



Reference: Objective ID: R34245903

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

1. I refer to the email received on 16 April 2018, in which Ms Verity Pane sought an internal review under section 54 of the *Freedom of Information Act 1982* (FOI Act) of the Accredited Decision Maker's decision dated 29 March 2018.

2. The applicant's request was for access to the following documents under the FOI Act:

*"...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 its 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...."*

### **Contentions**

3. In her application, the applicant requested an internal review of the original decision, specifically requesting “*to have the multiple redacted pages, which clearly are not ‘irrelevant’ material, be properly dealt with*”.

4. The purpose of this statement of reasons is to provide the applicant with a fresh decision relating to the documents.

### **Reviewing officer**

5. I am authorised to make this internal review decision under arrangements approved by the Secretary of Defence under section 23 of the FOI Act.

### **Documents subject to internal review**

6. Taking into account the applicant’s contentions, the 14 documents identified as matching the scope of the request are the subject of this internal review.

### **Material taken into account**

7. In arriving at my decision, I had regard to:

- a. the scope of the applicant’s request and subsequent internal review application;
- b. the original decision;
- c. the content of the documents subject to the internal review;
- d. relevant provisions in the FOI Act; and
- e. the *Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act*.

### **Internal review decision**

8. Upon reviewing the documents I found the material removed under section 22 was done so as it is email correspondence either authorised by or sent to the applicant. These emails are excluded in the scope of this review. As such, I have decided to uphold the original decision to release 14 documents in full. Further, the irrelevant matter has been removed in accordance with section 22(1)(b)(ii) [Access to edited copies with exempt or irrelevant matter deleted] of the FOI Act.

Adam Friederich  
Decision Maker – Internal Review