



Australian Government

Australian Public Service Commission

Fliccy

By email: foi+request-4192-53e33be4@righttoknow.org.au

Our reference: SHC19-2421

Dear Fliccy

Freedom of Information request

1. I am writing in relation to your email message of 28 July 2019 in which you requested access under the *Freedom of Information Act 1982* (FOI Act) to documents held by the Australian Public Service Commission (the Commission).
2. The FOI Act is publicly available from www.legislation.gov.au.

The 'Examples Document'

3. Your request refers to a document produced "for the IPA". As noted in previous correspondence to you, no such document exists because the Commission did not produce the relevant document "for the IPA".
4. I have assumed that the document you refer to is the document at pages 16 to 28 of the following PDF file published on the Right to Know website:
 - <https://www.righttoknow.org.au/request/3471/response/9986/attach/4/Documents%20C17%201026.pdf>
5. The title of the document is "*Examples of 'Soft' Arrangements in Commonwealth Enterprise Agreements*" (the 'Examples document').

Documents relevant to your request

6. You have requested copies of any document in which copyright in the Examples Document was licensed to certain third parties.
7. I have asked the relevant area of the Commission to provide copies of any copyright licence relating to the Examples Document.
8. No such documents were identified.

Decision on your FOI request

9. I am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests.

10. Subsection 24A(1) of the FOI Act provides 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.

11. I am satisfied that all reasonable steps have been taken to find any document within the scope of your request. No such documents were found. I have therefore decided to refuse your request for access under section 24A of the FOI Act.

Contacts

12. If you require clarification of any of the matters in this letter you may contact the Commission's FOI co-ordinator by telephone on (02) 6202 3500 or by email at foi@apsc.gov.au.

Review rights

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

Yours sincerely

A handwritten signature in black ink, appearing to be 'S Grady', with a horizontal line extending to the right.

Sayuri Grady
Authorised FOI decision maker
13 August 2019

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 an 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* (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 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

Post: The FOI Coordinator
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 (OAIC) from the date you received this letter or any subsequent internal review decision.

You can **lodge your application**:

Online: www.oaic.gov.au

Post: Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

Email: 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

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