



OFFICIAL

Freedom of Information (FOI) request

Notice of Decision

Reference: FOI 2022/083

To Allan

By email: foi+request-8601-4b235260@righttoknow.org.au

Dear Allan

I refer to your email of 13 March 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 purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

Scope of request

You set out your request in the following terms (extrat):

...under the FOI Act, please provide the last three broadbanding proposals PMC provided to the Australian Public Service Commission (from any agency or Department) to ensure that the proposals conformed to the requirements set out at (i) – (iii) above where one of the classifications across which a proposed broadband was effected was an SES classification (e.g. a broadband over the Executive Level 2 and SES1 Band).

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.

Material taken into account

In reaching my decision I referred to the following:

- the terms of your request
- searches undertaken by the Department
- the FOI Act (specifically s 24A)

- the Guidelines issued by the Information Commissioner¹ (the FOI Guidelines)

Decision

I have decided to refuse your request under s 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 cannot be found or do not exist.

Reason for decision

My findings of fact and reasons for deciding that certain information is irrelevant is set out below.

1. Documents cannot be found or do not exist

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.

Taking into consideration my knowledge of the processes of People Branch in the Department, I can advise that the Department has not provided the Australian Public Service Commission (APSC) with any proposals for broadbanding where one of the classifications across the proposed broadband has been at the SES classification. The Department does not view or submit broadbanding proposals to the APSC on behalf of any other agency or department.

As a result no documents relevant to your request have been identified.

Accordingly, I am refusing your request for access as all reasonable steps have been taken to find a document and I am satisfied that documents cannot be found or do not exist.

Review rights

If you disagree with my decision, you may apply for internal review or Information Commissioner review of the decision.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the Department for an internal review of my decision. The internal review application must be made within 30 days after the date of this letter. Where possible please attach reasons why you believe review of the decision is necessary.

Applications for review should be sent to foi@pmc.gov.au.

¹ s 93A of the FOI Act

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days after the date of this letter.

More information about Information Commissioner review is available at

<https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>.

FOI Complaints

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing.

More information about complaints is available on the Office of the Australian Information Commissioner at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.

If you wish to discuss any aspect of your requests, you can contact the FOI Section by email at foi@pmc.gov.au.

Yours sincerely



Melinda Bopping
Chief People Officer
People Branch
Department of the Prime Minister and Cabinet

5 May 2022