



Australian Government

Australian Public Service Commission

Mr Squiggle

By Email: foi+request-12699-0eb20213@righttoknow.org.au

Our Reference: LEX 1320

Dear Applicant

Freedom of Information request

1. I am writing about your request dated **4 January 2025** for access to documents under the *Freedom of Information Act 1982* (FOI Act) held by the Australian Public Service Commission (Commission).
2. I am an authorised officer under subsection 23(1) of the FOI Act to make decisions in relation to Freedom of Information (FOI) requests.

Request Consultation Notice

3. I am writing to advise that your FOI request in its current form does not provide information that is reasonably necessary to enable the Commission to identify documents that are requested. This circumstance is called a 'practical refusal reason' under section 24AA of the FOI Act.
4. On this basis, I intend to refuse access to the documents you requested. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a 'request consultation processes' as set out under section 24AB of the FOI Act.
5. You have **14 days** to respond to this notice in one of the ways set out below.

Why I intend to refuse your request

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

'1. Any documents that provides evidence the APS and/or its individual agencies have, as a matter of fact, "integrity" and a "good reputation".

2. Any documents that identifies the decision maker who made the assessment the APS and/or its individual agencies have "integrity" and a "good reputation".

2. Any documents that detail the reasoning as to why this part of the Code of Conduct was previously updated, changing "reputation" to "good reputation".'

7. Under paragraph 24AA(1)(b), a practical refusal reason exists in relation to a request if the request does not satisfy the requirement in paragraph 15(2)(b) of the FOI Act.
8. I have taken into account all of the above matters in forming my preliminary decision to refuse your request. I have not taken into account:
 - any reasons that you have given for requesting access; or
 - the Commission's belief as to what your reasons are for requesting access.
9. My reasons are set out below.

Reasons

10. Under paragraph 15(2)(b) of the FOI Act, a FOI request must provide such information that is reasonably necessary to enable a reasonable officer of the agency or minister to identify the document that is being requested. Currently, your FOI request does not provide sufficient information to allow the Commission to conduct the relevant searches to locate the documents being requested.
11. The Commission is unable to interpret the points of your request as it is too broad. For the Commission to discharge its duty under the FOI Act to conduct 'reasonable searches', it needs to be able to identify the information you are seeking.
12. On 14 January 2025, the Commission wrote to you:
 - requesting, for the first two points of your request, that you please clarify or narrow the scope of the type of documents you are requesting, for example, by specifying the types of documents sought by 17 January 2025; and
 - advising, on the third point of your request, that due to the time which has passed since the enactment of the *Public Service Act 1999*, these historical documents would be available at the National Archives of Australia and is likely to be the most expeditious way to obtain these documents, noting that searching the Commission's records may be a substantial and unreasonable diversion of resources.
13. To date, the Commission has not had a response to the 14 January email and, without further clarification, the Commission is unable to process this request.
14. On this basis, I am satisfied that a practical refusal reason exists for the purposes of paragraph 24AA(1)(b).

Request consultation process

15. You now have an opportunity to revise your request to enable it to proceed.
16. Clarifying your request can mean narrowing its scope to make it more specific or explaining in more detail the documents, rather than the information you wish to

access. For example, by adding a reasonable date range and outlining the type of documents you are requesting for each point. By providing more specific information about exactly what documents you are interested in, the Commission will be able to locate the relevant documents (if they exist).

17. Before the end of the consultation period, you must do one of the following, in writing:
 - withdraw your request;
 - make a revised request; or
 - tell us that you do not wish to revise your request.
18. The consultation period runs for **14 days** and starts on the day after you receive this notice.
19. During this period, you are welcome to seek assistance from the Commission to revise your request. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing it. Please note that under subsection 24AB(8) of the FOI Act the time taken to consult you regarding the scope of your request is disregarded for the purposes of the 30 day time limit for processing your request.
20. If you do not do one of the three things listed above during the consultation period or you do not consult the Commission during this period, your request will be taken to have been withdrawn.

Contacts

21. If you require clarification on matters in this letter please contact the Commission's FOI Officer by email at foi@apsc.gov.au.

Yours sincerely



Sue Mahony
Authorised FOI decision maker
23 January 2025