



**Australian Government**  
**Australian Public Service Commission**

Fliccy

By email: Fliccy [foi+request-4192-53e33be4@righttoknow.org.au](mailto:foi+request-4192-53e33be4@righttoknow.org.au)

Our reference: C17/2088

Dear Fliccy,

### **Freedom of Information Request**

I write in response to your email request dated 2 November 2017, seeking access to documents held by the Australian Public Service Commission (the Commission) under the *Freedom of Information Act 1982* (FOI Act).

You have requested access to the following:

*'...I request access to all documents held by the APSC that relate to the APSC produced document for the IPA.*

*To narrow the scope of my request I am willing for it to relate only to email documents (ie. emails and any attachments to those emails) and I am willing for the APSC to disregard 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). I am also willing for the APSC to disregard any documents within the scope of my request that have already been made available here:*

*<https://www.righttoknow.org.au/request/3471/response/9986/attach/4/Documents%20C17%201026.pdf...>*

### **Interpretation of scope**

You have requested documents that “relate to the APSC produced document for the IPA”. In doing so you have referred to documents previously disclosed in response to an earlier FOI request. Those documents are contained in the following PDF document:

<https://www.righttoknow.org.au/request/3471/response/9986/attach/4/Documents%20C17%201026.pdf>.

The document attached to the Commissioner’s email message of 13 April 2015 is not a document which was “produced or created nor prepared for the IPA”. The document attached to the Commissioner’s email was prepared by the Commission’s Workplace Relations Group, in response to an earlier request by the Commissioner, to assist the Commissioner in writing an article. The Commissioner’s email message of 13 April 2015 simply provided the IPA with a copy of a pre-existing document. The document was not “prepared for the IPA”.

## My Decision

I am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests. This letter sets out the reasons for my decision on your FOI request.

The relevant line areas of the Commission have undertaken searches of both physical and electronic records and have found no documents exist which fall within the scope of your request.

Sections 24A(1)(a) and 24A(1)(b) of the FOI Act provide that an agency may refuse a request for access to a document if the agency is satisfied that all reasonable steps have been taken to find the document and the agency is satisfied that the document does not exist.

I have decided to refuse your request for access under section 24A of the FOI Act.

## REASONS FOR DECISION

### Material taken into account

In making my decision, I have had regard to the following:

- the terms of your request;
- searches and advice from the relevant business areas in the Commission;
- the relevant provisions of the FOI Act, and
- guidelines published by the Office of the Australian Information Commissioner (OAIC) (FOI Guidelines).

My decision is made on the basis that all reasonable steps have been taken to locate any documents which you have requested and no documents have been located. Accordingly, my decision is that no records exist in response to your request.

## Review rights

If you are dissatisfied with this decision, you are entitled to seek a review. Your rights are set out at **Attachment A** to this letter.

## Legislation

A copy of the FOI Act is available from <https://www.legislation.gov.au/Details/C2018C00016>  
If you are unable to access the legislation from this webpage, please contact our office.

## Contacts

If you require clarification of any of the matters discussed in this decision you should contact the Commission's FOI Officer by email at [foi@apsc.gov.au](mailto:foi@apsc.gov.au).



Marco Spaccavento  
Group Manager, Workplace Relations

7 June 2018

## Enclosures:

Attachment A – Rights of Review

## Rights of Review

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

If you are dissatisfied with this decision, you may seek a review. Before you ask for a formal review of an FOI decision, you may contact us to discuss your request. We will explain the decision to you. This gives you a chance to correct any misunderstandings.

### Asking for a formal review of a Freedom of Information decision

If you still believe a decision is incorrect, the *Freedom of Information Act 1982* (FOI Act) gives 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 Officer in the Commission, and/or
2. a review by the Australian Information Commissioner.

**Note 1:** There are no fees for these reviews.

### Applying for an internal 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
- made within 30 days of receiving this letter to;

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

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

**Note 2:** 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 decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision.

If you do not receive a decision from an Internal Review Officer in the Commission within 30 days of applying, you can ask the Australian Information Commissioner for a review of the original FOI decision.

You will have 60 days to apply in writing for a review by the Australian Information Commissioner from the date in which you received the 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)

**Note 3:** The Office of the Australian Information Commissioner generally prefers FOI applicants to seek internal review before applying for external review by the Australian Information Commissioner.

**Important:**

- If you are applying online, the application form the 'Merits Review Form' is available at [www.oaic.gov.au](http://www.oaic.gov.au)
- If you have one, you should include with your application a copy of the Commission's decision on your FOI request
- Include your contact details
- Set out your reasons for objecting to the Commission's 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 also 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)

The Commonwealth Ombudsman generally prefers applicants to seek review before complaining about a decision.