



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/2020/251

FREEDOM OF INFORMATION ACT 1982

REQUEST BY: Francis Unmeopa

**DECISION BY: Peter Rush
Assistant Secretary
Parliamentary and Government Branch**

By email: foi+request-6808-f0843f73@righttoknow.org.au

Dear Mr Unmeopa

I refer to your email of 16 October 2020 in which you made a request to the Department of the Prime Minister and Cabinet (the **Department**) under the *Freedom of Information Act 1982* (the **FOI Act**) in the following terms:

- 1. PM&C's Honours and Symbols Section duties, obligations and responsibilities regarding the administration of the Australian honours system.*
- 2. Regarding the Humanitarian Overseas Service Medal(HOSM), I request the delegated decision maker's duties, obligations and responsibilities.*
- 3. The criteria applied by the Honours Section when assessing eligible operations for the HOSM.*
- 4. Regulatory impact statements regarding the decision to declare commercial organisations eligible organisations for the HOSM.*
- 5. Australian AID's(AusAID) input into the Honours Section's 2004 assessment of service informing the HOSM (Iraq) declaration.*

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 Act.

Documents meeting the terms of your request

The Department has found documents meeting the following parts of your request:

- Part 1: description of the role of the Honours and Symbols Section, Department of the Prime Minister and Cabinet in administering Australia's honours system, published on the Department's website.¹
- Part 2: delegation under regulation 13 of the *Humanitarian Overseas Service Medal Regulations 2011*.
- Part 3: *Humanitarian Overseas Service Medal Regulations 2011* including the *Humanitarian Overseas Service Medal Regulations 2013 - Amendment* and the *Humanitarian Overseas Service Medal Regulations 2015 - Amendment*.²

The Department has not found any documents meeting parts 4 and 5 of your request.

Decision

My decision is as follows:

- in relation to the documents meeting parts 1 and 3 of your request, I have decided to grant access in full;
- in relation to the document meeting part 2 of your request, I have decided to grant access with irrelevant material deleted under section 22 of the FOI Act;
- in relation to part 4 of your request, I have decided to refuse access under section 24A(1)(b)(ii) of the FOI Act; and
- in relation to part 5 of your request, I have decided to refuse access under section 24A(1) of the FOI Act.

Copies of the documents for release are attached to my decision

Reasons

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.

Part 4 of your request

The Department is not required to develop regulatory impact statements for decisions to declare commercial organisations eligible organisations for the HOSM.

Accordingly, I am satisfied that no document exists meeting the terms of part 4 of your request.

¹ See Department of Prime Minister and Cabinet web site, 'Administering Honours', <https://www.pmc.gov.au/government/its-honour/administering-honours>.

² See also The Governor-General of the Commonwealth of Australia web site, 'Humanitarian Overseas Service Medal', <https://www.gg.gov.au/australian-honours-and-awardsoperational-and-service-awards/humanitarian-overseas-service-medal>.

I have therefore decided to refuse part 4 of your request under section 24A(1)(b)(ii) of the FOI Act.

Part 5 of your request

The Department has undertaken searches of relevant paper and electronic records and no document has been found.

I am satisfied that all reasonable steps have been taken to find the document meeting the terms of part 5 of your request and the document cannot be found or does not exist.

I have therefore decided to refuse part 5 of your request under section 24A(1) of the FOI Act.

Section 22 of the FOI Act - Deletion of exempt or irrelevant information

Section 22 of the FOI Act provides that exempt or irrelevant information may be deleted from a copy of a document, and access granted to such an amended copy where it is reasonably practicable to do so, unless it is apparent that the applicant would not wish to have access to such a copy.

In accordance with the Department's policy as advised to you on 30 October 2020, a signature in Document 2 has been deleted as irrelevant material.

Processing and access charges

I have decided not to impose charges in respect of your request.

Publication of documents

Under section 11C of the FOI Act, the Department will arrange to publish the documents released to you on the Department's FOI Disclosure Log.

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/>.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Rush', written in a cursive style.

Peter Rush
Assistant Secretary
Parliamentary and Government Branch

16 November 2020