



16 June 2020

Our reference: LEX 55232

Mr John Smith  
Right to know

Only by email: [foi+request-6372-24470d98@righttoknow.org.au](mailto:foi+request-6372-24470d98@righttoknow.org.au)

Dear Mr Smith

### **Freedom of Information Request – Charges and Third Party Consultation Notice**

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

'I wish to obtain a copy of the contract between Services Australia and McKinsey, in association with the tender CN ID: CN3665818

I also wish to obtain documents (if they exist) explaining the purpose of this tender, and the criteria used to award this contract'.

#### *Third-party consultation – business documents*

As your request covers documents which contain business information, Services Australia is required to consult with any 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, I have decided that you are liable to pay a charge for the processing of your request. My preliminary assessment of that charge is \$73.33 calculated as follows:

Search and retrieval time: 0.67 hour, at \$15.00 per hour:	\$10.00
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Decision-making time (\*after deduction of 5 hours): 1.83 hours,  
including the two hours to consult with one third party, at \$20.00 per hour \$36.67

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**TOTAL \$46.67**

\*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 Services Australia has in its possession two documents relevant to your request.

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;
- b) wish to contend that the charge:
  - i. has been wrongly assessed; 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 \$25 but does not exceed \$100.00, you are required to pay the charge in full, or a deposit of \$20 within 30 days of receiving this notice.

You may select from one of the following payment methods:

1. Online payment via Government EasyPay - follow [this link](#) and enter the relevant details. You will need your FOI LEX reference number, **LEX 55232**; 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 2610; 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 2610.

If you elect to pay the charge, please email [FOI.LEGAL.TEAM@servicesaustralia.gov.au](mailto:FOI.LEGAL.TEAM@servicesaustralia.gov.au) to advise us of your payment. Please quote reference number **LEX 55232** in this correspondence.

## **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 or your organisation 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 or your organisation 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 payment of the charge (in full or the required deposit); 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 2610

Or by email to [FOI.LEGAL.TEAM@servicesaustralia.gov.au](mailto:FOI.LEGAL.TEAM@servicesaustralia.gov.au).

## **Publication of information in the FOI disclosure log**

Information released under the FOI Act may be published in a disclosure log on Services Australia'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.

## **Further assistance**

If you have any FOI questions please email [FOI.LEGAL.TEAM@servicesaustralia.gov.au](mailto:FOI.LEGAL.TEAM@servicesaustralia.gov.au).

Yours sincerely

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