



Australian Government
Australian Public Service Commission

To: JH

By email: JH <foi+request-4726-21ec0b8a@righttoknow.org.au>

Our reference: C18/1369

Dear JH (FOI Applicant)

Freedom of information request

I write in response to your email request dated 3 August 2018, 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 understand Australian taxpayers footed the bill for a farewell party for John Lloyd held on 19 July 2018.

Under the FOI Act, I seek copies of documents which set out the costs of venue and equipment hire as well as catering costs (food and all drinks) for that event'.

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.

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. The reasons for my decision are outlined below.

Reasons for decision - Material taken into account

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

- the terms of your request;
- searches, advice and evidence of searches carried out, from the relevant business areas in the Commission;
- information relating to the 'APSwide' National conference series';
- 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 identified. Accordingly, my decision is that no records exist in response to your request.

Searches

Upon receiving your request, I consulted with relevant business areas and colleagues within the Commission and asked that a number of searches be conducted. Searches were carried out of the former Australian Public Service Commissioner, Mr John Lloyd's electronic diary and the Commission's electronic record keeping system, TRIM.

An officer searched TRIM for records using the search terms, 'farewell', 'function', and 'party', for the period covering July 2018, to determine if the Commission holds any documents relevant to your request. No records were identified.

I further discussed this request with Commission colleagues to clarify whether there were any other events not listed in Mr Lloyd's electronic diary, which he may have attended. Relevant officers undertook searches and provided me with evidence concluding that there are no documents falling within the scope of your request. That is, no documents exist which *'set out the costs of venue and equipment hire as well as catering costs (food and all drinks) for [a farewell party for John Lloyd held on 19 July 2018]*, because no farewell party was held.

I note that searches did confirm that two events were recorded in Mr Lloyd's electronic diary on 19 July 2018, which Mr Lloyd did attend. These events were not farewell functions. Further information relevant to those events, is detailed below.

APSwide Conference Series

As described above, business areas were asked to conduct further searches to determine what events if any, were held in Melbourne on 19 July 2018, that Mr Lloyd may have attended. Advice received was that Mr Lloyd attended an 'APSwide National conference series' event in Melbourne on 19 July 2018, and delivered the opening address. This event is one of several in a conference series put on by the Commission, which the Commissioner attends.

To be clear, this conference was not a 'farewell party' as indicated in your FOI request. Planning for this conference series commenced in November 2017, with Conference registrations opening on 21 May 2018, before Mr Lloyd announced his resignation on 4 June 2018.

Further information about this event is available online at:

- <https://www.events.apsc.gov.au/apswide-national-conference-series-2018---melbourne/apswide-mel>
- <https://www.apsc.gov.au/apswide-2018-conference-series>
- https://twitter.com/APS_Commission/status/1019726059103809537
- <https://www.events.apsc.gov.au/QuickEventWebsitePortal/apswide-national-conference-series-2018---melbourne/apswide-mel>.

SES Connect event

Mr Lloyd attended another event on 19th July 2018 in Melbourne, however this event was not a 'farewell party', rather a Senior Executive Service (SES) Connect event which commenced at 12:30pm and concluded at 1:15pm.

This SES Connect initiative is designed to provide an opportunity to connect with fellow Melbourne-based SES colleagues in an informal setting. Based on previous feedback this SES Connect event was held over the lunch break for the [Melbourne APSwide conference](#). APSwide is the only conference series organised by the APS for the APS and employees at all levels are encouraged to attend. During the conference, Secretaries and other senior APS representatives shared their insights and invited questions about key issues that are currently affecting the APS.

Further information on this SES Connect event is available online at:

<https://www.events.apsc.gov.au/ses-connect-melbourne/ses-connect-melbourne/Site/Register>

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.

Yours sincerely



Kerren Crosthwaite
Group Manager
Employment Policy

20 August 2018

Enclosures

Attachment A – 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 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
- made 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

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

Post: Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001
Email: 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
- 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

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

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