



OFFICE OF THE DEPUTY PRIME MINISTER AND MINISTER FOR DEFENCE

Freedom of Information Request 006/23/24 – Notice of Access Decision

1. I refer to the application by James Smith under the *Freedom of Information Act 1982* (FOI Act) for access to:

*...copies of all correspondence between any current or former Minister for Defence (or Acting Minister) **and**:*

*1. the Afghanistan Inquiry Implementation Oversight Panel (comprised of Dr Vivienne Thom, AM, Robert Cornall, AO, and Professor Rufus Black); **and***

2. the Department for Defence or the Australian Defence Force in relation to:

(a) the work or reports of the Afghanistan Inquiry Implementation Oversight Panel; or

(b) the paper titled "Preparing for the Future: Key Organisational Lessons From the Afghanistan Campaign" authored by Andrew Hocking.

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 official documents as matching the scope of the request.

Decision

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

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 if documents cannot be found, do not exist or have not been received

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

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 3.90 of the Guidelines advises the detail should include to refuse a request under section 24A(1):

It may also be prudent for agencies and ministers to explain in its decision 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 relation to this request, every reasonable avenue of identifying documents related to the scope of the request have been exhausted.

9. Thorough documents searches were conducted by ministerial staff of all electronic systems including personal emails and folders. No documents were located within 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 cannot be found or do not exist, and refuse access to the request under section 24A(1) of the FOI Act.

Further information

11. If you are dissatisfied with my decision, you may apply to the Office of the Australian Information Commissioner for review. More information can be found at Attachment A.

Samantha Ferry
Senior Advisor
Office of the Deputy Prime Minister and Minister for Defence

Attachment A – FOI review rights

If you are dissatisfied with my decision, you may apply to the Office of the Australian Information Commissioner for review. More information can be found at:

<https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>

Information Commissioner review

An application for review by the Information Commission must be made in writing within 60 days of the date of the decision letter, and be lodged in one of the following ways:

Online:

https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10

email, send it to foidr@oaic.gov.au

mail, Director of FOI Dispute Resolution, GPO Box 5218, Sydney NSW 2001

fax, send it to 02 9284 9666