



28 August 2020

FOI ref: 2742

Mr John Smith

By email: [foi+request-6458-a2862c7d@righttoknow.org.au](mailto:foi+request-6458-a2862c7d@righttoknow.org.au)

Dear Mr Smith

### **Freedom of Information Request – Decision**

I refer to your request to the Department of the Treasury (the **Treasury**) on 7 July 2020, for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following:

*A document that contains the total number of non-APS staff, filling equivalent roles to actual APS staff in your department.*

*Typically these employees are ostensibly employed through labour hire agencies, and fulfil functionally equivalent roles to their colleagues.*

*If no such document exists please advise.*

I am an authorised decision maker under section 23 of the FOI Act.

#### **Decision**

The Treasury holds no documents within the scope of your request.

I arranged for officers in my division to search Treasury records for material relevant to your request. I am satisfied that no such documents exist.

Section 17(1)(c) of the FOI Act provides that an agency can produce a written document containing the requested information, by the use of a computer or other equipment that is ordinarily available for retrieving or collating stored information. The Treasury does not store the information you have requested in a manner in which we are able to produce a computer generated document to fulfil this request under section 17 of the FOI Act.

I am, therefore, refusing your request under section 24A(1) of the FOI Act.

**Rights of Review**

A statement setting out your rights of review in this matter is attached.

Yours sincerely

A handwritten signature in blue ink that reads "cristy.England". The signature is written in a cursive, lowercase style.

Cristy England  
Division Head  
People and Organisational Strategy Division

## INFORMATION ON RIGHTS OF REVIEW

### 1. APPLICATION FOR INTERNAL REVIEW OF DECISION

Section 54 of the Freedom of Information Act gives you the right to apply for an internal review of the decision refusing to grant access to documents in accordance with your request.

An application for a review of the decision must be made in writing within 30 days of receipt of this letter.

No particular form is required but it would assist the decision-maker if you could set out in the application the grounds on which you consider that the decision should be reviewed.

An application for a review of the decision should be emailed to [FOI@Treasury.gov.au](mailto:FOI@Treasury.gov.au).

**OR**

### 2. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER (INFORMATION COMMISSIONER) FOR REVIEW OF DECISION

Section 54L of the FOI Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision.

An application for review must be in writing and must:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should send your application for review to:

The Information Commissioner  
Office of the Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

**AND/OR**

### 3. COMPLAINTS TO THE INFORMATION COMMISSIONER

Section 70 of the FOI Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

The Information Commissioner  
Office of the Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.