


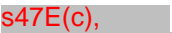

**From:** [FOI](#)  
**To:** [FOIDR: FOI](#)  
**Subject:** RE: MR18/00212 - Notice of request for IC review (PM&C ref: FOI/2018/015) [SEC=UNCLASSIFIED]  
**Date:** Friday, 20 April 2018 3:03:45 PM  
**Attachments:** [image005.jpg](#)  
[image009.jpg](#)  
[image010.jpg](#)  
[image011.jpg](#)  
[image012.jpg](#)  
[image018.jpg](#)  
[image019.jpg](#)

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UNCLASSIFIED

Thank you **s47E(c)**,

Regards

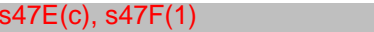
**s47E(c)**,   
Access and Administrative Review Section | Legal Policy Branch  
Government Division | Department of the Prime Minister and Cabinet  
**s47E(c)**,   
**s47F(1)**  | w. [www.pmc.gov.au](http://www.pmc.gov.au)  
One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



cid:image005.jpg@01D30607.6CF4DA00



---

**From:** FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)>  
**Sent:** Friday, 20 April 2018 2:31 PM  
**To:** FOIDR <[foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)>; **s47E(c)**, **s47F(1)**   
**Cc:** FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)>  
**Subject:** FW: MR18/00212 - Notice of request for IC review (PM&C ref: FOI/2018/015) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear s47E(c),

I acknowledge your return call through to PM&C's FOI inquiries line. As requested, and if you haven't already received the email, see email below advising of expected date for notifying the access decision.

Regards

s47E(c),  
s47F(1)  
Access and Administrative Review Section | Legal Policy Branch  
Government Division | Department of the Prime Minister and Cabinet  
s47E(c),  
s47F(1) | w. [www.pmc.gov.au](http://www.pmc.gov.au)  
One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



cid:image005.jpg@01D30607.6CF4DA00



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**From:** FOI  
**Sent:** Friday, 20 April 2018 2:03 PM  
**To:** 'FOIDR'; FOI  
**Subject:** RE: MR18/00212 - Notice of request for IC review (PM&C ref: FOI/2018/015) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear s47E(c),

I refer to my voice mail message of today. Regrettably, PM&C will not be in a position to notify the access decision to the FOI applicant by today. The current status of the matter is as follows:

- A draft decision has been provided to the decision maker today.
- s47F(1)
- In order to ensure as a quick a response as possible, the decision maker is reviewing the decision even though he is not in the office.
- After the decision maker has approved the draft decision, we will need to brief PM&C's Executive and the Office of the Prime Minister.

In the light of the above, and given that Wednesday, 25 April 2018 is a public holiday, we are now proposing to notify a decision to the applicant by Friday, 27 April 2018.

We apologised for the expected delay in notifying the decision. Should you have any concerns, I would be grateful if you could call me at your earliest convenience.

Regards

s47E(c),  
Access and Administrative Review Section | Legal Policy Branch  
Government Division | Department of the Prime Minister and Cabinet  
s47E(c),  
s47F(1) | w. [www.pmc.gov.au](http://www.pmc.gov.au)  
One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



cid:image005.jpg@01D30607.6CF4DA00



**From:** FOI [<mailto:FOI@pmc.gov.au>]  
**Sent:** Tuesday, 27 March 2018 4:24 PM  
**To:** FOIDR <[foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)>  
**Cc:** FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)>  
**Subject:** FW: MR18/00212 - Notice of request for IC review (PM&C ref: FOI/2018/015) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear s47E(c),

Thank you for the notice of request for IC review and preliminary inquiries under s 54V of the FOI Act.

