



OFFICIAL

Freedom of Information (FOI) request

Notice of Decision

Reference: FOI-2023-297

To Moe

Email: foi+request-10754-0d6a575d@righttoknow.org.au

Dear Moe

I refer to your request to the Department of the Prime Minister and Cabinet (the Department), under the *Freedom of Information Act 1982* (the FOI Act), received on 14 October 2023.

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

Scope of request

You set out your request in the following terms:

I am looking for the following document related to the Australian Governments decision to illuminate Parliament House in blue and white. Specifically, the illumination as referred to in the Joint Statement by the Presiding Officers found in this link:

https://www.aph.gov.au/News_and_Events/Joint_statements_by_the_Presiding_Officers/Joint_Statement_by_the_Presiding_Officers_on_the_illumination_of_Australian_Parliament_House

What I am looking for is: [numbered for reference]

- 1. Any and all documents including, but not limited to, meeting minutes, correspondence, talking points and file notes that relate to the decision to illuminate the Australian Parliament House.*
- 2. Any and all documents that relate to the costs associated with the illumination of the Australian Parliament House in blue and white*
- 3. Any and all documents that including communications or correspondence with a foreign government, foreign or domestic organisations, foreign or domestic individuals either requesting, encouraging or suggesting that the Australian Parliament House be illuminated in blue and white.*

On 22 October 2023, the Department wrote to you to advise the Department of Parliamentary Services would be the correct agency to respond to your request. You provided the following response:

I would have thought the department would be made aware, if not directly involved in the illumination of Parliament House and have associated documents...

On 24 October 2023, you provided the following information:

The time frame requested is from the 7 - 9 October 2023 inclusive.

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

Material taken into account

In reaching my decision I referred to the following:

- the terms of your request including your clarification
- the FOI Act
- the Guidelines issued by the Information Commissioner¹ (the FOI Guidelines)

Document in scope of request

The Department has identified one document that falls within the scope of part 1 your request.

Decision

I have decided to refuse part 2 and 3 of your request under subsection 24A(1) of the FOI Act on grounds the Department has taken all reasonable steps to locate the documents you have requested, and those documents do not exist.

In relation to part 1 of your request, I have decided to grant access in full, with irrelevant material deleted, to the document identified within the scope of your request. The document is enclosed.

Reason for decision

My findings of fact and reasons for deciding that certain information is exempt or irrelevant is set out below.

My findings of fact and reasons for deciding to refuse part 2 and 3 of your request is set out below.

1. Documents cannot be found or do not exist

Subsection 24A(1) of the FOI Act provides that:

An agency or Minister may refuse a request for access to a document if:
(a) all reasonable steps have been taken to find the document; and
(b) the agency or Minister is satisfied that the document:

¹ s 93A of the FOI Act

- (i) is in the agency's or Minister's possession but cannot be found; or
(ii) does not exist.*

In determining what the FOI Act means with respect to 'all reasonable steps', I have had regard to the FOI Guidelines which discuss the meaning of 'reasonable'. The term 'reasonable' is not designed to be constructed so as to go beyond the limit assigned by reason, not to be extravagant or excessive, rather to be moderate and of such an effort to be appropriate or suitable to the circumstances.²

The Department has conducted appropriate searches, for any relevant records that would meet the full terms of part 2 and 3 of your request. There were no documents found to be in the possession of the Department.

Further, the Department has undertaken inquiries with Global Interests Branch, Parliamentary & Government Branch, Ministerial and Parliamentary Support Branch and Protocol and International Visits Branch regarding any relevant records that would meet the terms of your request. They advised no documents were found to be in the possession of the Department.

I am satisfied that the measures taken by the Department to locate documents in response to your request, as outlined above, are appropriate and suitable given the circumstances.

Accordingly, I am refusing part 2 and 3 of your request for access as documents do not exist.

2. Deletion of irrelevant matter

Section 22 of the FOI Act provides that if giving access to a document would disclose information that would be reasonably regarded as irrelevant to the request, it is possible for the Department to prepare an edited copy of the document, modified by deletions, ensuring that the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request.

Part of the document contains a header which is automatically added to the document when it is extracted from the Department's system, but which did not form part of the document as it existed at the date of your request. I consider this information to be irrelevant to your FOI request.

Further, it is the Department's policy to exclude the personal and direct contact details of officers not in the Senior Executive Service (SES) and any Ministerial staff, as well as any person's signature, and the mobile or direct numbers of SES officers, which are contained in documents that fall within the terms of an FOI request. This category of information is identified as irrelevant and documents can be modified by the Department to delete the irrelevant material.

Accordingly I am satisfied that part of the document is irrelevant under section 22(1)(a)(ii) of the FOI Act. The remainder of the document has been released to you as it is relevant to your request.

² Paragraph 3.88 of the FOI Guidelines

Review rights

If you disagree with my decision, you may apply for internal review or Information Commissioner review of the decision.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the Department for an internal review of my decision. The internal review application must be made within 30 days after the date of this letter. Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days from the date it is received.

Applications for review should be sent to foi@pmc.gov.au.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days after the date of this letter.

More information about Information Commissioner review is available [here](#).³

FOI Complaints

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. More information about complaints is available [here](#).⁴

If you wish to discuss any aspect of your requests, you can contact the FOI Section by email at foi@pmc.gov.au.

Yours sincerely



Deanna Easton
Chief of Staff
Department of the Prime Minister and Cabinet
20 November 2023

³ <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>

⁴ <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints/make-an-foi-complaint>