

From: FOI
 To: SPACCAVENTO.xxxxx
 Cc: s. 22 PAGE.Clare; FOI
 Subject: FW: FOI and Meeting with Jenet Wed 30 May - (FOI C18/1032) - document searches - Fliccy via Right to Know - Apps, Text messages and other media [DLM=For-Official-Use-Only]
 Date: Tuesday, 29 May 2018 3:52:42 PM

For Official Use Only

Hi xxxxx,

Last Wednesday, the Commission received a new FOI request (detailed below). I have been discussing this request with Donna Tait to establish how much of our IT resources would be required to conduct searches.

Donna has confirmed that this request also falls within your group’s responsibilities.

s. 47C
 [Redacted]
 [Redacted]
 [Redacted]
 [Redacted]

I am currently seeking advice from Donna as to whether such searches would result in the request being too voluminous and a diversion of the Commission’s recourses.

If you wish to discuss the request in further detail, please do not hesitate to contact either myself on s. 22 or s. 22 .

Kind regards

s. 22

s. 22 | **FOI Coordinator**
Legal Services

Australian Public Service Commission

Level 4, B Block, Treasury Building
Parkes Place West, Parkes ACT 2600

P: s. 22 | **E:** s. 22

s. 22

Important: This e-mail is for the use of the intended recipients only and may contain information that is confidential, commercially valuable and/or subject to legal privilege. If you are not the intended recipient you are notified that any review, re-transmission, disclosure, dissemination or other use of, or taking any action in reliance upon this

information is prohibited. If you have received this e-mail in error, please notify the sender immediately and delete all electronic and hard copies of this transmission together with any attachments.

From: FOI
Sent: Tuesday, 29 May 2018 11:11 AM
To: s. 22
Cc: PAGE, Clare <xxxxx.xxxx@xxxx.xxx.xx>; FOI <xxx@xxxx.xxx.xx>
Subject: FOI and Meeting with Jenet Wed 30 May - (FOI C18/1032) - document searches - Fliccy via Right to Know - Apps, Text messages and other media [DLM=For-Official-Use-Only]

For Official Use Only

FOI Reference C18/1032

Good morning Donna,

On 23 May 2018, the Commission received a new FOI request via the Right to Know website, seeking access to :

'...APSC produced document for the IPA. Those documents include, but are not limited to, instant messages (lync, whatsapp or other), text messages, voice mail messages, emails, meeting agendas, meeting minutes, meeting notes, marked-up edits and comments (with authors/editors identified), memos, post it notes and audit details of active events against relevant documents held in workflow/HPRM /TRIM (demonstrating which APSC staff members accessed, created and modified relevant documents and the changes they may have made and when) that in any way relate to the APSC produced document for the IPA (whether it be the genesis and preparation of that document, its use, its audience, its recipients (including all third party recipients), its contents, decisions made in respect of the document, its distribution or otherwise.

Noting those documents will tend to demonstrate illegal activities engaged in by APSC staff and the Public Service Commissioner, there's a wide public interest in their production.'

s. 47C [Redacted]

[Redacted]

s. 47C
[Redacted]

[Redacted]

s. 47C
[Redacted]

[Redacted]

[Redacted]

Could you please give me a quick call to discuss at your earliest convenience.

Please call myself or s. 22 [Redacted] if you have any questions.

Thank you,

Kind regards

s. 22 [Redacted]

s. 22 [Redacted] | **FOI Coordinator**
Legal Services

Australian Public Service Commission

Level 4, B Block, Treasury Building
Parkes Place West, Parkes ACT 2600

P: s. 22 [Redacted] | **E:** s. 22 [Redacted]

s. 22 [Redacted]

Important: This e-mail is for the use of the intended recipients only and may contain information that is confidential, commercially valuable and/or subject to legal privilege. If you are not the intended recipient you are notified that any review, re-transmission,

From: FOI
To: SPACCAVENTO.xxxxx
Subject: FOI Request - decision maker FOI Ref: C17/2088 - Fliccy S. [SEC=UNCLASSIFIED]
Date: Thursday, 10 May 2018 3:23:04 PM
s. 22

UNCLASSIFIED

Hi xxxxx,

You may recall some time ago that s. 22 issued an email calling for documents from the various Groups for documents relating to 'soft or generous EA agreements'. The FOI request was received via a Pseudonym 'Fliccy' through the Right to Know website.

