



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/2021/285

FREEDOM OF INFORMATION ACT 1982

REQUEST BY: F Melton

DECISION BY: Petra Gartmann
Assistant Secretary
Legal Policy Branch

F Melton

Via the Right to Know Website

By email to: foi+request-8088-a0ff1e2f@righttoknow.org.au

Dear F Melton

FOI request

I refer to your email of 11 November 2021 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 terms:

... I seek a copy of any document that gives effect to the OAIC's recommendation that PM&C appoint an 'Information Champion' and that identifies that Information Champion - as recommended by the OAIC as part of its investigation (CP21/01673) into PM&C's corruption.

...

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 your request under section 24A(1) of the FOI Act, on the basis that the Department has taken all reasonable steps to locate the documents you have requested, and those documents do not exist.

In making this decision, I have had regard to the following:

- the terms of your request;
- my own knowledge of the subject matter of your request;
- the FOI Act;
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines).

Reasons

Subsection 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.

The Guidelines state at 3.88:

The Act is silent on what constitutes 'all reasonable steps'. The meaning of 'reasonable' in the context of s 24A(1)(a) has been construed as not going beyond the limit assigned by reason, not extravagant or excessive, moderate and of such an amount, size or number as is judged to be appropriate or suitable to the circumstances or purpose.

Based on my own knowledge of the subject matter, and a review of documents relating to this subject matter, I am satisfied that all reasonable steps have been taken to find the documents relevant to the FOI request and that the documents requested do not exist.

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

Processing and access charges

I have decided not to impose processing charges in respect of your 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 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



Petra Gartmann
Assistant Secretary
Legal Policy Branch

25 November 2021