



Australian Government
Australian Public Service Commission

EE

By email: EE foi+request-5128-5947801f@righttoknow.org.au

Our reference: C18/2234

Dear EE

Freedom of Information Request

I am writing in response to your request for access to documents held by the Australian Public Service Commission (the Commission), made under the *Freedom of Information Act 1982* (FOI Act). Your request was received by the Commission on 28 November 2018. The terms of your request were as follows:

‘When the Merit Protection Commissioner found that John Lloyd breached the APS Code it confirmed what most of us in the APSC already knew – that John Lloyd is corrupt.

As soon John’s corrupt conduct came to light in Senate Estimates last year, there were communications between John and his friend, Senator Eric Abetz. Indeed, Eric Abetz and his office had a role in preparing John’s submissions to the MPC’s inquiry into John’s corruption, attacking the character of the person conducting the investigation (John Macmillan) and then attacking MPC for daring to find what everyone already knew, that John Lloyd is corrupt.

Noting that these actions point towards further corrupt activity engaged in by Lloyd and possibly Abetz, and the growing public interest in increasing levels of corruption in the APS, under the FOI Act, I seek copies of any emails contained in all of John’s outlook items that fall between the inclusive date range of 23 October 2017 (when Lloyd’s corruption was raised in the Senate) and 8 August 2018 (when Lloyd quit) and that contain (in the body of an email and/or in the addressee field of an email) any of the following words/terms:

- “*abetz.com.au*”
- “*Manuatu*”
- “*senator.abetz@aph.gov.au*”

I’m happy for the APSC to redact the personal information of any person other than John Lloyd from emails’.

Decision

I am an authorised decision maker under section 23 of the FOI Act. This letter sets out my decision and reasons for the decision in relation to your request.

Following searches, I have identified two documents relevant to the scope of your request, to which access is granted in full. A copy of the documents are enclosed with this correspondence.

Section 22 – Deletion of irrelevant material

Section 22 of the FOI Act provides that an agency may edit copies of exempt or irrelevant matter within the documents. I have decided that the name of an officer detailed within one of the documents, who is not a Senior Executive Service (SES) Officer, is material which is considered irrelevant to the scope of your request as outlined in section 22(1)(a)(ii) of the FOI Act.

Third party consultation

As noted above, your request was received by the Commission on 28 November 2018. The statutory period for the processing of FOI requests is 30 days from the date of receipt, meaning your decision initially fell due on 28 December 2018.

On 6 December 2018, the Commission informed you that consultation with persons concerned with the documents to which you sought access, was required as outlined in section 27 of the FOI Act. Accordingly, an extension applies to the timeframe for the processing of your request, with your request falling due on 27 January 2019. I confirm that third party consultations have been finalised.

Legislation

A copy of the FOI Act is available at: <https://www.legislation.gov.au/Details/C2018C00310>
If you are unable to access the legislation through this website, please contact our office for a copy.

Review rights

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

Contacts

If you require clarification of any of the matters discussed in this decision, you may contact the Commission's FOI coordinator by email at foi@apsc.gov.au.

Yours sincerely



Michelle Black
Authorised FOI decision maker

21 December 2018

Enclosures

Attachment A – Rights of Review
Attachment B – Documents as released.

REVIEW RIGHTS

If you are dissatisfied with this decision, you have certain rights of review available to you.

Internal Review

Section 54 of the *Freedom of Information Act 1982* (FOI Act) gives you a right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of this decision you must apply for the review, in writing, by whichever date is the later between:

- 30 days of you receiving this notice; or
- 15 days of you receiving the documents to which you have been granted access.

No particular form is required for an application for internal review, but to assist the decision-maker you should clearly outline the grounds upon which you consider the decision should be reviewed.

Applications for internal review can be lodged in one of the following ways:

Email: foi@apsc.gov.au

Post: FOI Coordinator
 Australian Public Service Commission
 B Block, Treasury Building
 Parkes Place West
 PARKES ACT 2600

If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commission for review of the internal review decision if required.

Review by the Office of the Australian Information Commissioner

Section 54L of the FOI Act gives you a right to apply directly to the Australian Information Commissioner (the Information Commissioner) for review of certain decisions made under the FOI Act. If you wish to have the decision reviewed by the Information Commissioner you must apply for the review within 60 days of receiving this notice (decision).

The Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. More information is available on the Australian Information Commissioner's website www.oaic.gov.au.

To assist the Information Commissioner, your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision. You can also complain to the Information Commissioner about how an agency handled an FOI request, or about other actions the agency took under the FOI Act.

You can contact the Information Commissioner to request a review of a decision or lodge a complaint in one of the following ways:

Email: enquiries@oaic.gov.au

Post: GPO Box 2999
CANBERRA ACT 2601

***Please note:** On 13 May 2014, the Australian Government announced a decision to disband the Office of the Australian Information Commissioner (OAIC). However, the OAIC remains operational until further notice. Information on the OAIC public website advises that Information Commissioner Reviews will continue to be handled by the OAIC and FOI complaints will be referred to the Commonwealth Ombudsman. Please contact the OAIC on the details above if you require further information.

The Commonwealth Ombudsman

You can complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

The Ombudsman will consult with the Information Commissioner before investigating a complaint about the handling of an FOI request.

A complaint to the Commonwealth Ombudsman may be made orally or in writing. No particular form is required to make a complaint to the Ombudsman, but the request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the FOI request should be investigated. The Ombudsman may be contacted in one of the following ways:

Email: ombudsman@ombudsman.gov.au

Telephone: 1300 362 072 (local call charge)

Post: Commonwealth Ombudsman
GPO Box 442
CANBERRA ACT 2601