



Reference: [R33758523]

FOI 324/17/18 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

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

“...I now seek copy under FOI of all documents held by Defence that relate or refer to FOI 244/17/18 (but to avoid doubt is not for copies of documents that are in scope of FOI 244/17/18), including emails, text messages, and file notes, that were created during the period 21 December 2017 (when the request from first made) to today 1 March 2018, received by or sent from the Freedom of Information Directorate and it’s chain of direct reporting executives, excluding copies of any communications authored by me and any communications sent to me by the Freedom of Information Directorate (given I already have those copies).

Background:

On 21 December 2017 I applied under FOI for copy of any documents held by the Information Management and Access Branch (IMAB) of the Governance and Reform Division, relating to guidance, procedure or policy for the management and administration of FOI applications made by members of the public, specifically formalised final versions of internal reference guides that Freedom of Information Directorate staff used to guide them in the processing of FOI applications. That FOI was given the internal FOI reference FOI 244/17/18 by Defence.

That FOI has been the subject of repeated delays by Defence, including a fraudulent practical refusal consultation and bogus charges estimate, for which Defence has repeatedly failed to provide any evidence to support the wildly exaggerated estimates it has claimed.

This is despite it being administratively requested on 21 December 2017, 20 January 2018, 25 January 2018, 6 February 2018, and 7 February 2018 for such evidence to be provided - requests that Defence ignored, in bad faith.

In particular, despite unsupported claims by Defence that these wildly exaggerated estimates were based on “conservatively estimated” sampling methodology of “documents currently held by the FOI Directorate on the Defence Electronic Records Management System (Objective)”, Defence has provided no evidence beyond it summary estimates (which are unable to support the reasonableness of such claims), and given that information to support those estimates has repeatedly been sought, but been refused to be provided by Defence, it now necessitates the following....”

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 14 documents as matching the description of the request.

Decision

4. I have decided to:
- a. release 14 documents in full;
 - b. 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; and
 - d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines).

Melissa Davidson
Accredited Decision Maker
Associate Secretary Group