



Australian Government

Australian Public Service Commission

Marcus

By email: foi+request-8917-682d4178@righttoknow.org.au

Our reference: SHC22-28140

Dear Marcus

Freedom of Information request

1. I am writing about your 17 May 2022 Freedom of Information (FOI) request under the *Freedom of Information Act 1982* (the FOI Act) for access to documents held by the Australian Public Service Commission (the Commission).
2. The FOI Act and all other Commonwealth legislation referred to in this letter are publicly available from www.legislation.gov.au

Documents relevant to your request

3. You requested access to documents in the following terms:

“Under the FOI Act I request access to the following documents:

- a) the vacancy notification published in the Public Service Gazette for the "Director, Integrity" role that Kate McMullan applied for and was recruited to fill;*
- b) the classification notification for the "Director, Integrity" role that Kate McMullan applied for and was recruited to fill;*
- c) any and all promotion notices published in the Public Service Gazette identifying Ms McMullan's promotion to the "Director, Integrity" role that Kate McMullan applied for and was recruited to fill;*
- d) the position description for the "Director, Integrity" role that Kate McMullan applied for and was recruited to fill;*
- e) the delegation provided to Ms McMullan or to the person holding the "Director, Integrity" role to conduct investigations under the Public Interest Disclosure Act 2013 (this delegation would have to have been made before she conducted her investigation);*
- f) any documents setting out the criteria that the Australian Public Service Commissioner considers in determining if a person is suitable to hold a delegation to conduct investigations under the Public Interest Disclosure Act 2013.*

4. I have identified five (5) documents relevant to your request.

Decision on your FOI request

5. I am authorised under subsection 23(1) of the FOI Act to make FOI decisions.

6. I have decided to grant you full access to the documents identified. I have attached a copy of the documents to this letter. A schedule of these documents is included at **Attachment A**.

Additional Information

7. Please note that Kate McMullan was initially engaged on a non-ongoing basis into the Director, Integrity role. As such, she did not directly apply for this position. Her ongoing engagement commenced via her application for a similar vacancy for which she was found suitable, as per the provided Engagement and Vacancy Notices (see Documents 2 and 3).

Contacts

8. If you require clarification on matters in this letter please contact the Commission's FOI Officer by telephone on (02) 6202 3500 or by email at foi@apsc.gov.au

Review rights

9. You are entitled to seek review of this decision. Your review rights are set out at **Attachment B**.

Yours sincerely



Giordina Strangio

Authorised FOI decision maker

16 June 2022

SCHEDULE OF DOCUMENTS

Document	Description
1	Position description (Director, Integrity Policy)
2	Position description (Senior Advisor, Terrorism and Crisis Policy)
3	Engagement Notice Details (Kate McMullan)
4	PID Delegation dated 23 April 2018
5	PID Delegation dated 25 October 2018

Rights of Review

Asking for a full explanation of a Freedom of Information decision

If you are dissatisfied with this decision, you may seek review. Before you seek review of a Freedom of Information (FOI) decision, you may contact us to discuss your request and we will explain the decision to you.

Seeking review of a Freedom of Information decision

If you still believe a decision is incorrect, the *Freedom of Information Act 1982* (the FOI Act) gives you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by seeking:

1. an internal review by an different officer of the Australian Public Service Commission; and/or
2. external review by the Australian Information Commissioner.

There are no fees applied to either review option.

Applying for a review by an Internal Review Officer

If you apply for internal review, a different decision maker to the departmental delegate who made the original decision will carry out the review. The Internal Review Officer will consider all aspects of the original decision and decide whether it should change. An application for internal review must be made in writing within 30 days of receiving this letter to:

Email: foi@apsc.gov.au

Post: The FOI Officer
Australian Public Service Commission
B Block, Treasury Building
GPO Box 3176
Parkes Place West
PARKES ACT 2600

You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

Applying for external review by the Australian Information Commissioner

If you do not agree with the original FOI decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision. You have 60 days to apply in writing for a review by the Office of the Australian Information Commissioner (the OAIC) from the date you received this letter or any subsequent internal review decision.

You can **lodge your application:**

Online: www.oaic.gov.au
Post: Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001
Email: enquiries@oaic.gov.au

The OAIC encourage applicants to apply online. Where possible, to assist the OAIC you should include your contact information, a copy of the related FOI decision and provide details of your reasons for objecting to the decision.

Complaints to the Information Commissioner and Commonwealth Ombudsman

Information Commissioner

You may complain to the Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Information Commissioner must be made in writing. The Information Commissioner's contact details are:

Telephone: 1300 363 992
Website: www.oaic.gov.au

Commonwealth Ombudsman

You may complain to the Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Ombudsman may be made in person, by telephone or in writing. The Ombudsman's contact details are:

Phone: 1300 362 072
Website: www.ombudsman.gov.au