



**Australian Government**

**Department of the Prime Minister and Cabinet**

ONE NATIONAL CIRCUIT  
BARTON

FOI

FOI/2020/239

***FREEDOM OF INFORMATION ACT 1982***

**REQUEST BY: Trav S**

**DECISION BY: Peter Rush  
Assistant Secretary  
Parliamentary and Government Branch**

By email: [foi+request-6794-b88b64c6@righttoknow.org.au](mailto:foi+request-6794-b88b64c6@righttoknow.org.au)

Dear Trav S

I refer to your email of 12 October 2020 in which you made a request to the Department of the Prime Minister and Cabinet (the **Department**) under the *Freedom of Information Act 1982* (the **FOI Act**) in the following terms:

*The Department responsible for honours policy instructed the drafting of an amendment of HOSM (Iraq) declaration 2004 to extend to specified commercial contractors engaged by AusAID to support Australian government humanitarian operations. Proposed text was promulgated for review in March 2012.*

*The Department recently stated this advice came before final advice from stakeholders.*

*I would like to ask for a copy of the final advice from stakeholders under the FOI Act. Please do not include document B13/1718 if this is the final advice.*

On 23 October 2020, you advised the Department as follows:

*Please accept this minor amendment.*

*I may have made an error in referring to the Branch responsible for HOSM administration as the Department responsible for HOSM policy in my FOI request.*

*I don't know if this makes a difference to the request but will be happy to correct if advised.*

### **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 Act.

### **Decision**

I have decided to refuse your request under section 24A(1)(b)(ii) of the FOI Act.

### **Reasons**

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.*

Your FOI request seeks access to a document that, if it existed, would have been identified in document searches for a prior FOI request received by the Department. I have had regard to the search results done for that prior FOI request. Those prior searches covered relevant electronic and paper records. I am satisfied that no document meeting the terms of your FOI request exists apart from document B13/1718. Document B13/1718 comprises the final advice, which I note you have excluded from the terms of your FOI request.

I have therefore decided to refuse your request under section 24A(1)(b)(ii) of the FOI Act.

### **Processing and access charges**

I have decided not to impose charges in respect of your request.

### **Review rights**

Information about your rights of review under the FOI Act is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

## Complaint rights

You may make a complaint to the Information Commissioner about the Department's actions in relation to a request. Making a complaint about the way the Department has handled an FOI request is a separate process to seeking review of the Department's decision. Further information about how to make a complaint is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Rush', written in a cursive style.

Peter Rush  
Assistant Secretary  
Parliamentary and Government Branch

11 November 2020