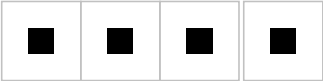
In response to your preliminary inquiries, we advise as follows:

- The current status of s22 request is that document searches have been completed, and the next steps are:
  - consult a PM&C business area and consult s47F(1) regarding possible release of documents;
  - following receipt of consultation comments, the decision maker to consider the comments and instruct the FOI area on his proposed decision
  - the FOI area will draft an access decision and marked-up documents for the decision maker's consideration
  - the decision maker will undertake briefing on his proposed decision with the Department's Executive and the Office of the Prime Minister as required by PM&C's FOI Business Rules
  - following completion of briefing, the FOI area will package the decision and documents for release and send to the applicant, with a copy to the OAIC.
- We expect to complete the request by Friday, 20 April 2018. The time frame for completion of the FOI request takes account of two successive short weeks due to the Easter long weekend of 30 March 2018 to 2 April 2018, and has regard to the remaining steps required to complete the FOI request including sufficient time for the consultees to consider and respond to the consultations.

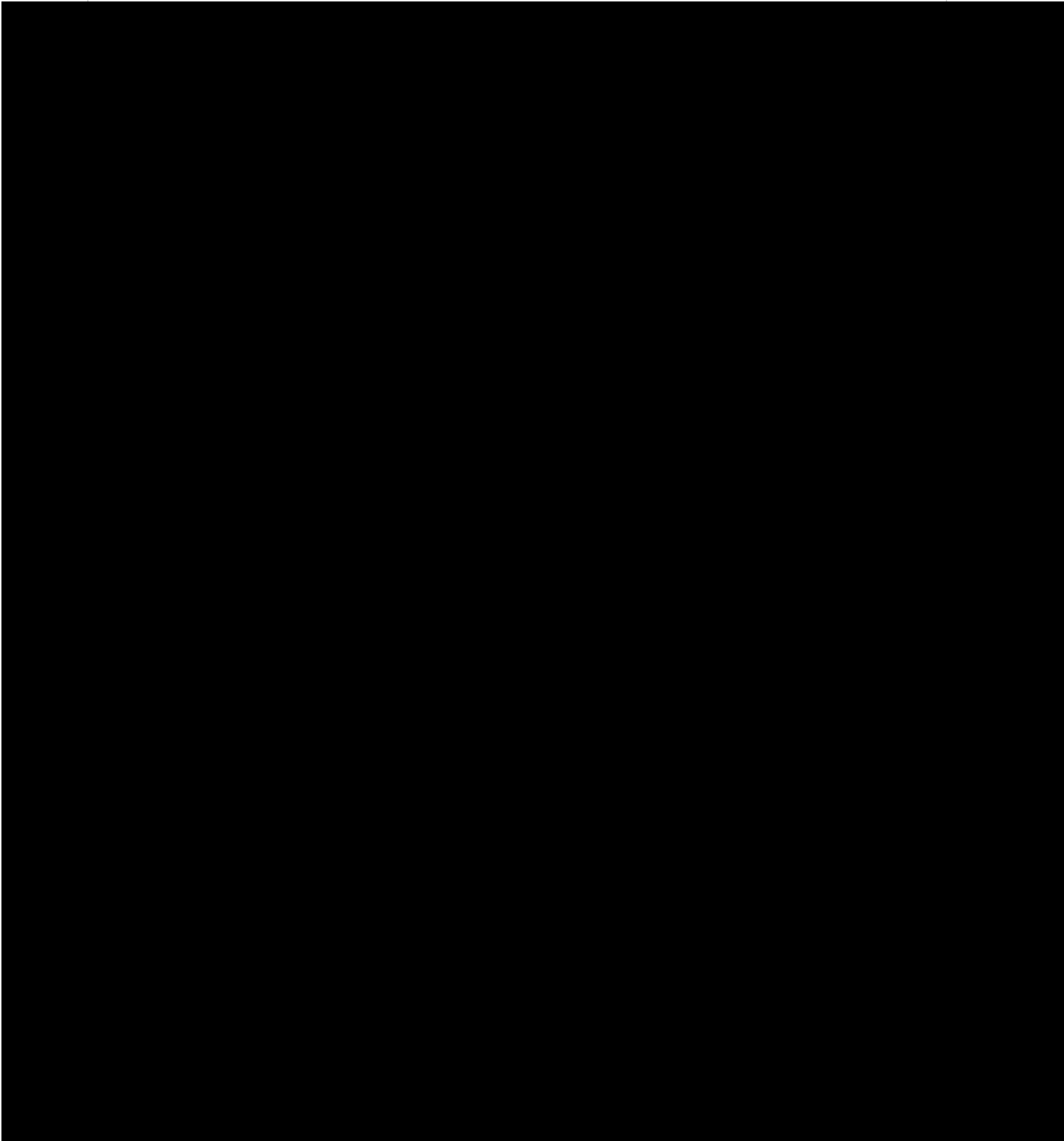
Should you require more information, please contact me.

