



3 June 2020

Our reference: LEX 54856

Mr John Smith

By email only: foi+request-6347-8c48e1fa@righttoknow.org.au

Dear Mr Smith

Freedom of Information Request – Charges and Third Party Consultation Notice

I refer to your request to Services Australia for access to documents made under the *Freedom of Information Act 1982 (FOI Act)*. You have requested access to the following documents:

Please provide all documents relating to the Open Tender of and contract for Management support services by Services Australia awarded to Partners in Performance International PL ("PIP") including documents relating to the:

1. calling of the tender
2. the contract awarded to PIP (please provide a copy)
3. any technical specifications or requirements issued by Services Australia in relation to the tender or contract

The following references on AusTender may be helpful:

CN ID: CN3665779
SON ID: SON3538332

Agency Reference ID: D365030094

Third-party consultation – business documents

As your request covers documents which contain business information, Services Australia is required to consult with the affected businesses (under section 27 of the FOI Act) before making a decision on the release of those documents.

The consultation mechanism under section 27 of the FOI Act applies when Services Australia considers that a person, organisation or undertaking may wish to contend that the requested document is exempt from release because the document would disclose trade secrets or business information.

Services Australia will take into account any comments we receive from the third parties. However, the final decision about whether to grant access to the documents you requested rests with Services Australia.

For this reason the period for processing your request has been extended by 30 days in order to allow consultation with the businesses (section 15(6) of the FOI Act).



However, I have also decided that you are liable to pay a charge for the processing of your request, and so the time limit for processing your request has also been suspended. The date a decision is due to be notified to you will depend on the action you take in relation to your liability to pay the charge.

Preliminary Assessment of the Charge

In accordance with section 29 of the FOI Act and the *Freedom of Information (Charges) Regulations 2019*, I have decided that you are liable to pay a charge for the processing of your request.

I am currently advised that Services Australia holds four documents, comprising of 106 pages, relevant to your request.

My preliminary assessment of the charge is calculated as follows:

Search and retrieval time: 1.12 hour, at \$15.00 per hour	\$16.80
Decision-making time, including the two hours to consult with one third party (*after deduction of five hours): 5.44 hours, at \$20.00 per hour	\$108.80
<hr/>	
TOTAL	\$125.60

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

Please note that the payment of the charge does not guarantee access to the requested documents, in full or in part.

Required Action

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

- a) agree to pay the charge; or
- b) wish to contend that the charge:
 - i. has been wrongly addressed; or
 - ii. should be reduced or not imposed; or
 - iii. both.

Alternatively, you may wish to withdraw your request for access.

If you do not provide a written response in accordance with one of options a) or b) above within 30 days of receiving this notice, your request will be taken to have been withdrawn under section 29(2) of the FOI Act.

Further information on options a) and b) are set out below.



Option a) – pay the charge

As the charge exceeds \$100.00, you are required to pay the charge in full, or a deposit of 25%, being **\$31.40** within 30 days of receiving this notice.

You may select from one of the following payment methods:

1. Online payment via Government EasyPay – go to ippayments.com.au/access/index.aspx?a=85987733 and enter the relevant details. You will need your FOI LEX reference number, **54856**; or
2. Cheque made out to the Collector of Public Monies and posted to Freedom of Information, Services Australia, PO Box 7820, Canberra BC, ACT 2601; or
3. Money order made out to the Collector of Public Monies and posted to Freedom of Information, Services Australia, PO Box 7820, Canberra BC, ACT 2601.

Option b) – seek reduction or non-imposition of the charge

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. Section 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.

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.

Time limits for processing your request

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:

- a) the day following the payment of the charge; or
- b) if applicable, the day following the notification to the applicant of a decision not to impose the charge.



Address for correspondence

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

Freedom of Information Team
Services Australia
PO Box 7820
CANBERRA ACT 2601

Or by email to: FOI.LEGAL.TEAM@servicesaustralia.gov.au

Further assistance

If you have any questions please email: FOI.LEGAL.TEAM@servicesaustralia.gov.au

Kind regards

Kaitlin

Authorised FOI Decision Maker
Freedom of Information Team
Employment Law and Freedom of Information Branch | Legal Services Division
Services Australia