



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/2022/023

FREEDOM OF INFORMATION ACT 1982

REQUEST BY: Trav S

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

Trav S

By email: foi+request-8275-4b177837@righttoknow.org.au

Dear Trav S

I refer to your email of 8 January 2022 in which you made an FOI request to the Department of the Prime Minister and Cabinet (the Department), under the *Freedom of Information Act 1982* (the FOI Act).

The Department sought clarification of your request on 4 February 2022. You clarified the terms of your request on 7 February 2022. You set out the terms of your request for access as follows:

I offer the following amendment in accordance with the FOI Act.

On 6 Jan 2022, PMC released 8 documents in FOI/2021/313. Document 8 states:

“Decision: 8/10/21 it was decided that the Department would not respond as the allegation is not fraud related and is being managed by a separate area with PMC and DFAT”

As noted, the allegation is being managed by areas within PMC and DFAT. We would like to ask for a copy of all correspondence between PMC and DFAT relating to this matter. Please limit the search to correspondence between 2019 and 2022.

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(1) 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