way bound by the primary decision.

My decision is to impose the charge of \$224.47. The reasons for my decision are outlined below.

Reasons for decision

I have taken the following material into account in making my decision:

- your initial request for documents;
- the department's letter notifying you of the charge;
- your email contending that the charge should be reduced/not imposed on public interest grounds;
- the documents falling within the scope of your request;
- the FOI Act;
- the Freedom of Information (Charges) Regulations 1982 (the Regulations);
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
- public interest factors relevant to my assessment.

Given you have not provided information about whether imposition of the charge, or part of it, would cause you financial hardship, I have decided that there are no grounds to make a decision to reduce/not to impose the charge for reasons of financial hardship.

In determining whether to reduce or not impose the charge on public interest grounds, I am required to consider '*whether the giving of access to the documents in question is in the general public interest or in the interest of a substantial section of the public*'. This means that there must be a benefit flowing generally to the public or a substantial section of the public from disclosure of the documents falling within scope of your request.

In considering the benefit that would flow to the public, I have reviewed the documents in question and considered the nature, content and context of the documents.

I accept your contention that there is public interest in how government departments spend money. I note the charge estimate was originally discounted by 15 per cent from \$264.08 to \$224.47 due to public interest considerations by the decision maker. However, I do not agree the charge should be waived as you are requesting.

I had regard to paragraph 4.84 of the Guidelines:

... an agency or minister may also consider whether the range or volume of documents requested by an applicant could be considered reasonably necessary for the purpose of contributing to public discussion or analysis of an issue.

I considered the range and volume of documents captured in the scope of this request. I also considered that the department follows the Commonwealth Procurement Rules that govern how goods and services are purchased to ensure the Government and taxpayers obtain value for money and contracts are published on AusTender as required. These rules are in place to ensure public have a good oversight of government spending. I consider there is already significant information in the public domain relating to the subject of this request.

Given the above, I am satisfied that the general public interest is served by the information already publicly available for effective oversight of Government spending. Therefore, I have decided the payment of the charge should be imposed and that the amount of \$224.47 not be further reduced or waived.

Options to proceed with your request

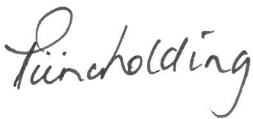
In order for your request to proceed, you are required to:

- pay a deposit of \$56.12 or you may elect to pay the charge in full, being \$224.47. Please complete and return the attached authorisation form. Upon receipt of the form an invoice will be generated and issued to you for payment; or
- request a review of this decision to impose the charge. See **Attachment A** for more information.

Alternatively, if you wish to withdraw your request you may do so in writing.

Should you have any queries concerning this matter, please do not hesitate to contact me.

Yours sincerely



Tiina Holding
A/g Director
Strategic Coordination
Government and Executive Services

16 April 2020



Australian Government
Department of Social Services

Freedom of Information Request 19/20-107

By signing this form you are agreeing to pay the charges notified to you by the Department of Social Services. Once our office receives this form, the department will generate an invoice in order for you to make payment of the agreed charges.

Please sign and return the form to foi@dss.gov.au.

Acceptance of charge

I, Andy Johnson accept the charges. I acknowledge that the details provided below are true and correct, and upon return of this document, I will be invoiced for the amount set out in the review of charge notice.

I elect to pay the **full amount** of \$224.47

I elect to pay the **deposit amount** of \$56.12

 Print Name

 Signature

 Date

Required information

In order to proceed, the department requires the following information from you to raise an invoice.

Full name / Organisation: (Include ABN if applicable)		
Postal Address:		
Contact numbers:	Home/Business	
	Mobile	
Email:		

External Review by the Australian Information Commissioner

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC you must apply for the review, in writing or by using the online merits review form available on the AIC's website at www.oaic.gov.au, within 60 days of receipt of this letter. To assist the AIC your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the AIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act.

Applications for review or complaint can be lodged in one of the following ways:

Online: www.oaic.gov.au

Post: GPO Box 5218
Sydney, NSW 2001

Phone: 1300 262 992 or +61 2 9284 9749 (international)

Email: enquiries@oaic.gov.au

In person: Level 3, 175 Pitt Street, Sydney, NSW 2000