



Australian Government
Australian Public Service Commission

Marcus

By email: foi+request-9085-1f622971@righttoknow.org.au

Our reference: <SHC22-30238> <LEX 215>

Dear Marcus

Freedom of Information request

1. I am writing about your Freedom of Information (FOI) request under the *Freedom of Information Act 1982* (FOI Act) made on 2 July 2022 for access to documents held by the Australian Public Service Commission (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:

a) the vacancy notification published in the Public Service Gazette for the Assistant Commissioner, Leadership and Talent Development position that Kate Boxsell came to fill;

b) the position description for the Assistant Commissioner, Leadership and Talent Development position that Kate Boxsell came to fill;

c) any and all classification evaluation documentation for the Assistant Commissioner, Leadership and Talent Development position that Kate Boxsell came to fill;

d) the record of the analysis leading to the task and job design of the Assistant Commissioner, Leadership and Talent Development position that Kate Boxsell came to fill;

e) the record of the supporting reasons for the classification decision, including reference to the comparisons made with formal standards (e.g. the Australian Public Service Commissioner's work level standards) for the Assistant Commissioner, Leadership and Talent Development position that Kate Boxsell came to fill;

f) the assessment of the resource impact of the creation or reclassification of the Assistant Commissioner, Leadership and Talent Development position that Kate Boxsell came to fill;

g) the evidence that there was a need for the Assistant Commissioner, Leadership and Talent Development position that Kate Boxsell came to fill;

h) Ms Boxsell's job application for the Assistant Commissioner, Leadership and Talent Development position that she came to fill;

i) the certification that the Australian Public Service Commissioner's representative issued following his or her participation in the selection process for the Assistant Commissioner, Leadership and Talent Development position that Kate Boxsell came to fill;

j) any and all correspondence between staff in the Australian Public Service Commission and the Australian Public Service Commissioner's representative in relation to the selection process for the Assistant Commissioner, Leadership and Talent Development position that Kate Boxsell came to fill;

k) to the extent that the Australian Public Service Commissioner personally participated in the selection process for the Assistant Commissioner, Leadership and Talent Development position that Kate Boxsell came to fill, any correspondence sent to, or received by, the Australian Public Service Commissioner or his staff in relation to his participation in the selection process for the Assistant Commissioner, Leadership and Talent Development position that Kate Boxsell came to fill;

l) any promotion notice published in the Public Service Gazette following the promotion of Kate Boxsell to the Assistant Commissioner, Leadership and Talent Development position in the APSC;

m) the record of decision (by a selection panel or otherwise) to select Kate Boxsell as the Assistant Commissioner, Leadership and Talent Development in the APSC; and

n) the record of the reasons for decision (by a selection panel or otherwise) to select Kate Boxsell as the Assistant Commissioner, Leadership and Talent Development position in the APSC.

Decision on your FOI request

4. I am authorised under subsection 23(1) of the FOI Act to make FOI decisions.
5. As such, for each part of your request I have decided all reasonable steps have been taken to find any document relevant to your request. I am satisfied that the documents either cannot be found or do not exist. I refuse your request under section 24A of the FOI Act.
6. I have provided an explanation for you in the table below

Relevant part of your FOI request	Explanation why there are no documents
Part A, H, I, J, K, L, M, N	The role was not advertised and filled by a person already at level who transferred into the position therefore: - There was no job advertisement

	<ul style="list-style-type: none"> - Job application - Selection process - Record of decision or reasons for a selection process - Gazettal notice
Part C, D,E, F, G	<p>As the role is an existing ongoing position at the SES Band 1 classification that was being backfilled, there was no need for the Commission to:</p> <ul style="list-style-type: none"> - undertake fresh analysis leading to the task and job design for the role; - undertake a fresh comparison with the work level standards; - undertake an assessment of the resource impact of the creation or reclassification of the role - obtain further evidence regarding the need for the role
Part B	The document cannot be found or does not exist.

Contacts

7. 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

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

Yours sincerely

Charmaine Sims

Charmaine Sims

Authorised FOI decision maker

28 July 2022

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) may give 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