



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/2020/161

FREEDOM OF INFORMATION ACT 1982

REQUEST BY: John Smith

**DECISION BY: Ms Ellyse Paton
Acting Chief People Officer
People Branch**

By email: foi+request-6468-0ea0d403@righttoknow.org.au

Dear Mr Smith

I refer to your email of 6 July 2020 in which you made a request (the **FOI request**) under the *Freedom of Information Act 1982* (the **FOI Act**) to the Department of the Prime Minister and Cabinet (the **Department**) in the following relevant terms:

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

- A document that contains a list of all position titles within your department, that are currently filled by non-APS staff.

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

If no such document exists please advise.

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

Decision

I have decided to refuse the request under section 24A(1)(b)(ii) of the FOI Act.

Searches for documents

My Branch is the relevant line area for your request. Having regard to the information recorded and held by my Branch, I can advise that the Department does not record the information you are seeking. This has been confirmed by searches undertaken by my Branch of the relevant databases and systems in the Department for any document that might fall within the scope of your request, and no such document was found.

Decision

Section 24A(1) of the FOI Act provides that:

An agency or Minister may refuse a request for access to a document if:

(a) all reasonable steps have been taken to find the document;

and

(b) the agency or Minister is satisfied that the document:

(i) is in the agency's or Minister's possession but cannot be found; or

(ii) does not exist.

I am satisfied that all reasonable steps have been taken to find the document within the scope of your request and that no such document exists.

I have therefore decided to refuse the FOI request under section 24A(1)(b)(ii) of the FOI Act.

Processing and access charges

I have decided not to impose processing charges in respect of the FOI request.

Review rights

Information about your rights of review under the FOI Act is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

Complaint rights

You may make a complaint to the Information Commissioner about the Department's actions in relation to a request. Making a complaint about the way the Department has handled an FOI request is a separate process to seeking review of the Department's decision. Further information about how to make a complaint is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.

Yours sincerely



Ellyse Paton
Acting Chief People Officer
People Branch
31 July 2020