



Australian Government
Australian Public Service Commission

F Chen

By email: foi+request-5255-856afb7@righttoknow.org.au

Our reference: C19/397

Dear F Chen,

Freedom of Information request

1. I refer to your request dated 12 February 2019 seeking access to documents held by the Australian Public Service Commission (the Commission) under the *Freedom of Information Act 1982* (FOI Act).

2. You requested access to the following:

I seek access to any emails contained in all of John Lloyd's email account (including deleted items) that contain the following word (in the body of an email and/or in the addressee fields of an email): "Paterson".

3. In your request you excluded the following information from the scope of your request:

I'm happy for the personal information of any person to be redacted from relevant documents except for Mr Lloyd's and Mr Paterson's personal information and except for the personal information of any person who was a public servant at the relevant time.

4. Accordingly, I have determined that such material, where present, is irrelevant to your request and suitable for redaction under section 22 of the FOI Act, as discussed below.

Scope of your request

5. On 5 March 2019 you were advised, by email, that the original scope of your request captured a large number of documents, as a number of personnel across the Australian Public Service bear 'Paterson' as part of their name.

6. On 7 March 2019, following consultation with you, agreement was reached to narrow the scope of your request to the following documents:

Email documents in all of John Lloyd's email account that contain the terms/words: "James Paterson", "jpaterson" and/or "senator.paterson".

Also, I am happy for any: attachments to applicable emails, duplicate documents, and any relevant results that clearly involve someone other than Liberal Party/IPA member/Senator, James Paterson, to be excluded from the scope of my request.

Consultation pursuant to section 27A of the FOI Act

7. Your request sought access to documents found to contain the personal information of persons other than you. On 15 March 2019 the Commission notified you that consultation with relevant third parties would occur in accordance with section 27A of the FOI Act.
8. I confirm that the consultation process is now complete. In the making of my decision I have taken submissions made by all parties, including those provided by you in the making of your request into account while formulating my own view on disclosure.

My decision

9. I am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests.
10. Having caused searches to be undertaken, I have determined that the Commission holds 2 documents within the scope of your request.
11. I have decided to grant access in full to both documents.
12. Pursuant to section 22 of the FOI Act, an edited version of the documents, with the exempt material deleted has been prepared in response to your request.

Section 22 – Material irrelevant to the request

13. Section 22 of the FOI Act provides that an agency may edit copies of a request document to remove matter with the documents that is irrelevant to the scope of a request.
14. In your FOI request, you specify the following exclusions:
 - the personal information of any person to be redacted from relevant documents except for Mr Lloyd's and Mr Paterson's personal information and except for the personal information of any person who was a public servant at the relevant time;
 - attachments to applicable emails; and
 - duplicate documents.
15. In accordance with your request and as noted above, irrelevant material has been removed from the documents. I have included annotations in the edited copy of the documents indicating the relevant exemption where claimed.

Review rights

16. 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.

Publication

17. The Commission must publish information relating to material that has been released in response to each FOI access request. This publication is known as a 'disclosure log'.
18. The disclosure log requirement does not apply to personal information about any person if it would be unreasonable to publish the information or to information about the business, commercial,

financial or professional affairs of any person if publication of that information would be unreasonable.

19. The Commission is not required to consult you on any decision to publish information that is released to you and the decision to publish information is not subject to review internally by the Commission or externally by the Australian Information Commissioner. Any person can however, make a complaint to the Australian Information Commissioner about how an agency handles an FOI request

Contacts

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

Yours sincerely



Michelle Black
Chief Information Officer
// April 2019

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 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. a 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

From: PAGE, Clare
Sent: Thursday, 24 May 2018 14:13
To: LLOYD, John
Cc: CONNELL, Jenet
Subject: Covering note tabled with MPC advice [SEC=UNCLASSIFIED]

UNCLASSIFIED

John

As discussed – the link below is to the letter tabled by the President of the Senate last night – attaching the A/MPC advice.

The document is the last document in the second table – additional information – with the topic title “Correspondence from Senator the Hon Scott Ryan, President of the Senate to Senator James Paterson, Chair, Finance and Public Administration Legislation Committee, dated 23 May 2018.”

Let me know if you have any trouble accessing, Clare

https://www.aph.gov.au/Parliamentary_Business/Senate_Estimates/fpa/2018-2019_Budget_estimates/pmc

From: s22
Sent: Friday, 27 May 2016 17:18
To: LLOYD,John
Subject: RE: More fan mail from you favourite union [SEC=UNCLASSIFIED]

Hi John
I'm not - but s22 and James Paterson will be!
kind regards ,s22 ,

s22

Institute of Public Affairs

s22

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From: LLOYD,John [mailto:John.Lloyd@apsc.gov.au]
Sent: Friday, 27 May 2016 5:10 PM
To: s22
Subject: FW: More fan mail from you favourite union [SEC=UNCLASSIFIED]

s22

The CPSU statement below refers to me as "an IPA pin-up boy."

I hope you are not too upset about possibly losing the mantle.

John Lloyd

From: PAGE,Clare <Clare.Page@apsc.gov.au>
Date: 27 May 2016 at 3:26:09 PM AEST
To: WILEY-SMITH,Mary <Mary.Wiley-Smith@apsc.gov.au>, FISHER,Karin <Karin.Fisher@apsc.gov.au>, PERKINS,Emma <Emma.Perkins@apsc.gov.au>, LLOYD,John <John.Lloyd@apsc.gov.au>
Cc: POOLE, Lucy <Lucy.Poole@apsc.gov.au>, SPACCAVENTO,Marco <Marco.Spaccavento@Apsc.gov.au>
Subject: FW: More fan mail from you favourite union

All

s22 has just sent this through.

I assume the CPSU have gone directly to s22 in response to the article this morning - although he is just as likely to have encouraged it.....

I'm at home this afternoon but on the air, Clare

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

From: s22

Sent: Friday, May 27, 2016 03:20 PM AUS Eastern Standard Time

To: PAGE, Clare

Subject: More fan mail from you favourite union

The CPSU says:

Just following up on this yarn. <http://www.canberratimes.com.au/national/public-service/public-servants-defence-force-warned-over-facebook-electioneering-20160526-gp4emf.html>

We've got a bit of a response on that APSC advice, which is significantly different to the guidance we've given our members. <http://www.cpsu.org.au/news/federal-election-2016-your-rights-and-responsibilities>

Any chance of getting a few lines added to your yarn, or a turn-around on it?

CPSU National Secretary Nadine Flood said: "This warning from the APSC is politically motivated over-reach. It's also breathtaking hypocrisy from John Lloyd, an IPA pin-up boy who's absolutely been a political player in pursuing the Turnbull Government's attacks on workplace rights, public services and the people who provide them."

"This over-the-top social media warning from the APSC simply highlights the fact that tens of thousands of APS workers are angry about their shabby treatment by the Turnbull Government, and are using their own evenings and weekends to participate in campaigning."

"The essential public services that our members in the APS provide are absolutely above politics, which is why these workers are so keen for the attacks on services, jobs and workplace rights over the past three years to end."

--

s22

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