



**Office of the Hon Tony Burke MP**  
Minister for Employment and Workplace Relations  
Minister for the Arts  
Leader of the House of Representatives

Reference: LEX 391

By email: [foi+request-9246-44ea3977@righttoknow.org.au](mailto:foi+request-9246-44ea3977@righttoknow.org.au)

Dear BE

I refer to your request on 8 August 2022 for access to documents under the *Freedom of Information Act 1982* (Cth) (FOI Act) as follows:

1. *Communications during the period 1 June 2022 to 25 July 2022 between Minister Burke's Office and the AWU, CFMMEU or ACTU relating to the Australian Building and Construction Commission (ABCC) or the Code for the Tendering and Performance of Building Work 2016 (Building Code) or the Code for the Tendering and Performance of Building Work Amendment Instrument (Amended Building Code).*
2. *Internal communications within Minister Burke's office (including the Minister) during the period 1 June 2022 to 25 July 2022 relating to the ABCC or the Building Code or the Amended Building Code.*
3. *Any communication between Minister Burke's office and the Prime Minister's office relating to the CFMMEU or the ABCC during the period 1 June 2022 to 25 July 2022.*

**Preliminary estimate of the charge**

I have decided that you are liable to pay a charge of \$400.00 in respect of the processing of your request.

I have assessed the work that the Minister's Office would need to do to process your request and have calculated the following breakdown of charges:

|  |                 |
|--|-----------------|
| Search and retrieval time: 10 hours, at \$15.00 per hour:                      | 150.00          |
| Decision-making time: 17.5 hours minus the first 5 hours* at \$20.00 per hour: | 250.00          |
| <b>TOTAL</b>   | <b>\$400.00</b> |

\* The FOI Act provides that the first five hours of decision-making time are free of charge and this is reflected in the calculation.

As a preliminary step, staff within the Minister's Office have undertaken extensive searches, including of their email accounts, to search for, retrieve and collate relevant documents. The 10-hour figure in the above charge calculation represents a substantial discount of the time actually spent by staff within the Minister's Office undertaking relevant searches. I estimate that it will take, at a minimum, a further 17.5 hours to examine the documents, undertake the necessary consultations and prepare a decision on access in accordance with the FOI Act.

## **Your right to contend the charge**

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed, or
- should be reduced, or
- should not be imposed.

In deciding whether the charge should be reduced or not imposed, the following factors will be taken into account:

- whether payment of the charge, or part of it, would cause you financial hardship; or
- whether giving access to the documents is in the general public interest or in the interest of a substantial section of the public; and
- any other relevant matter

## **Payment of a deposit**

As the charge exceeds \$100.00, you are required to pay a deposit of \$100.00, 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. If making payment by cheque, please address your payment to 'Collector of Public Monies – Department of Employment and Workplace Relations'. Payment of the charge by credit card is also available, please contact me if you would like to make payment using this method.

## **Required action**

You now have 30 days to do one of the following things:

- pay the charge (either in full or the required deposit);
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons; or
- withdraw your request.

If you do not provide a written response in accordance with the above options, your request will be taken to have been withdrawn.

Please note that the period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge or the day on which a decision is made to not to impose the charge.

Yours sincerely



**Sean Halse**  
**Chief of Staff**

29 / 9 /2022