Yours sincerely

s47E(c), s47F(1)



cid:image005.jpg@01D30607.6CF4DA00



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**From:** FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)>

**Sent:** Thursday, 14 June 2018 4:29 PM

**To:** s47E(c), s47F(1)

**Cc:** FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)>

**Subject:** FW: CP18/01243 - s22 FOI complaint about the Department of Prime Minister and Cabinet - Notification and preliminary inquiries - Response by cob 14.6.18 please [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear s47E(

Thank you for your letter and the relevant documents. I refer to my voice mail message to you of 14 June 2018. As mentioned in my voice mail message, we request an extension of time to respond to your letter. The reason for the extension request is that PM&C's response requires clearance by two SES officers, s47F(1)

We therefore request an extension of time to Monday 18 June 2018.

Should you wish to discuss, please contact me.

Regards

s47E(c),

FOI and Privacy Section | Legal Policy Branch  
Government Division | Department of the Prime Minister and Cabinet

s47F(1),

s47E(c)

| w. [www.pmc.gov.au](http://www.pmc.gov.au)  
One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600





The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

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**From:** FOI  
**To:** s47E(c)  
**Cc:** FOI; Moran Celeste; s47E(c), s47F(1)  
**Subject:** RE: CP18/01243 - FOI Complaint - Investigation Notice [SEC=UNCLASSIFIED]  
**Date:** Tuesday, 12 February 2019 2:44:19 PM  
**Attachments:** image001.jpg  
 image002.png  
 image003.png  
 image004.png  
 image005.png  
 image006.jpg  
 image007.jpg  
 image008.jpg  
 image009.jpg  
 image010.jpg  
 s47E(d)

## UNCLASSIFIED

Dear s47E

s47E(d)

Thank you for your patience and the extension of time you have provided.

The Department looks forward to hearing from you in relation to next steps. Please do not hesitate to contact us anytime if you would like to discuss any part of the Department's response.

Regards

s47E(c), s47F(1)

Legal Policy Branch | Government Division  
 Department of the Prime Minister and Cabinet

s47E(c), s47F(1)

| [www.dpmc.gov.au](http://www.dpmc.gov.au)

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

The Department acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, waters and community. We pay our respect to their Cultures, Country and Elders both past and present.

**From:** FOI <FOI@pmc.gov.au>

**Sent:** Wednesday, 6 February 2019 5:50 PM

**To:** s47E(c), s47F(1)

**Cc:** s47E(c), s47F(1); FOI <FOI@pmc.gov.au>

**Subject:** RE: CP18/01243 - FOI Complaint - Investigation Notice [SEC=UNCLASSIFIED]

## UNCLASSIFIED

Hi s47E

Thank you for your email – as discussed in my voicemail, I have been in and out of meetings today. We are urgently finalising our submissions and I hope to provide them to you by **8 February 2019**.

Thank you for your ongoing patience.

