



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 to provide you a decision in response to your request dated **4 January 2024** 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.

Your request

3. 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".*

My decision

4. I have decided to refuse you access to the requested documents pursuant to section 24(1)(b) of the FOI Act.
5. In making this decision I have had regard to:
 - the terms of your request;
 - the terms of your response to the request consultation process;
 - the FOI Act; and
 - the FOI Guidelines issued by the Australian Information Commissioner.
6. I am writing to you now to advise that following a request consultation process, I am satisfied that a practical refusal decision still exists. I am therefore refusing your request under paragraph 24AA(1)(b) of the FOI Act.

Reasons for decision

7. On 14 January 2025, I wrote to you requesting that you clarify or narrow the scope of the type of documents you are requesting. No response was received from you.
8. On 23 January 2025, I notified you that a practical refusal reason existed for your FOI request under section 24AA of the FOI Act and initiated a 'request consultation process'. In that letter I requested you either withdraw your request, revise it or tell us you do not wish to revise it.
9. On 28 January 2025, you declined to revise the scope of your request in the following terms:

*"I trust the APSC has the capability to identify the relevant documents I have outlined.

It would be somewhat concerning if the APS was unable to demonstrate with evidence its self-proclaimed 'integrity' and 'good reputation'. In fact, it could be argued making such claims without sufficient evidence lacks integrity."*
10. Following the 'request consultation process', I consider that a 'practical refusal reason' still exists because you have not provided information that is reasonably necessary to enable a responsible officer agency or minister to identify the document that is being requested, which is a requirement of a valid FOI request under paragraph 15(2)(b) of the FOI Act,
11. The Commission is unable to interpret the focus of your request as it is too broad and does not provide sufficient information to allow the Commission to efficiently conduct the relevant searches to locate documents responding to the request.
12. 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. Without further clarification, the Commission is unable to process this request.
13. On this basis, I am satisfied that a practical refusal reason exists for the purposes of paragraph 24AA(1)(b).

Review rights

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

Contacts

15. 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

4 February 2025

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 agency 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 (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