



Australian Government
Department of Defence

Objective ID: BN25195714

FOI 265/20/21 - STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the application by [REDACTED] under the *Freedom of Information Act 1982* (FOI Act), for access to:

“A document passed from the Chief of Defence Force to the Inspector General of the Australian Defence Force which deals with the reporting of journalist Chris Masters. Limit the search to documents given only to IGADF between September 2017 and June 2018.”

FOI decision maker

2. I am the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

3. I identified no documents as matching the description of the request.

Decision

4. I have decided to refuse access to documents of the request under subparagraph 24A(1)(b)(ii)[Requests may be refused if documents cannot be found, do not exist or have not been received] of the FOI Act.

Material taken into account

5. In making my decision, I had regard to:
- a. the terms of the request;
 - b. the content of the identified documents in issue;
 - c. relevant provisions in the FOI Act;
 - d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
 - e. advice from the offices of the Chief of the Defence Force and the Inspector-General of the Australian Defence Force.

Reasons for decision

6. Section 24A(1) of the FOI Act states:

24A Requests may be refused if documents cannot be found, do not exist or have not been received

Document lost or non-existent

(1) An agency or Minister may refuse a request for access to a document if:

- 1. all reasonable steps have been taken to find the document; and*
- 2. 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.

7. Paragraph 3.90 of the Information Commissioner Guidelines advises the kind of detail this statement of reasons could include to refuse a request under section 24A (1):

...the steps that were taken to search for the document, including the dates as to when the searches were conducted, the search parameters used, the time taken to conduct the search and whether any relevant backups were examined...

8. To ensure that "all reasonable steps" have been taken in this request, every reasonable avenue of locating potential documents matching the scope of the request has been exhausted.

9. The offices of the Chief of the Defence Force and the Inspector-General Australian Defence Force, conducted searches on Defence's electronic filing system Objective and PDMS, using multiple search parameters outlined in the scope. No documents were found matching the scope of the request.

10. I am satisfied that "all reasonable steps" have been taken to locate the documents sought by the applicant. I am satisfied that the documents do not exist, and refuse access under section 24A (1) of the FOI Act.

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Date: 2020.12.21 16:13:32 +11'00'

Mrs Joanne Groves
Accredited Decision Maker
Associate Secretary Group