



OFFICIAL

Freedom of Information (FOI) request

Notice of Decision

Reference: FOI/2022/217

To: Mr Francis Unmeopa

foi+request-9268-b29a263d@righttoknow.org.au

Dear Mr Unmeopa

I refer to your request to the Department of the Prime Minister and Cabinet (the Department), under the *Freedom of Information Act 1982* (the FOI Act), received on 14 August 2022.

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:

Please refer to PMC's FOI disclosure log and in particular FOI/2019/208. The documents released describes the Job Description, Duties, Selection Criteria and related APS employment information for the position of Assistant Secretary Culture & Awards Branch.

I respectfully seek access to and the disclosure of the same type of document that records the Job Description, Duties, Selection Criteria specific to the position of Government First Assistant Secretary, which is currently filled by a Mr John Reid.

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 have had regard to the following:

- the terms of your request;
- searches and enquiries undertaken by the Department;
- the FOI Act; and

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

Decision

I have decided to refuse your request under s 24A(1) of the FOI Act, on the grounds that the Department has taken all reasonable steps to locate the document described in your request, and that document does not exist.

Nevertheless, in order to assist you, I would like to draw your attention to documents recently published in the Department's FOI Disclosure Log (ref: [FOI/2022/175](#)) which include the job description of First Assistant Secretary, Government Division, albeit in a different format than you specified.

Reasons for decision

My findings of fact and reasons are set out below.

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.

In determining what the FOI Act means with respect to 'all reasonable steps', I have had regard to the Guidelines which discuss the meaning of 'reasonable' in s 24A(1)(a). It is not designed to go beyond the limit assigned by reason, not to be extravagant or excessive, rather to be moderate and of such an effort to be appropriate or suitable to the circumstances.²

The relevant line area within the Department has conducted a search for any relevant records that would meet the exact terms of your request, that is, '*the same type of document* [released in FOI/2019/208] *that records the Job Description, Duties, Selection Criteria specific to the position of Government First Assistant Secretary*'. No documents were found as a result of those searches.

I am satisfied that the steps taken to locate your requested document are appropriate and suitable given the circumstances. After taking all reasonable steps to find the document, no document relevant to your request was identified. Accordingly, I am refusing your request for access as the document does not exist.

Review rights

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

¹ s 93A of the FOI Act

² 3.88 of the FOI Guidelines

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, please attach the reasons why you disagree with the decision.

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

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 [here](#).³

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 [here](#).⁴

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
6 September 2022

³ <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review>

⁴ <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint>