

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Budget Estimates 2012-2013**

**Cross Portfolio**

**DEEWR Question No.** EW0376\_13

**Senator Back asked on 31 May 2012, Hansard page 10**

**Question**

**FOI request**

Senator BACK: A question on notice was sent to your FOI team leader by my colleague the Hon. Sussan Ley on 9 December last year. The only reference I have is SL/VLMM. It was to do with the Access Economics early childhood education and care modelling—Access Economics ECEC workforce study, unpublished report, and a report that I understand the department had commissioned from Deloitte Access in 2011. Perhaps I can provide you with a copy of the 9 December letter and you can respond to it. Mr Manthorpe: Is the question where is the FOI request? Senator BACK: It has not come back to her. I have simply been asked to draw it to your attention with a view to inquiring why there has been no response and secondly, and more importantly, when she might get one. We can move on, and when you have a response you can let us know.

**Answer**

On 13 December 2011 the Department received correspondence dated 9 December 2011 from the Hon. Sussan Ley MP requesting access to documents under the *Freedom of Information Act 1982* (FOI Act), as follows:

“I seek the following documentation under the Freedom of Information Act 1982:

- Access Economics (2009b) Early childhood education and care modelling, Unpublished report for the Department of Education, Employment and Workforce Relations: July 2009; and
- Access Economics (2009c) ECEC Workforce Study, Unpublished report for the Department of Education, Employment and Workforce Relations: October 2009.

In addition, I understand that the Department has commissioned Deloitte Access in 2011 to provide updated figures on the cost of child care. I seek also a copy of any report Access has provided in regards to this.”

On 23 December 2011 the Department sent an email to the Hon. Sussan Ley MP acknowledging the request and advising of the preliminary estimate of charge. That

letter notified the applicant that she must within 30 days notify the department in writing that she either:

- agreed to pay the charge; or
- contended that the charge has been wrongly assessed or should be reduced or not imposed or both (and her reasons for so contending); or
- wished to withdraw the request.

The letter explained that if no response was received within 30 days the request would be taken to be withdrawn under subsection 29(2) of the FOI Act. This letter was sent by email to Ms Ley's office. In relation to that email an automated delivery receipt notification was requested by the sender as is the department's usual practice. An automated delivery receipt notification (confirming that delivery of the email was complete) was received by the Department on 23 December 2011.

As the Department did not receive any response within 30 days, on 23 January 2012 the request for access to the documents was taken to have been withdrawn pursuant to subsection 29(2) of the FOI Act.

On 5 June 2012, in response to a phone call from Ms Ley's office the department sent an email to Ms Ley's office attaching a copy of:-

- the letter emailed to Ms Ley's office on 23 December 2011; and
- the automated delivery receipt notification confirming that delivery was complete, dated 23 December 2011.

The department has not received any further communication from Ms Ley or her office with respect to this matter since that date.