



Australian Government
Department of Foreign Affairs and Trade

FOI Ref: LEX2632
File No: 20/27249
15 February 2021

Ms Janae Brown
By email: foi+request-6719-db7b076d@righttoknow.org.au

Dear Ms Brown

Re: Freedom of Information Request

I am writing to provide you a decision about your request under the *Freedom of Information Act 1982* (FOI Act). I regret the delay in finalising this decision and thank you for your patience

I have identified documents relevant to your request and, after careful consideration, I have decided to release the documents in part.

Request

On 14 September 2020, you requested:

"A document that contains the position titles of officers who were non-ongoing or receiving high duties at any time in the last month

The job advertisement or expression of interest used to appoint officers in non-ongoing positions or on higher duties."

I am an officer authorised under section 23 of the FOI Act to make decisions in relation to FOI requests.

In making my decision I have taken into account the terms of your request, the documents found to be within the scope of your request, the FOI Act, and the Australian Information Commissioner's guidelines issued under section 93A of the FOI Act.

The reasons for my decision and for the application of exemptions under the FOI Act to some documents are set out below. Where I refer to sections of the FOI Act, these are available at www.legislation.gov.au.

Reasons

Management of personnel

Parts of the Position Descriptions used for appointing officers in non-ongoing positions or on higher duties and parts of the list of non-ongoing positions, are conditionally exempt as release would, or could reasonably be expected to, have a substantial adverse effect on the management of personnel by the department (section 47E(c) of the FOI Act).

The Position Descriptions include details about the department's operating environment and priorities, including engagement with foreign governments. The list of non-ongoing positions includes the titles of positions occupied by identifiable individuals. Disclosure of this material could reasonably be expected to impact the ability of the department to effectively manage the allocation of human resources to respond to evolving organisational requirements.

Substantial adverse effect on the operations of an agency

Parts of the Position Descriptions are conditionally exempt as release of the material would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the operations of the department (section 47E(d) of the FOI Act).

The Position Descriptions include details about the department's operating environment and priorities, including engagement with foreign governments. Disclosure of this material could reasonably be expected to impact the effectiveness of the roles, particularly with respect to external stakeholders.

Irrelevant material

Some information within the material is irrelevant to, or outside the scope of, your request (section 22(1)(a)(ii) of the FOI Act). In determining what is irrelevant, I have taken note of the email you received from the department on 16 September 2020, in which you were invited to respond if you required the names and contact details of government officials not in the Senior Executive Service (SES). As you have not stated that you require this information, I have decided to remove them from the documents being released to you.

Conditional exemptions - public interest considerations

As sections 47E(c) and 47E(d) of the FOI Act are conditional exemptions, I have also considered whether providing access to the material in question would, on balance, be contrary to the public interest (section 11A(5) of the FOI Act). In assessing the public interest, I have considered the FOI guidelines referred to above and the public interest factors favouring disclosure including, promoting the objects of the FOI Act, informing debate on a matter of public importance, and promoting effective oversight of public expenditure.

I have also considered the public interest factors against disclosure including, prejudicing the management functions of the department.

On balance, I am of the view that the public interest is weighted against the disclosure of this material. I find that is this the case for the conditional exemptions under sections 47E(c) and 47E(d) of the FOI Act.

In forming this view, I have not taken into account any of the irrelevant factors specified in section 11B(4) of the FOI Act.

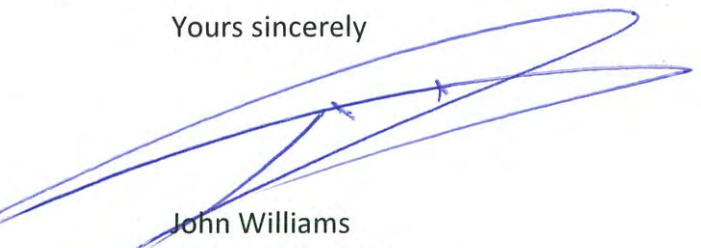
Review rights

Your review rights are set out in the **Attachment** for your reference.

Contact

Should you have any queries regarding this matter please contact the FOI and Privacy Law Section by email foi@dfat.gov.au.

Yours sincerely



John Williams
Assistant Secretary
People Operations Branch

Attachment

Internal review

You may apply for internal review of the decision (s54 of the FOI Act). The internal review application must be made within 30 days of the date of this letter.

Where possible, please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

Any request for internal review should be directed via email to foi@dfat.gov.au or addressed to:

Freedom of Information and Privacy Law Section
Department of Foreign Affairs and Trade
R G Casey Building
John McEwen Crescent
Barton ACT 0221
Australia

Australian Information Commissioner

You may apply within 60 days of the date of this letter to the Australian Information Commissioner to review my decision (s54L of the FOI Act). You may also make a complaint to the Australian Information Commissioner about the Department's actions in relation to this decision (s70 of the FOI Act). Making such a complaint about the way the Department has handled your FOI request is a separate process to seeking review of my decision.

Further information on applying for an Australian Information Commissioner review is available at: <https://www.oaic.gov.au/freedom-of-information/foi-review-process>

Further information about how to make a complaint is available at:
<http://www.oaic.gov.au/freedom-of-information/foi-complaints>