



**Australian Government**

**Department of the Prime Minister and Cabinet**

ONE NATIONAL CIRCUIT  
BARTON

FOI/2020/283IR

**INTERNAL REVIEW DECISION AND REASONS  
UNDER SECTION 54 OF  
THE FREEDOM OF INFORMATION ACT 1982**

**REQUEST BY: Trav S**

**DECISION BY: Ms Celeste Moran  
Acting First Assistant Secretary  
Government Division**

By email: [foi+request-6964-dbf658c9@righttoknow.org.au](mailto:foi+request-6964-dbf658c9@righttoknow.org.au)

Dear Trav S

I refer to your email of 24 January 2021 in which you requested internal review of the decision (the **primary decision**) dated 21 January 2021 by Mr Peter Rush, Assistant Secretary, Parliamentary and Government Branch, Department of the Prime Minister and Cabinet (the **Department**) in relation to your request, dated 8 December 2020, under the *Freedom of Information Act 1982* (the **FOI Act**) in the following terms:

*The April 2019 "Humanitarian Overseas Service Medal Guide to Eligible Groups" cites "Palladium Group Pty Ltd" as an eligible organisation for the medal. For the public interest, please provide a copy of the Department's assessments justifying the award to Palladium Group Pty Ltd.*

The primary decision granted access, in part, to one document (the **requested document**) with information exempt under section 33(a)(iii) of the FOI Act and irrelevant material deleted under section 22 of the FOI Act.

Under section 54(2) of the FOI Act, an applicant is entitled to apply for an internal review of a decision refusing to give access to a document in accordance with a request.

On 24 January 2021, you requested internal review in the following relevant terms:

*PM&C has previously advised that generally speaking, Government has not recommended commercial organisations for the HOSM on the grounds they are not principally humanitarian organisations in comparison with not-for-profit organisations.*

*However an exception to that general rule appears to have been made in this case. We ask that you provide us with a copy of the advice and information relied upon in justifying the award of the HOSM to Palladium Group Pty Ltd, a commercial organisation.*

*From the documents the department released, the assessment's 'Attachment F' does not appear to have been included. Are we able to request a copy of the attachment?*

*Can we also ask for the release of the information withheld under Section 22, excepting any persons signature; names and contact details of non-SES APS staff or Ministerial staff below Chief of Staff ?*

### **Authorised decision maker**

Section 54C(2) of the FOI Act provides that an agency must arrange for a person (other than the person who made the original decision) to review the decision.

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

### **Internal review decision**

I have decided to affirm the primary decision which granted access, in part, to the requested document, with information exempt under section 33(a)(iii) of the FOI Act and irrelevant material deleted under section 22 of the FOI Act.

I note that the version of Attachment F for release was included in the primary decision that was issued to you (pages 15-26 of the "Documents for release" binder).

In reaching my decision I have had regard to:

- the terms of your FOI request of 8 December 2020;
- the material within the scope of the internal review;
- the primary decision;
- consultation comments received from the Department of Foreign Affairs and Trade;
- your internal review request;
- the FOI Act; and
- the *Guidelines issued by the Australian Information Commissioner under section 93A of the Freedom of Information Act 1982 (the FOI Guidelines)*.

### **Reasons**

I have carefully reviewed the requested document and your request for internal review. I am satisfied with the primary decision findings and reasons underpinning those findings.

Accordingly, I adopt and affirm those findings and reasons as my own for the purposes of this internal review.

## **Administrative release under the FOI Act**

The FOI Guidelines state that an agency may choose to provide administrative access outside the formal FOI Act process.<sup>1</sup>

I note that some of the irrelevant material in the requested documents was correctly found by the primary decision-maker as outside the scope of your FOI request, on the basis that it does not relate to the Department's assessments justifying the award to Palladium Group Pty Ltd. Nevertheless, I have decided to release that material to you under administrative access arrangements, on the basis that it has already been released in previous FOI requests and has been published on the Department's FOI disclosure log.

A copy of the requested document, containing the material that is released to you administratively, is attached.

## **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/information-commissioner-review/>.

## **Complaint rights**

You may make a complaint to the Information Commissioner about the Department's actions in relation to this decision. 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



Celeste Moran  
Acting First Assistant Secretary  
Government Division

23 February 2021

---

<sup>1</sup> FOI Guidelines, [3.2].