A decision is due on this matter by 6 June 2018.

s. 47C
[Redacted]

s. 47C
[Redacted]

s. 47C
[Redacted]

Kind regards

s. 22

s. 22 | **FOI Coordinator**
Legal Services

Australian Public Service Commission
Level 4, B Block, Treasury Building
Parkes Place West, Parkes ACT 2600

P: s. 22 | **E:** s. 22

s. 22

Important: This e-mail is for the use of the intended recipients only and may contain information that is confidential, commercially valuable and/or subject to legal privilege. If you are not the intended recipient you are notified that any review, re-transmission, disclosure, dissemination or other use of, or taking any action in reliance upon this information is prohibited. If you have received this e-mail in error, please notify the sender immediately and delete all electronic and hard copies of this transmission together with any attachments.

Subject: Re: Seeking Clarification on duplicate/draft documents - FOI request (C17/2088)
[SEC=UNCLASSIFIED]

Dear FOI,

My request, made seven months ago, was for “all documents held by the APSC that relate to the APSC produced document for the IPA.”

That includes not only all duplicates and drafts, but file notes, instant messages (lync, whatsapp or other), text messages, voice mail messages, emails, meeting agendas, meeting minutes, meeting notes, marked-up edits and comments (with authors/editors identified), memos, post it notes and audit details of active events against relevant documents held in workflow/HPRM /TRIM (demonstrating which APSC staff members accessed, created and modified relevant documents and the changes they may have made and when) that in any way relate to the APSC produced document for the IPA (whether it be the genesis and preparation of that document, its use, its audience, its recipients (including all third party recipients), its contents, decisions made in respect of the document, its distribution or otherwise).

I do not agree to any reduction in scope of the documents the subject of my request.

The APSC’s General Counsel, in recognition of the public interest in these matters, has entered into a binding agreement on behalf of the APSC to waive any charges in relation to my request.

To process my request in accordance with the requirements of the FOI Act and the Public Service Act 1999, the APSC will need to conduct detailed and thorough searches of the APSC’s document management systems but also the document holdings of every APSC staff member, current and former, who had any involvement, even if only peripherally, in relation to the APSC produced document for the IPA. Relevant documents will be held by IPA affiliated APSC staff who were deeply involved in the matter (J Lloyd, M xxxxxxxxxxx, C Page, C Kelly) but the APSC will also need to conduct thorough searches of the archived document holdings (maintained in accordance with the requirements of the Archives Act 1983) of APSC staff who had some involvement with the document but that have since left the APSC (eg. L Poole, S Foster).

I reject Ms xxxxxxxxxxx’s spurious claim that releasing the names of the APSC staff members involved in this matter would be unreasonable including because that would expose those staff members to “public scrutiny”. That claim has been made for an improper purpose and runs contra not only to the requirements of subsections 10(4) and 13(1) of the Public Service Act 1999 but also the objects of the FOI Act, including Parliament’s intention expressed at paragraph 3(2)(b) of the FOI Act.

I require the names of each APSC officer involved with this matter including for the purposes of the Public Service Act 1999, the Public Governance, Performance and Accountability Act 2013, the Criminal Code Act 1995, the Public Interest Disclosure Act 2013 and the Legal Profession (Solicitors) Conduct Rules 2015. If APSC staff involved in this matter have complied with their legal and ethical obligations, they have nothing to fear.

Resolution of these matters is of wide public interest, not least because resolution will offer invaluable guidance to all APS staff as to what constitutes allowable conduct in respect of their

relationships with, and the provision of information and services to, political lobby groups (while at work or otherwise). Resolution of these matters will also provide public servants with invaluable advice as to the extent of their obligations to behave in an apolitical and impartial manner. Clearly, the APSC is not in a position to adjudicate or otherwise resolve these matters in an apolitical, independent and objective manner.

