



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/2022/022

FREEDOM OF INFORMATION ACT 1982

REQUEST BY: Mr Neil Wilson

**DECISION BY: Petra Gartmann
Assistant Secretary
Legal Policy Branch**

Mr Neil Wilson

By email: <mailto:foi+request-8274-26a87d66@righttoknow.org.au>

Dear Mr Wilson

I refer to your email received by the Department of the Prime Minister and Cabinet ('the Department') on 8 January 2022, in which you made a request under the *Freedom of Information Act 1982* (FOI Act) in the following terms:

Awards and Culture Branch corresponded with AusAID on 22 February 2012 in an email titled HOSM for CRG Contractors in Iraq [SEC=UNCLASSIFIED]. In that document a Mr Peter Rush made the following statement:

"After our meeting with you (AusAID) we sounded the Parliamentary Secretary to the PM and then advised you that we could not pursue the matter without an initiating letter from the Minister for Foreign Affairs."

I am scrutinising the Branch's activities in accordance with my rights under the FOI Act. Please provide me a copy of:

- 1. The document recording the Branch sounding the Parliamentary Secretary to the PM as Mr Rush states*
- 2. Any correspondence between the Branch and the Parliamentary Secretary to the PM (including her staff) related to this topic that occurred in the years 2011 and 2012.*

Mr Rush remains with PM&C and he is the best placed to help you search for and recover the documents if they do exist.

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 sections 24A(1)(b)(i) and (ii) of the FOI Act on the basis that all reasonable steps have been taken to find the requested documents and I am satisfied they cannot be found or do not exist.

In making my decision, I have considered the following:

- the terms of your FOI request;
- the FOI Act; and
- the 'Guidelines issued by the Australian Information Commissioner issued under section 93A of the *Freedom of Information Act 1982*'.

My reasons for decision are set out below.

Reasons for decision

Under section 24A of the FOI Act, 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 Department undertook searches of relevant systems for documents within scope of your request. Due consideration was also given to previous similar requests and documents disclosed by the Department on its [Disclosure Log](#).

I am satisfied that no documents relevant to your request are in the possession of the Department, or if they exist they cannot be found. I have therefore decided to refuse the request under section 24A(1)(b)(i) and (ii) 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/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

A handwritten signature in black ink, appearing to read 'Petra Gartmann', with a long horizontal line extending to the right.

Petra Gartmann
Assistant Secretary
Legal Policy Branch

14 April 2022