



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/2017-137

FREEDOM OF INFORMATION ACT 1982

REQUEST BY: Mr M Poole (the applicant)

DECISION BY: Mr Peter Rush
Assistant Secretary
Parliamentary and Government Branch

FOI request : Revised decision under section 55G

In an email dated 15 August 2017 to the Department of the Prime Minister and Cabinet ('the Department'), the applicant made a request under the *Freedom of Information Act 1982* (FOI Act), in the following terms:

'I seek access to correspondence between the Secretary of the Department of Prime Minister and Cabinet, Dr Martin Parkinson, and the Australian Public Service Commission, Mr John Lloyd, between the period of 3 December 2015 to the date of this application, that in any way concerns:

- the Government's Workplace Bargaining Policy for the Commonwealth Public Service;*
- the public interest in, or the public disclosure of, the remuneration of SES officers or other highly paid officers in the Commonwealth public service;*
- the remuneration of SES officers;*
- Mr Lloyd's relationship to any think tanks, lobby groups, employer organisations or political parties;*
- any aspect of the Public Service Act 1999, including, but not limited to, the interpretation or application of the APS Values/APS Code of Conduct;*
- any aspect of the Freedom of Information Act 1992 or the Public Interest Disclosure Act 2013.'*

On 14 October 2017, the applicant agreed to vary his request to read as follows:

'email correspondence only (ie. emails and any attachments to those emails). Additionally, I am willing for the Department to discard all but the last email in email chains/threads (but only on the basis that the preceding emails in those email chains will be included in the last email of those email chains).'

On 18 December 2017, I provided the applicant with a decision in which I exempted some of the material in the relevant documents under sections 47C, 47E(d) and 47F. The applicant sought a review of that decision by the Australian Information Commissioner (the Information Commissioner). On 13 July 2018, after provision of the Department's initial submissions, the Office of the Australian Information Commissioner advised that the applicant wished to continue with his request for a review. On 16 August 2018, the Department provided its final submissions on the matter to the Information Commissioner, in which we also undertook to make a revised decision under section 55G of the FOI Act.

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.

Matters Taken Into Account

In making my decision in this matter I have had regard to the following:

- the terms of the applicant's original request;
- the content of the documents the applicant has requested;
- the provisions of the FOI Act; and
- Guidelines issued by the Australian Information Commissioner under s93A of the FOI Act.
- advice from the Department's FOI Adviser.

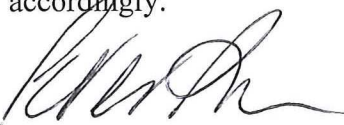
Decision

In response to the applicant's request for a review of my original decision of 18 December 2017, I have decided to release to the applicant the following additional material contained in document 13:

- the five references to 'Australia Post' in the email from the Australian Public Service Commissioner, dated 4 May 2017; and
- the first two paragraphs of the letter from the Acting Australian Public Service Commissioner to the Managing Director and CEO of Australia Post, dated 28 April 2017.

A redacted document 13, with the above additional material disclosed, is attached.

The Department maintains its position in relation to all other exemptions claimed in my original decision of 18 December 2017. We have advised the Information Commissioner accordingly.



Peter Rush
Assistant Secretary
Parliamentary and Government Branch
19 September 2018