



Australian Government

Department of Health

Department Reference: FOI 1846

Mr John Smith

Via email: foi+request-6512-a809c34b@righttoknow.org.au

Dear Mr Smith

**NOTICE OF DECISION: UNDER SECTION 24A
OF THE FREEDOM OF INFORMATION ACT 1982**

I refer to your request of 23 July to the Department of Health (department) seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to the following documents:

"I request a document that contains the total number of labour hire staff procured throughout your department.

I also request a document that contains the total number of labour hire staff procured throughout the APS, that are fulfilling functionally equivalent roles to actual APS employees throughout your department.

Additionally, I seek a document that contains the amount spent on labour hire staff procured throughout your department, for the 19/20 financial year.

Finally, I seek a document that contains the amount spent on labour hire staff procured throughout your department, for the 19/20 financial year; that are fulfilling functionally equivalent roles to actual APS employees in your department.

If any of the above documents do not exist please advise."

I am writing to advise you of my decision.

Decision

I am authorised under subsection 23(1) of the FOI Act to make decisions in relation to Freedom of Information requests. I am writing to notify you of my decision on your request.

All reasonable steps have been taken to find the documents referred to in your request including consultation with the relevant policy and program areas, and searches of the department's file management system.

I am satisfied the searches conducted were thorough and all reasonable steps have been taken to locate documents relevant to your request. I am satisfied the documents referred to in your request do not exist. As a consequence, relying on section 24A of the FOI Act, I cannot provide access to any of the documents you requested.

Review rights

If you are dissatisfied with my decision, you may apply for an internal review or Australian Information Commissioner (Information Commissioner) review of the decision.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the department for an internal review of my decision. The internal review application must be made within 30 days of the date of this notice (or such further period as the department allows). Where possible please provide reasons why you consider review of the decision is necessary. The internal review will be carried out by another officer of this department within 30 days. An application for an internal review should be addressed to:

Email: FOI@health.gov.au
OR
Mail: FOI Unit (MDP 516)
Department of Health
GPO Box 9848
CANBERRA ACT 2601

Information Commissioner Review

Under section 54L of the FOI Act, you may apply to the Information Commissioner to review my decision. An application for review must be made in writing within 60 days of this notice (if you do not request an internal review).

The Australian Information Commissioner can be contacted by:

Email: enquiries@oaic.gov.au
Phone: 1300 363 992

More about the Information Commissioner review is available on the Office of the Australian Information Commissioner (OAIC) website at: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>

You may also make a complaint to the Information Commissioner about action taken by the department in relation to your application. Further information can be obtained from the OAIC website.

Relevant provisions

The FOI Act, including the provisions referred to in this letter, can be accessed from the Federal Register of Legislation website:

<https://www.legislation.gov.au/Details/C2020C00110>

Contacts

If you require clarification of any of the matters discussed in this letter you should contact Freedom of Information Unit on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely

A handwritten signature in blue ink that reads "KBishop".

K. Bishop
Principal Lawyer
Advice and Legislation Branch
19 August 2020