



Australian Government
Department of Employment

Mr Jackson Gothe-Snape

By email: foi+request-761-fa37fc63@righttoknow.org.au

Dear Mr Gothe-Snape

I refer to your request received by the Department of Employment (the department) on 8 September 2014 for access under the *Freedom of Information Act 1982* (FOI Act) to:

"All correspondence between the Department of Employment and the Minister for Employment or the Minister's staff relating to the Green Army since 7 September 2014."

I refer also to correspondence from the department dated 1 October 2014, setting out the preliminary assessment of the charge (Notice of Charge) for processing your request based on that scope, and our correspondence with you in relation to the Notice of Charge.

I note that on 21 October 2014, you revised the scope of your request, via email, such that you now seek:

"...only the most recent document created between July 2014 and 8 September 2014."

Assessment of the Charge

In accordance with section 29 of the FOI Act, I have prepared a preliminary assessment of the charge, based on the revised scope of your request (the Revised Notice of Charge), for processing your request. My revised assessment of that charge is \$143.75, calculated as follows:

Search and retrieval time: 4.25 hours, at \$15.00 per hour:	63.75
Decision-making time: 9 hours minus the first 5 hours* at \$20.00 per hour:	80.00
TOTAL	\$143.75

*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 the assessment of a charge is based on an estimation of the work involved in processing a FOI request and is not a charge for access to documents sought, nor does it necessarily result in access to any or all of the documents sought.

The Notice of Charge was based on 30 documents whereas the Revised Notice of Charge reflects the fact that there is now only one document captured by your request.

However, we note that it is likely that the Cabinet documents exemption (s 34) of the FOI Act will apply to the document that you have requested. Accordingly, notwithstanding any payment of the charge, the decision maker in the department may decide that this document is an exempt document in which case access to the document is not required to be given. You may wish to take this into account when considering your next steps in relation to this matter.

Required Action

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

- A. agree to pay the charge, and pay the charge (in full or the required deposit);
- B. wish to contend that the charge:
 - (i) has been wrongly assessed; or
 - (ii) should be reduced or not imposed; or
 - (iii) both
- C. withdraw the request for access.

If you do not provide a written response in accordance with one of Options A, B or C above within 30 days of receiving this notice, your request will be taken to have been withdrawn under the FOI Act.

Further information on options A, B and C is set out below.

Option A – pay the charge

As the charge exceeds \$100, you are required to pay a deposit of \$35.95, which is 25% of the total amount, within 30 days of receiving this notice. Alternatively you may pay the charge in full at this point.

The amount due should be paid by cheque or money order made out to the Collector of Public Monies— Department of Employment. Please contact me for details of how to pay the charge by credit card.

Option B – seek reduction or non-imposition of the charge

If you believe that the charge has been wrongly assessed, or should be reduced or not imposed, please set out your reasons and any evidence that the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public. These factors will be taken into account by the department's decision-maker when determining whether to reduce or not impose the charge.

If you believe that payment of the charge, or part of it, 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.

Option C – withdraw your request

If you wish to withdraw your request you may do so in writing.

Time limits for processing your request

The time period for processing your request was suspended from the date of the Notice of Charge. The timeframe will remain suspended until you complete one of the options A-C described above or until the period of 30 days from this notice passes without receipt of any notification from you.

Address for correspondence

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

Information Law Team
 Information Law, Practice Management and Corporate Advising Branch
 LOC: C12MT1-LEGAL
 GPO Box 9880
 CANBERRA ACT 2601

or by email to foi@employment.gov.au.

Should you have any queries concerning the Revised Notice of Charge or this matter generally, please contact me on (02) 6240 2425 or via email at foi@employment.gov.au.

Yours sincerely,



Laura Davis
Senior FOI Officer
Information Law Team
Information Law, Practice Management and Corporate Advising Branch

28 October 2014