-----Original Message-----

UNCLASSIFIED

FOI Reference C17/2088

Good afternoon Fliccy

I refer to your FOI request as detailed below.

The statutory timeframe for you to receive your decision falls due on 6 June 2018.

The decision maker is currently assessing the documents relevant to your request and has determined that there are a number of duplicate documents.

As such, are you agreeable for duplicates to be removed from the scope of the request?

In addition there are a number of draft versions of the documents titled Examples of 'soft' arrangements in Commonwealth Enterprise agreements. To limit the number of pages and number of documents you receive, are you agreeable to being provided with the final version of those documents, or do you require all draft versions of those documents?

Could you please respond by COB Wed 23 May 2018. In the event that we do not receive your response by this time, we will assume that you are agreeable to removing duplicates and draft versions.

Kind regards

FOI Coordinator

Legal Services

Australian Public Service Commission

Level 4, B Block, Treasury Building

Parkes Place West, Parkes ACT 2600

E: [email address]

Important: This e-mail is for the use of the intended recipients only and may contain information that is confidential, commercially valuable and/or subject to legal privilege. If you are not the intended recipient you are notified that any review, re-transmission,

disclosure, dissemination or other use of, or taking any action in reliance upon this information is prohibited. If you have received this e-mail in error, please notify the sender immediately and delete all electronic and hard copies of this transmission together with any attachments.

Please use this email address for all replies to this request:
XXXXXXXXXXXXXXXXXXXXXXXXXXXX@XXXXXXXXXX.XXX.XX

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:
<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

From: [CONNELL, Jenet](#)
To: [PAGE, Clare](#); [s. 22](#); [CROSTHWAITE, Kerren](#); [SPACCAVENTO, xxxxx](#)
Subject: RE: FOI Executive Alert - New FOI request - Fliccy via Right to Know C18/1032 - No action required [DLM=Sensitive]
Date: Thursday, 24 May 2018 5:45:33 PM
Importance: High

s. 47C

Team,

s. 47

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Jenet Connell | Deputy Commissioner
s. 22 B-Block Treasury Building

EXT: s. 22 | M: s. 22

From: FOI
Sent: Thursday, 24 May 2018 5:41 PM
To: LLOYD, John <xxxx.xxxxx@xxx.xx>; CONNELL, Jenet <xxxx.xxxxxx@xxx.xx>; VINE-CAMP, Kerry <xxxx.xxxxxxx@xxx.xx>
Cc: PAGE, Clare <xxxx.xxxx@xxx.xx>; s. 22
CROSTHWAITE, Kerren <xxxx.xxxxxxxxx@xxx.xx>
Subject: RE: FOI Executive Alert - New FOI request - Fliccy via Right to Know C18/1032 - No action required [DLM=For-Official-Use-Only]

For Official Use Only

FOI Reference: C18/1032

Alert of FOI request – No action required

Request received from ‘Fliccy’ via Right to Know webpage

Good afternoon,

On Wednesday 23rd May 2018, the Commission received an FOI request from ‘Fliccy’, via the Right to Know webpage, for access to documents relating to:

Scope of request

‘I’d like to make an FOI request for access to all documents held by the APSC that relate to

the APSC produced document for the IPA. Those documents include, but are not limited to, instant messages (lync, whatsapp or other), text messages, voice mail messages, emails, meeting agendas, meeting minutes, meeting notes, marked-up edits and comments (with authors/editors identified), memos, post it notes and audit details of active events against relevant documents held in workflow/HPRM /TRIM (demonstrating which APSC staff members accessed, created and modified relevant documents and the changes they may have made and when) that in any way relate to the APSC produced document for the IPA (whether it be the genesis and preparation of that document, its use, its audience, its recipients (including all third party recipients), its contents, decisions made in respect of the document, its distribution or otherwise.

Noting those documents will tend to demonstrate illegal activities engaged in by APSC staff and the Public Service Commissioner, there's a wide public interest in their production.'

