



21 September 2020

Our reference: LEX 58235

Mr John Smith

Only by email: foi+request-6665-35209a95@righttoknow.org.au

Dear Mr Smith

Freedom of Information Request – Preliminary Assessment of Charges and Notification of Third Party Consultation

I refer to your request to Services Australia dated 31 August 2020, for access under the *Freedom of Information Act 1982 (FOI Act)* to the following documents:

'I wish to obtain a copy of the terms of agreement, and three examples of completed purchase orders; between Services Australia and Hays, regarding the procurement of Debt Officer roles at the Box Hill office.

Please include alongside the three examples of completed purchase orders, the amount by which each purchase order has been utilized by the department.

Additionally, please include the salary/wages paid per labour hire employee by Hays; and the amount paid to Hays per employee.

If only aggregate figures are available, please provide those aggregate figures while indicating the total number of labour hire employees those aggregate figures are referable to.'

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 \$96.00 calculated as follows:

Search and retrieval time: 2 hours, at \$15.00 per hour:	\$ 30.00
Decision-making time (*after deduction of 5 hours): 3.3 hours, at \$20.00 per hour	\$ 66.00
TOTAL	\$ 96.00

*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 identified 7 documents (totalling 46 pages) 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 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with one of options a) or b) above within 30 days of receiving this notice, your request will be taken to have been withdrawn under section 29(2) of the FOI Act.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 \$25.00 but not \$100.00, you are required to pay a deposit of \$20.00 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 58235**; 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 58235** 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.

Third-party consultation – business documents

As your request covers documents which contain information concerning the business, commercial or financial affairs of an organisation, or a person's business or professional affairs, Services Australia is required to consult with the person or organisation concerned (under section 27 of the FOI Act) before making a decision on the release of those documents.

For this reason the period for processing your request has been extended by 30 days in order to allow Services Australia time to consult with that person or organisation (section 15(6) of the FOI Act).

The consultation mechanism under section 27 applies when Services Australia considers the person or organisation concerned may wish to contend that the requested documents are exempt because their release would disclose trade secrets or commercially valuable information or may adversely affect their business or financial affairs. Services Australia will take into account any comments we receive from the person or organisation. However, the final decision on whether to grant you access to the documents requested rests with Services Australia.

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 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

Reshma

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