



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI/2013/068

Mr Steve Allen
foi+request-257-ec6c3fab@righttoknow.org.au

Dear Mr Allen

I refer to your email dated 27 June 2013, received by the Department of the Prime Minister and Cabinet (the Department), in which you made a request under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

I am inquiring as to the size of various Prime Ministers personal department staff, both full time and temporary, seconded or not. I want to know in full time equivalent jobs, how many personal staff each Prime Minister has had, by year.

The authorised decision-maker for your request is Mr Gerard Martin, Assistant Secretary, Parliamentary and Government Branch.

Notice of practical refusal reason

I write to advise you that Mr Martin considers your request, in its current form, does not provide such information concerning the documents as is reasonably necessary to enable a responsible officer of the Department to identify the documents in accordance with section 15(2)(b) of the FOI Act. This constitutes a 'practical refusal reason' under section 24AA(1)(b) of the FOI Act. On this basis, Mr Martin intends to refuse access to your request.

However, before Mr Martin makes a final decision to refuse the request for a practical refusal reason, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

Reasons for intention to refuse your request

Under section 24AA(1)(b) of the FOI Act, a practical refusal reason exists where an FOI request does not satisfy the requirements of section 15(2)(b) of the FOI Act. Relevantly, section 15(2)(b) states that a request must 'provide such information concerning the document as is reasonably necessary to enable a responsible officer of the agency to identify it'.

From the way your request is currently framed, it is unclear whether you are seeking access to documents about:

- the number of staff employed by the Department of the Prime Minister and Cabinet from 1992-2012, or
- number of personal staff employed in the Prime Minister's Office under the *Members of Parliament (Staff) Act 1984* (Cth) (MoP(S) Act) from 1992-2012.

Mr Martin considers your request in its current form does not provide such information concerning the documents as is reasonably necessary to enable a responsible officer of the Department to identify the documents.

Request consultation process

You now have an opportunity to revise your request to enable it to proceed. Revising your request may mean explaining in more detail the documents to which you seek access. In providing guidance on removing the practical refusal reason, Mr Martin suggests that you clarify whether you are seeking access to:

- the number of staff employed by the Department of the Prime Minister and Cabinet from 1992-2012; or
- the number of personal staff employed in the Prime Minister's Office under the *Members of Parliament (Staff) Act 1984* (Cth) from 1992-2012.

Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request;
- make a revised request; or
- tell us that you do not wish to revise your request.

If you were to revise your request in a way that adequately addresses the practical refusal grounds outlined above, we would recommence processing it. Please note that the time taken to consult with you regarding the scope of your request is not taken into account for the purposes of the initial 30-day time limit for processing your request.

If you do not do one of the three things listed above during the consultation period or you do not consult with me during this period, your request will be taken to have been withdrawn.

Alternative access

If you are seeking access to documents about the number of staff employed by the Department of the Prime Minister and Cabinet, these statistics are published annually in the Department's Annual Report. Annual Reports dating back to the 1997-1998 financial year are published online on the Department's website and can viewed at the following link: http://www.dpmc.gov.au/annual_reports/index.cfm.

If you are seeking access to documents about the number of personal staff employed in the Prime Minister's Office under the MoP(S) Act, the Department would not expect to hold this statistical information. The Department of Finance and Deregulation (Finance) manages the employment of staff under the MoP(S) Act and we consider that this type of information would likely be held by Finance. If you seek access to the number of personal staff in the Prime Minister's Office, you may wish to withdraw your request with the Department and submit a new Freedom of Information request to Finance at foi@finance.gov.au.

Contact us

Should you wish to discuss any aspect of your request, please contact me by telephone on (02) 6271 5849 or by email to foi@pmc.gov.au.

Yours sincerely



FOI Adviser
Legal Policy Branch

5 July 2013