



**Australian Government**  

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**Australian Public Service Commission**

FOIBLES

By email: [foi+request-11156-7f683986@righttoknow.org.au](mailto:foi+request-11156-7f683986@righttoknow.org.au)

Our reference: LEX 833

Dear FOIBLES

**Freedom of Information request**

1. I am writing about your Freedom of Information (FOI) request under the *Freedom of Information Act 1982* (FOI Act) made on **22 February 2024** for access to documents held by the Australian Public Service Commission (Commission).
2. The FOI Act and all other Commonwealth legislation referred to in this letter are publicly available from [www.legislation.gov.au](http://www.legislation.gov.au).

**Documents relevant to your request**

3. You requested access to documents in the following terms:

*“The letter referred to in Mr Belot’s article, in which Dr de Brouwer’s noted his concerns about conflicts of interest to senior bureaucrats in the Australian Public Service.”*

4. The context you provided for your request was:

*I refer to Henry Belot’s article, “Public servants must do more to manage conflicts of interest, APS Commissioner tells top bureaucrats”, published on the website of The Guardian Australia: <https://www.theguardian.com/australia-news/2024/feb/22/public-servants-must-do-more-to-manage-conflicts-of-interest-aps-commissioner-tells-top-bureaucrats>*

*According to the article, the APS Commissioner sent a letter to senior bureaucrats in December 2023 in which he, amongst other things, asked senior bureaucrats to:*

- a) *“ensure you and your senior executive service employees have up-to-date declarations in place, as well as strategies in your agency to mitigate or manage conflicts that are identified” and*
- b) *“ensure similar arrangements are in place for all relevant agency functions and processes, such that conflict of interest declarations are triggered for those participating in activities such as recruitment, procurement, awarding grants, or performing regulatory roles.”*

5. On 27 February 2024, the Commission wrote to you requesting that you clarify your

scope to exclude multiple versions of the letter sent to Agency Heads. You agreed to this on 27 February 2024.

### **Decision on your FOI request**

6. I am authorised under subsection 23(1) of the FOI Act to make FOI decisions.
7. I am satisfied that all reasonable steps have been taken to locate documents relevant to your request.
8. I have identified one (1) document within scope of your request.
9. This document is:
  - Document 1: Letter from the Commissioner to Agency Head
10. I have decided to grant you full access to the document, subject to the deletion of some irrelevant material as described below.
11. **Attachment A** sets out the document to be released.

### **Deletion of exempt matter or irrelevant matter**

12. Section 22 of the FOI Act requires an agency to provide access to an edited version of a document where it is reasonably practicable to edit the document to remove exempt material or material that is irrelevant to the scope of the request.
13. Document 1 contains material that is irrelevant to this request as you have excluded individual versions of the letter.
14. To the extent that Document 1 contains this irrelevant material, I have chosen to edit it out accordingly.

### **Contacts**

15. If you require clarification on matters in this letter please contact the Commission's FOI Officer by telephone on (02) 6202 3500 or by email at [foi@apsc.gov.au](mailto:foi@apsc.gov.au).

### **Review rights**

16. You are entitled to seek review of this decision. Your review rights are set out at **Attachment B**.

Yours sincerely



Meeghan Webster

Authorised FOI decision maker

22 March 2024

**ATTACHMENT A**

**SCHEDULE OF DOCUMENTS**

| <b>Documen</b> | <b>Description</b>                          | <b>Exemptions</b>                   |
|----------------|---|-------------------------------------|
| 1              | Letter from the Commissioner to Agency Head | Section 22 – Irrelevant information |

## ATTACHMENT B

### Rights of Review

#### Asking for a full explanation of a Freedom of Information decision

If you are dissatisfied with this decision, you may seek review. Before you seek review of a Freedom of Information (FOI) decision, you may contact us to discuss your request and we will explain the decision to you.

#### Seeking review of a Freedom of Information decision

If you still believe a decision is incorrect, the *Freedom of Information Act 1982* (the FOI Act) may give you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by seeking:

1. an internal review by an different officer of the Australian Public Service Commission; and/or
2. external review by the Australian Information Commissioner.

There are no fees applied to either review option.

#### Applying for a review by an Internal Review Officer

If you apply for internal review, a different decision maker to the departmental delegate who made the original decision will carry out the review. The Internal Review Officer will consider all aspects of the original decision and decide whether it should change. An application for internal review must be made in writing within 30 days of receiving this letter to:

**Email:** [foi@apsc.gov.au](mailto:foi@apsc.gov.au)

**Post:** The FOI Officer  
Australian Public Service Commission  
B Block, Treasury Building  
GPO Box 3176  
Parkes Place West  
PARKES ACT 2600

You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

#### Applying for external review by the Australian Information Commissioner

If you do not agree with the original FOI decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision. You have 60 days to apply

in writing for a review by the Office of the Australian Information Commissioner (the OAIC) from the date you received this letter or any subsequent internal review decision.

You can **lodge your application**:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)

Post: Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

The OAIC encourage applicants to apply online. Where possible, to assist the OAIC you should include your contact information, a copy of the related FOI decision and provide details of your reasons for objecting to the decision.

## **Complaints to the Information Commissioner and Commonwealth Ombudsman**

### ***Information Commissioner***

You may complain to the Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Information Commissioner must be made in writing. The Information Commissioner's contact details are:

Telephone: 1300 363 992

Website: [www.oaic.gov.au](http://www.oaic.gov.au)

### ***Commonwealth Ombudsman***

You may complain to the Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Ombudsman may be made in person, by telephone or in writing. The Ombudsman's contact details are:

Phone: 1300 362 072

Website: [www.ombudsman.gov.au](http://www.ombudsman.gov.au)