



Australian Government
Department of Defence

Reference: Objective ID R31523164

FOI 104/17/18 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the application by Ms Verity Pane, Right to Know, under the *Freedom of Information Act 1982* (FOI Act), for access to:

“...Item 1: Records of consultation, or advice sought (or any other similar activity) by Defence FOI Information Management and Access Governance and Reform Division employees with Defence CFO Group employees regarding the ability or inability to produce the financial records sought by Right to Know FOI Request https://www.righttoknow.org.au/request/2016_17_most_expensive_trip_4#comment-1958 (the revised scope - a summary report of all ROMAN related travel account codes, by total transactional value, by month, for 2016/17)

Item 2: Records of consultation, or advice sought, involving Defence CFO Group employees for the production of transactional and/or summary reports from ROMAN/CMS to provide to the Australian National Audit Office for Performance Audit No.33 of 2015–16 "Defence's Management of Credit and other Transaction Cards" [Note, to avoid all doubt, the actual transactions themselves are not sought, just records relating to the technical production of said transactional/summary reports from Defence's financial information management systems such as ROMAN/CMS ...”
excluding personal email addresses, signatures, PMKeys numbers and mobile telephone numbers, contained in documents that fall within the scope of the FOI request. In addition, excluding duplicates of documents

FOI decision maker

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

Documents identified

3. I identified 2 documents as matching the description of the request.

Decision

4. I have decided to:

- a. refuse access to Item 1 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;
- b. partially release one document in accordance with section 22 [access to edited copies with exempt or irrelevant matter deleted] of the FOI Act, on the grounds that the deleted material is considered exempt under section 7 [exemption of certain persons and bodies];
- c. refuse access to documents for Item 2 of the request under section 7 of the FOI Act; and

- d. remove irrelevant material as referred to in the scope of the request in accordance with section 22(1)(b)(ii) 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 received from the Chief Finance Officer Group.

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(1) of the FOI Act states:
 - (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. Officers within the Information Access Directorate undertook searches in the Objective folder created for the FOI Inquiry matching the scope of Item 1 of this request. While a number of documents were found relating to the management of the case there were no documents from the Information Access Directorate to the Chief Finance Officer Group.

8. The Information Access Directorate did not approach the Chief Finance Officer Group as Defence does not perform the function of reporting on ministerial travel and therefore does not hold the information requested by the applicant.

9. Based on the above, I am satisfied that no documents could be located that meet the scope of Item 1. In addition, I am satisfied that all reasonable steps have been taken to locate the documents that may have matched Item 1. Accordingly I have decided to refuse access to Item 1 under section 24A(1) of the FOI Act.

Section 7 – Exemption of certain persons or bodies

10. The Chief Finance Officer Group undertook searches for documents matching Item 2 of the request and located two emails. Both emails contained information from the Australian National Audit Office. Section 7(1) of the FOI Act (supplemented by Schedule 2, Part I) lists agencies that are exempt from the operation of the Act. This includes the Auditor-General. One of these emails was exempt in its entirety under section 7 of the FOI Act. The remaining email has been released with the exempt material removed.

Further Information

11. One of the documents matching the scope of this request contained a dissemination limiting marker. As the document is approved for public release the marker has been struck through.

Ms Nicola Viney
Accredited Decision Maker
Associate Secretary Group