Thanks

s47E(c), s47F(1)

Legal Policy Branch | Government Division  
 Department of the Prime Minister and Cabinet

s47E(c), s47F(1)

s47E(c), s47F(1) | [www.dpmc.gov.au](http://www.dpmc.gov.au)

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

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waters and community. We pay our respect to their Cultures, Country and Elders both past and present.

**From:** FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)>

**Sent:** Friday, 1 February 2019 10:44 AM

**To:** s47E(c), s47F(1)

**Cc:** s47E(c), s47F(1) FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)>

**Subject:** RE: CP18/01243 - FOI Complaint - Investigation Notice [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi s47E

Thank you for calling through just now.

As discussed, we are urgently finalising the Department's submissions and I hope to be in a position to provide these to you early next week (4 February 2019 if possible). I will give you a call to give you an update early on Monday morning with how we are progressing.

I appreciate your time and your patience.

Thanks

s47E(c), s47F(1)

Legal Policy Branch | Government Division  
Department of the Prime Minister and Cabinet

s47E(c), s47F(1)

s47E(c), s47F(1) [www.dpmc.gov.au](http://www.dpmc.gov.au)

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**From:** FOI <[FOI@dpmc.gov.au](mailto:FOI@dpmc.gov.au)>

**Sent:** Tuesday, 8 January 2019 4:39 PM

**To:** s47E(c), s47F(1)

**Cc:** s47E(c), s47F(1) FOI <[FOI@dpmc.gov.au](mailto:FOI@dpmc.gov.au)>

**Subject:** RE: CP18/01243 - FOI Complaint - Investigation Notice [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi s47E

As discussed this afternoon, the Department s47E(d) by **COB 18 January 2019**. I appreciate the extensions of time given to the Department to date for this matter. Grateful if you can confirm whether the OAIC will agree to this timeframe.

Thanks

S

s47E(c), s47F(1)

Legal Policy Branch | Government Division  
Department of the Prime Minister and Cabinet

s47E(c), s47F(1)

| [www.dpmc.gov.au](http://www.dpmc.gov.au)

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**From:** FOI <[FOI@dpmc.gov.au](mailto:FOI@dpmc.gov.au)>

**Sent:** Friday, 21 December 2018 5:47 PM

**To:** s47E(c), s47F(1)

**Cc:** FOI <[FOI@dpmc.gov.au](mailto:FOI@dpmc.gov.au)>

**Subject:** RE: CP18/01243 - FOI Complaint - Investigation Notice [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear s47E

Just wanted to provide you with a brief update regarding s47E(d). Unfortunately we are unlikely to be in a position to provide our response to you today, however we are aiming to be able to provide them to you on Monday 24 December 2018. We will also touch base with you on Monday to keep you updated.

Please feel free to contact me if you have any question in the meantime.

Regards

s47E(c), s47F(1)

FOI & Privacy Section  
Legal Policy Branch | Government Division  
Department of the Prime Minister and Cabinet

s47E(c), s47F(1)

| [foi@dpmc.gov.au](mailto:foi@dpmc.gov.au) | [www.dpmc.gov.au](http://www.dpmc.gov.au)

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



The Department acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land,

waters and community. We pay our respect to their Cultures, Country and Elders both past and present.

**From:** FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)>

**Sent:** Tuesday, 11 December 2018 6:37 PM

**To:** s47E(c), s47F(1)

**Cc:** Moran, Celeste <[Celeste.Moran@pmc.gov.au](mailto:Celeste.Moran@pmc.gov.au)>; FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)>

**Subject:** RE: CP18/01243 - FOI Complaint - Investigation Notice [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi s47E(

Thanks for your email. You will receive the non-confidential submissions by the end of the week.

s47E(d) by close of business, 21 December 2018.

