



OFFICIAL

Freedom of Information (FOI) request

Notice of Decision

Reference: FOI/2023/349

To Trav S

Email: foi+request-10920-da7d3945@righttoknow.org.au

Dear Trav S

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 27 November 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:

On 27 October 2023 your department issued a Notice of Revised Decision under s 55G of the FOI Act. That decision related to PM&C document Reference FOI/2021/112IC.

The revised decision maker stated 'consultation comments from another agency' were part of the material taken into account. They also stated 'fresh consultation comments received from another agency' were part of the reason they decided to grant partial release of the requested documents.

I will be grateful if you will provide me a copy of the documents referred to as 'consultation comments from another agency' and 'fresh consultation comments received from another agency'.

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
- the document identified as relevant to the scope of your request
- 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 your request.

In relation to the revised decision (FOI/2021/112IC), the two statements, being 'consultation comments from another agency' and 'fresh consultation comments received from another agency', pertain to a single consultation that took place with another Commonwealth department. As a result, there is only one document responsive to your request. No other consultations were engaged during the preparation of the revised decision.

Decision

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 with my decision.

Reason for decision

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

1. Deletion of irrelevant matter

Section 22 of the FOI Act authorises the Department to give access to an edited copy of a document if giving access to a document would disclose information that would be reasonably regarded as irrelevant to the request, and it is possible for the Department to prepare an edited copy.

On 4 December 2023, the Department advised you of its 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

¹ s 93A of the FOI Act

documents that fall within the terms of an FOI request. This category of information is identified as irrelevant. The remaining material that has been found irrelevant relates to a separate FOI matter that is outside the scope of your request.

Accordingly I am satisfied parts of the document are irrelevant under section 22(1)(a)(ii) of the FOI Act. The remaining information has been released to you as being relevant to your request.

Review rights

If you disagree with my decision, you may apply for a 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](#).²

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](#).³

² <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>

³ <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints/make-an-foi-complaint>

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

A handwritten signature in black ink, appearing to read 'T. Wardle', with a long horizontal flourish extending to the right.

Tim Wardle
Acting Assistant Secretary, Legal Policy Branch
Department of the Prime Minister and Cabinet