



17 July 2020

Our reference: LEX 56248

Mr John Smith

Only by email: foi+request-6466-049f1fac@righttoknow.org.au

Dear Mr Smith

Your Freedom of Information Request

Acknowledgement

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

- ' - A document that contains the total number of non-APS staff, filling equivalent roles to actual APS staff in your department.
- A document that contains a list of all position titles within your department, that are currently filled by non-APS staff.

Typically these non-APS employees are ostensibly employed through labour hire agencies, and fulfil functionally equivalent roles to their colleagues.

If no such document exists please advise.'

Your Address

The FOI Act requires that you provide us with an address which we can send notices to. You have advised your electronic address is foi+request-6466-049f1fac@righttoknow.org.au. We will send all notices and correspondence to this address. Please advise us as soon as possible if you wish correspondence to be sent to another address or if your address changes. If you do not advise us of changes to your address, correspondence and notices will continue to be sent to the address specified above.

Exclusion of junior staff details

Services Australia is working towards ensuring that all staff have a choice about whether they provide their full name, personal logon identifiers and direct contact details in response to public enquiries. Where such details are included in the scope of a request, this may add to processing time and applicable charges as it may be necessary to consider whether the details are exempt under the FOI Act. On this basis, unless you tell us otherwise, we will assume that these details are out of scope of your request and they will be redacted under section 22 of the FOI Act.

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 \$75 calculated as follows:

Search and retrieval time: 5 hours, at \$15.00 per hour:	\$75.00
Decision-making time (*after deduction of 5 hours): 0 hours, at \$20.00 per hour	\$0.00

TOTAL **\$75.00**

*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 Services Australia has in its possession a document relevant to your request. Please note that the payment of the charge does not guarantee access to the requested document, 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 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) is set out below.

Option a) - pay the charge

As the charge exceeds \$25, you are required to pay a deposit of \$20 within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point.

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 56248**; 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 to advise us of your payment. Please quote reference number **LEX 56248** 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

Your request was received by Services Australia on 6 July 2020 and the 30 day statutory period for processing your request commenced from the day after that date.

However, 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

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 questions please email FOI.LEGAL.TEAM@servicesaustralia.gov.au

Yours sincerely

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