Thanks

s47E(c), s47F(1)

Legal Policy Branch | Government Division  
Department of the Prime Minister and Cabinet

s47E(c), s47F(1)

| [www.dpmc.gov.au](http://www.dpmc.gov.au)

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



cid:image005.jpg@01D30607.6CF4DA00



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**From:** FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)>  
**Sent:** Monday, 10 December 2018 6:02 PM  
**To:** s47E(c), s47F(1)  
**Cc:** FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)>; Moran, Celeste <[Celeste.Moran@pmc.gov.au](mailto:Celeste.Moran@pmc.gov.au)>  
**Subject:** RE: CP18/01243 - FOI Complaint - Investigation Notice [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi s47E

As foreshadowed, please find attached s47E(d)

[Redacted text block]

s47E(d)

[Redacted text block]

Happy to discuss any aspect of this matter.

Kind regards,

s47E(c), s47F(1)

Legal Policy Branch | Government Division  
Department of the Prime Minister and Cabinet

s47E(c), s47F(1)

| [www.dpmc.gov.au](http://www.dpmc.gov.au)

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



cid:image005.jpg@01D30607.6CF4DA00



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**From:** FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)>

**Sent:** Friday, 7 December 2018 7:18 PM

**To:** s47E(c), s47F(1)

**Cc:** FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)>

**Subject:** RE: CP18/01243 - FOI Complaint - Investigation Notice [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi s47E

Thanks for speaking to me about this matter yesterday and the Department's proposed approach. We're grateful for the clarification from s47E on 29 November 2018, which has been very helpful.

s47E(d)

. I apologise for this slight delay.

I'll touch base with you again on Monday to let you know how we are progressing.

Thanks



s47E(c), s47F(1)

FOI & Privacy Section  
Legal Policy Branch | Government Division  
Department of the Prime Minister and Cabinet

s47E(c), s47F(1)

[www.dpmc.gov.au](http://www.dpmc.gov.au)

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**Australian Government****Department of the Prime Minister and Cabinet**

ONE NATIONAL CIRCUIT  
BARTON

Your Reference: CP18/01243  
Our Reference: FOI/2018/015

Ms Angelene Falk  
Australian Information Commissioner  
Office of the Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 5218

Dear Ms Falk

**Re: Notice on completion of a complaint investigation in accordance with section 86 of the *Freedom of Information Act 1982 (Cth)* (the FOI Act)**

On 22 November 2019, you wrote to the Secretary of the Department of the Prime Minister and Cabinet (the Department) advising of your completion of the investigation into the complaint made by <sup>s22</sup> (the complainant) on 23 April 2018 under section 70 of the *Freedom of Information Act 1982 (Cth)* (the FOI Act).

I welcome and accept the five recommendations you have made pursuant to section 88 of the FOI Act, as outlined in your notice on completion. The Department will provide a status report to your office on progress by 24 February 2020.

I appreciate your acknowledgment of the investments and steps the Department has taken, and continues to take, to improve FOI case management capability, processing times and FOI Act statutory awareness at all levels within the Department. Like many agencies across the Commonwealth, the Department is experiencing a noticeable increase in FOI requests – the number of valid FOI requests received this financial year has already exceeded the 2018-2019 financial year total. However, with the measures we have implemented we are already observing positive results.

<sup>s47C, s47E(d)</sup>

A large rectangular area of the document is redacted with a solid grey fill, covering approximately the bottom third of the page content.

If your staff would like to discuss this matter, they can contact Ms Celeste Moran, Assistant Secretary – Legal Policy Branch ([celeste.moran@pmc.gov.au](mailto:celeste.moran@pmc.gov.au); 02 6271 5124).

Yours sincerely

s22

Stephanie Foster  
Deputy Secretary Governance

6 December 2019

## FOR OFFICIAL USE ONLY

### ATTACHMENT A

Dear Colleagues

As you know, as a Department we take seriously our obligations under the [Freedom of Information Act 1982 \(Cth\)](#) (the FOI Act). Noting that we have a relatively high and constant FOI caseload, and that we regularly have officers and SES decision makers rotating through the Department, I thought that it would be timely to remind all staff of the Department's statutory obligations under the FOI Act.