Timeframes

The statutory timeframe for the Commission to provide a decision to the applicant will fall on **21 June 2018**, subject to any extensions or other timeframes which may extend the processing under the FOI Act.

If you have any questions about this request or the FOI process, please do not hesitate to contact me.

Regards

Karen Tulloch | **FOI Coordinator**
 Legal Services

Australian Public Service Commission
 Level 4, B Block, Treasury Building
 Parkes Place West, Parkes ACT 2600

P: s. 22 | E: s. 22

s. 22

Important: This e-mail is for the use of the intended recipients only and may contain information that is confidential, commercially valuable and/or subject to legal privilege. If you are not the intended recipient you are notified that any review, re-transmission, disclosure, dissemination or other use of, or taking any action in reliance upon this information is prohibited. If you have received this e-mail in error, please notify the sender immediately and delete all electronic and hard copies of this transmission together with any attachments.

From: FOI
To: SPACCAVENTO,xxxxx
Cc: CROSTHWAITE,Kerren: FOI
Subject: RE: FOI Request - decision maker FOI Ref: C17/2088 - Flicc;s. [SEC=UNCLASSIFIED]
Date: Tuesday, 29 May 2018 11:32:42 AM
s. 22 s. 22

UNCLASSIFIED

Hi xxxxx

s. 47C [Redacted]

[Redacted]

In summary the applicant seeks 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>
...'

s. 47C [Redacted]

s. 47C [Redacted] The decision must be finalised before 6 June. [Redacted] s. [Redacted]

If you have any questions, please do not hesitate to contact either myself or s. 22 [Redacted]

Kind regards
s. 22 [Redacted]

s. 22 [Redacted] | FOI Coordinator
Legal Services

Australian Public Service Commission
Level 4, B Block, Treasury Building
Parkes Place West, Parkes ACT 2600

P:s. 22 [Redacted] | E:s. 22 [Redacted]

s. 22 [Redacted]

Important: This e-mail is for the use of the intended recipients only and may contain information that is confidential, commercially valuable and/or subject to legal privilege. If you are not the intended recipient you are notified that any review, re-transmission, disclosure, dissemination or other use of, or taking any action in reliance upon this information is prohibited. If you have received this e-mail in error, please notify the sender immediately and delete all electronic and hard

copies of this transmission together with any attachments.

From: SPACCAVENTO,xxxxx
Sent: Monday, 14 May 2018 10:17 AM
To: FOI <xxx@xxxx.xxx.xx>
Cc: S. 22 [REDACTED]
Subject: RE: FOI Request - decision maker FOI Ref: C17/2088 - Fliccy S. [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi S. [REDACTED]

Thanks. I would appreciate the opportunity to discuss.

I'll ask S. 22 to set up a time with you.

Thanks
xxxxx

From: FOI
Sent: Thursday, 10 May 2018 3:23 PM
To: SPACCAVENTO,xxxxx <xxxxx.xxxxxxxxxxxxx@xxxx.xxx.xx >
Subject: FOI Request - decision maker FOI Ref: C17/2088 - Fliccy S. [REDACTED] [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi xxxxx,

You may recall some time ago that S. 22 [REDACTED] issued an email calling for documents from the various Groups for documents relating to 'soft or generous EA agreements'. The FOI request was received via a Pseudonym 'Fliccy' through the Right to Know website.

A decision is due on this matter by 6 June 2018.

S. 47C [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Kind regards
S. [REDACTED]

S. 22 [REDACTED] | **FOI Coordinator**
Legal Services

Australian Public Service Commission
Level 4, B Block, Treasury Building
Parkes Place West, Parkes ACT 2600

P: S. 22 [REDACTED] | **E:** S. 22 [REDACTED]

S. 22 [REDACTED]

Important: This e-mail is for the use of the intended recipients only and may contain information that is confidential, commercially valuable and/or subject to legal privilege. If you are not the intended recipient you are notified that any review, re-transmission, disclosure, dissemination or other use of, or taking any action in reliance upon this information is prohibited. If you have received this e-mail in error, please notify the sender

immediately and delete all electronic and hard copies of this transmission together with any attachments.