

Our reference: FOI-000317

23 December 2014

By email to: [REDACTED]

Dear [REDACTED]

Notice of Decision – Freedom of Information Request

I refer to your request for documents, received on 5 December 2014 under the *Freedom of Information Act 1982* (the **FOI Act**), seeking access to the following documents:

In Financial Year 2013-2014 amount received for processing of FOI application
In Financial year 2013-2014 total number of FOI processed
In Financial Year 2013-2014 total number of request where charge estimate notice issued
(under section 29 of FOI Act)

DECISION AND STATEMENT OF REASONS FOR DECISION

I am authorised by the Fair Work Ombudsman, under s. 23 of the FOI Act, to make decisions on requests for access to documents.

In accordance with s. 26 of the FOI Act, this is the Statement of Reasons for the decision I have made on your request.

In making a decision on your request, I took into account your request, the FOI Act, and the Australian Information Commissioner's Guidelines.

I have decided to release the documents you requested in full. This information is as follows:

- (a) the majority of FOI requests the Fair Work Ombudsman receives relate to the personal information of the applicant (most of the requests we receive are for documents relating to our handling of a workplace complaint). Pursuant to Regulation 5 of the *Freedom of Information (Charges) Regulations 1982* (**Regulations**) we cannot charge for a request that contains personal information of the applicant;
- (b) nor can the Fair Work Ombudsman charge for the first five hours of decision making time (see Schedule, Part I, Item 5 of the Regulations);
- (c) therefore the information you seek is;

Financial year 2013-2014		
Amount received for processing FOI applications	Total number of FOI requests processed	Total number of FOI requests where a charges estimate notice was issued under s. 29 of the FOI Act
\$0.00	68	1

Notwithstanding the above information I also note the Fair Work Ombudsman is required to report FOI statistics to the Office of the Australian Information Commissioner every three months. The Information Commissioner publishes this data, including the information you requested, on their FOI resources and FOI reports page (URL: <http://www.oaic.gov.au/freedom-of-information/foi-resources/freedom-of-information-reports/>).

Review Rights

I have attached a document setting out your rights of review of this decision (**Attachment A**).

Website Publication

Subject to certain exceptions, s. 11C of the FOI Act requires agencies to publish to online any information contained in documents released to an applicant in response to a freedom of information request. The information you requested will be published on our disclosure log.

Contact details

If you need further information, please call Amy Kolar on (02) 8293 4684 or send an email to foi@fwo.gov.au. Ms Kolar processed your FOI request so can answer any questions you might have.

Yours sincerely



Mark Davidson
Director – Legal Practice
Legal and Business Improvement Group
Fair Work Ombudsman

Attachment A

INFORMATION ON RIGHTS OF REVIEW & COMPLAINTS

Rights of review

If you are dissatisfied with this decision you can apply for internal review by this agency (Option 1 below) or external review by the Australian Information Commissioner (IC Review) (Option 2 below).

You do not have to apply for internal review before seeking IC review. However, the Information Commissioner has expressed the view that it is preferable for a person to seek internal review by the agency before applying for IC Review. If you choose Option 1 (internal review), you can also apply for IC review of the internal review decision within 60 days after receiving notice of our decision.

Option 1 – Internal review

You can seek internal review of the decision. An application for internal review must be made in writing within 30 days after the date you were notified of the decision, or within such further period as the Fair Work Ombudsman allows. The internal review will be conducted by a senior officer who had no involvement in the initial decision.

There is no particular form required to make a request for internal review. However, it would help the reviewer if you said, in writing, why you think the decision should be reviewed.

An application for an internal review of the decision should be sent to:

Email: foi@fwo.gov.au

Fax: (02) 6204 2364

FOI Manager
Fair Work Ombudsman
GPO Box 9887
SYDNEY NSW 2001

Option 2 – Review by the Australian Information Commissioner

Alternatively, you can apply in writing to the Australian Information Commissioner for IC review of the decision. An application for IC Review must be made within 60 days after the day you were given notice of this decision.

In making your application, you need to provide an address for notices to be sent (this can be an email address) and a copy of this decision. It would also help the Australian Information Commissioner if you set out the reasons for seeking IC review in your application.

To apply for IC review, please refer to the FOI Fact Sheet 13 issued by the Office of the Australian Information Commissioner (http://www.oaic.gov.au/images/documents/freedom-of-information/foi-factsheets/FOI_factsheet12_your-rights_online_July2012.pdf). You can file your application online at <https://forms.business.gov.au/aba/oaic/foi-review/> or download a complaint form from the OAIC's website www.oaic.gov.au.

Complaints

You can complain to the Commonwealth Ombudsman about action taken by this agency in relation to your freedom of information request. You can contact the Commonwealth Ombudsman by calling 1300 362 072, emailing ombudsman@ombudsman.gov.au, or by sending a letter to GPO Box 442, Canberra ACT 2601. You can also file your complaint by using the Commonwealth Ombudsman's [online complaint form](#).