The objects of the FOI Act are to give the Australian community access to information held by the Government of the Commonwealth, and in short, provide every person with a right of access to documents held by government agencies, unless the documents are exempt from disclosure.

The Secretary has authorised all SES officers in the Department to be decision-makers on FOI requests received. All staff are able to access a range of guidance material, checklists and fact sheets on the [intranet](#). The FOI & Privacy Section is also available to provide assistance or training to line areas if required (contact details are **below**).

If you are involved in the processing of an FOI request at PM&C, it is important that you undertake this work with a couple of core considerations in mind, including:

- **The objects clause of the FOI Act (section 3):** staff are expected to perform and exercise functions in accordance with the objects and purposes of the FOI Act, as far as possible, to facilitate and promote public access to information, promptly and at the lowest reasonable cost.
- **FOI is time critical (30 days goes very quickly):** the Department must comply with strict statutory timeframes when responding to valid FOI requests under the FOI Act. This requires immediate engagement and accountability by all staff involved in processing an FOI requests, from initiation to its completion.

In addition to the FOI Act and the [Guidelines issued by the Australian Information Commissioner](#) (the FOI Guidelines), the Department's Business Rules are to be followed in the processing of FOI requests. All staff who are involved in FOI processing should be familiar with, and act in accordance with, the Department's internal processes and procedures as outlined in the Business Rules.

As most of you would know, time is of the essence with the processing of FOI requests as we are required to adhere to strict statutory timeframes. Subject to any extensions of the statutory timeframe, we must take all reasonable steps to notify FOI applicants of a decision on their request within 30 days of receiving a request.

I am grateful for all of the ongoing work that the Department has undertaken in the FOI space, and I am pleased to say that we currently have no overdue requests. While I know that this adds to your already heavy workload, it is really important that this high standard continues so that PM&C remains an exemplar of best practice across the APS.

The FOI & Privacy Section can be contacted via email [foi@pmc.gov.au](mailto:foi@pmc.gov.au) or telephone 02 6271 5849 to assist with any FOI-related enquiries.

Regards,  
Stephanie

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**Audit of FOI caseload and processing periods for 2019 – 2020**

The Department presently has no overdue FOI requests and a 100% compliance rate with statutory timeframes for finalising valid FOI requests received between 1 January 2020 – 23 February 2020.

Calendar Year

Between 1 January 2019 – 31 December 2019, the Department received **389 requests**. Of the 389 requests received, **302** were **valid FOI requests** comprising:

- **5** valid personal information FOI requests
- **297** valid non-personal FOI requests
  - **43** of these requests were transferred to other agencies pursuant to section 16 of the FOI Act
  - **69** of these requests were withdrawn by applicants or otherwise withdrawn through mechanisms provided under the FOI Act (eg. deemed withdrawals in response to charges or a practical refusal consultation notice period).

During this same period, **187 valid FOI requests** were finalised by active decision of the Department. Of these, **161** valid FOI requests were finalised in time, representing an **86.1%** compliance rate. This compliance rate does not include withdrawals or transfers, which would bolster the Department's finalisation rate.

Financial Year

The 2019/2020 financial year breakdown is as follows:

*1 July 2019 – 23 February 2020 (Current 2019/2020 FY):*

- **287** requests received, **245** valid FOI requests (includes transfers and withdrawals but not internal reviews or requests for Information Commissioner review).
- **90.2%** (**138** out of **153** requests) of all requests finalised by active decision of the Department between 1 July –23 February 2020 were finalised on time.
- All IAG-related matters received by the Department during this period were transferred to the National Indigenous Australian Agency (NIAA) following the machinery of government (MOG) changes on 1 July 2019.
- This means the total valid FOI caseload and number of active decisions made by the Department more than doubled from the previous six-month period, despite the MOG changes.