



OFFICIAL

Freedom of Information (FOI) request

Notice of Decision

Reference: FOI/2022/351

To: Mr Terence McMahon

foi+request-9619-d68541fd@righttoknow.org.au

Dear Mr McMahon

I refer to your request to the Prime Minister's Office, under the *Freedom of Information Act 1982* (the FOI Act), received on 27 November 2022.

Your request was transferred to the Department of the Prime Minister and Cabinet under section 16(1)(b) of the FOI Act, as the subject matter of the document is more closely connected with the functions of the Department. A substantial portion of the time period covered by your request pre-dates the current Prime Minister's Office. To the extent any records during this period are retained, they would be stored on Departmental systems.

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:

Pursuant to the Freedom of Information Act 1982 I seek access to the first document you [the Prime Minister's Office] received from any source whatsoever that contains the term "vaccine mandate" from the date 1 December 2018 to the present.

We interpret your request to be seeking the first document received by the Prime Minister's Office. We have processed your request based on documents in the possession of the Department.

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 document relevant to your request
- the FOI Act
- the Guidelines issued by the Information Commissioner¹ (the FOI Guidelines)

Document in scope of request

The Department has identified one (1) document that falls within the scope of your request.

The identified document is the earliest record received by the Prime Minister's Office that is in the possession of the Department in the time period identified in the terms of your request.

Decision

I have decided to grant access in full, with irrelevant material deleted, to the document identified within the scope of your request. The document is enclosed.

Reason for decision

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

1. Deletion of irrelevant matter

Section 22 of the FOI Act provides that the Department may prepare an edited copy of documents, to remove information reasonably regarded as irrelevant to the request.

I note that the document being released to you is a subscription-based media report received by the Prime Minister's Office staff. I have decided to redact some material that does not relate to the key phrase identified in the terms of your request, being "*vaccine mandate*".

Further, it is the Department's policy to exclude the personal information of Departmental and Ministerial staff, as well as any person's signature, which are contained in documents that fall within the terms of an FOI request. This category of information is identified as irrelevant and documents can be modified by the Department to delete the irrelevant material.

I am satisfied that parts of the document are irrelevant under section 22(1)(a)(ii) of the FOI Act. The remainder of the document has been released to you.

¹ s 93A of the FOI Act

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. The internal review will be carried out by another officer within 30 days from the date it is received. 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](#).²

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. 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](#).³

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



Branko Ananijevski
Acting Assistant Secretary
Legal Policy Branch
Department of the Prime Minister and Cabinet
12 January 2023

² <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review>

³ <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint>