

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

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

'Letters, emails or submissions from the Premier of South Australia, Steven Marshall MP or the office of the Premier of South Australia, Steven Marshall MP, to the Minister for Defence regarding submarine full-cycle docking at Osborne Shipyard (ASC South) for the period 1 January 2019 to 26 August 2019'

FOI Decision Maker

2. I am a relevantly authorised officer, pursuant to section 23 of the FOI Act, authorised to make a decision in regards to this FOI request.

Documents

3. No documents were identified as matching the description of the request.

Decision

4. I have decided to refuse access to the requested documents under section 24A [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. relevant provisions in the FOI Act; and
 - c. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines).

Reasons for decision

Section 24A – Requests May Be Refused

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:*
- (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.*

7. Paragraph 3.95 of the Information Commissioner Guidelines advises what detail this statement of reasons needs to include to refuse a request under section 24A(1):

The statement of reasons given to the applicant should sufficiently identify the document, explain why it cannot be found or is known not to exist or to be in the agency's possession, describe the steps the agency took to search for the document, and note the limitations of any search.

8. To ensure that 'all reasonable steps' have been taken in this request, the Office of Senator The Hon. Linda Reynolds conducted thorough searches within their emails and hard copy files relating to submarine full-cycle docking at Osborne Shipyard. Advisors also undertook searches of hard copy and electronic files within the electorate office and the Parliamentary Document Management System. The above searches returned no results that matched the tenure relevant to the scope of this request.

9. Based on the advice received, I am satisfied that all reasonable steps have been taken to locate the requested documents, and no documents exist. Therefore I have decided to refuse access to this request under section 24A of the FOI Act.



21/10/19

Timmy Lam
Accredited Decision Maker
Office of the Minister of Defence