



ASSISTANT MINISTER TO THE PRIME MINISTER  
ASSISTANT MINISTER FOR THE PUBLIC SERVICE  
ASSISTANT MINISTER TO THE ATTORNEY-GENERAL  
MEMBER FOR PERTH  
The Hon Patrick Gorman MP

FOI Reference: AM/24/05

To Trav S

Email: [foi+request-12103-974b1a6b@righttoknow.org.au](mailto:foi+request-12103-974b1a6b@righttoknow.org.au)

Dear Trav S

Thank you for your email dated 30 September 2024 regarding a request to access documents under the *Freedom of Information Act 1982*.

**Terms of FOI request**

You set out your FOI request in the following terms:

*Please accept my request in accordance with the FOI Act.*

*Please refer to PM&C document Ref: B09/1640 signed by Joe Ludwig on 1 December 2009. The document was approved by Peter Rush, Assistant Secretary Awards and Culture Branch, on 17 Nov 2009.*

*The Humanitarian Overseas Service Medal (HOSM) was awarded to commercial security contractors serving with the Australian contingent to GE Infrastructure. Despite this fact B09/1640 gives no regard to commercial security contractors serving with the contingent.*

*I seek to obtain a document recording the number of persons serving with the Australian contingent to GE Infrastructure recommended for the award of the HOSM*

**Authorised decision-maker**

I am authorised to make a decision in this matter on behalf of the Assistant Minister to the Prime Minister.

**Material taken into account**

In reaching my decision I had regard to:

- the terms of your request
- searches undertaken by the Department
- the Act
- the Guidelines issued by the Information Commissioner, under section 93A of the Act (the Guidelines)

## Decision

I have decided to refuse your request under section 24A(1) of the FOI Act, on the grounds that the all reasonable steps have been taken to locate the documents you have requested, and those documents do not exist.

### Reason for decision

My findings of fact and reasons for deciding to refuse your request for access are set out below.

#### 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.*

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 section 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.<sup>1</sup>

The Assistant Minister's Office has undertaken searches for any relevant records that would meet the terms of your request. There were no documents found to be in the possession of the Office.

I note your request refers to a matter dating back 13 years to 2009, and that this Office does not hold, or have access to systems, that would have been used to store records from this time.

I am satisfied all reasonable steps have been taken to find the documents, and that no documents relevant to your request exist. I am refusing your request for access under section 24A(1).

### Review rights

If you disagree with the decision you may apply for Information Commissioner review within 60 days from the date of this letter. The Act does not provide for internal review of a decision by a Minister.

More information about review rights and how to apply is available at:

[www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review](http://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review).

Yours sincerely



Daniel Sutherland  
Chief of Staff  
17 October 2024

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<sup>1</sup> Paragraph 3.88 of the Guidelines