



DEFENCE FOI 256/22/23 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the application by Andorra Loom (the applicant) for access to documents under the *Freedom of Information Act 1982* (FOI Act).

Background

2. On 21 November 2022 the applicant sought access to:

...all correspondence since 1 June 2022 held by the Department of Defence relating to requests to use Special Purpose Aircraft for domestic travel by the Minister of Defence.

I request that a document containing information on the times, dates, and locations of departure and arrival of domestic Special Purpose Aircraft flights taken by the Minister for Defence is created by the Department under section 17 of the FOI Act.

I am not seeking drafts of the above documents.

3. On 25 November 2022, the Department of Defence (Defence) sought clarification that the scope of your entire request was for the timeframe from 1 June 2022 to 21 November 2022. On 28 November 2022, the scope was clarified and the timeframe of the scope of the request confirmed as 1 June 2022 to 21 November 2022.

4. On 29 November 2022, Defence notified the applicant that a practical refusal reason exists on the grounds that processing the request would substantially and unreasonably divert the resources of Defence due to the size of the request, specifically in relation to the first point.

5. On 1 December 2022, the scope of the first points was revised seeking access to the following:

*...I am seeking *all emails* since 1 June 2022 held by the Department of Defence *between the Department and the Minister for Defence's Office* relating to requests to use Special Purpose Aircraft for domestic travel by the Minister of Defence.*

6. Based on the above correspondence, I confirm the scope of the request is for access to:

*...I am seeking *all emails* since 1 June 2022 held by the Department of Defence *between the Department and the Minister for Defence's Office* relating to requests to use Special Purpose Aircraft for domestic travel by the Minister of Defence.*

I request that a document containing information on the times, dates, and locations of departure and arrival of domestic Special Purpose Aircraft flights taken by the Minister for Defence is created by the Department under section 17 of the FOI Act [from 1 June 2022].

I am not seeking drafts of the above documents.

FOI decision maker

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

Decision

8. I have decided to refuse access under section 24 [Power to refuse request-diversion of resources etc.] of the FOI Act.

Material taken into account

9. 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)
 - e. advice received from subject matter experts within the Royal Australian Air Force (RAAF).

Reasons for decision

10. Section 24 of the FOI Act provides that:

(1) If an agency or Minister is satisfied, when dealing with a request for a document that a practical refusal reason exists in relation to the request (see section 24AA), the agency or Minister:

(a) must undertake a request consultation process (see section 24AB); and

(b) if, after the request consultation process, the agency or Minister is satisfied that the practical refusal reason still exists—the agency or Minister may refuse to give access to the document in accordance with the request.

11. Section 24AA of the FOI Act relevantly provides that:

*(1) For the purposes of section 24, a **practical refusal reason** exists in relation to a request for a document if ... the following applies:*

(a) the work involved in processing the request:

(i) in the case of an agency – would substantially and unreasonably divert the resources of the agency from its other operations.

12. The revised scope of the request was considered and a preliminary search conducted of all emails 'since June 2022'. This preliminary search returned a result of more than 230 documents/emails, not including attachments. In making my decision, I considered the time it would take to undertake a full and thorough search for documents, and then the time required to collate documents identified, review for sensitivities, complete third party consultations, and prepare a decision on each document. On this basis, I have formed the view that processing the request will substantially and unreasonably divert the resources of Defence from its other operations.

13. Having considered all of the above, I am satisfied that a practical refusal reason exists in relation to this request and I have decided to refuse the request under section 24(1)(b) of the FOI Act.

14. In making this decision, I did not have regard to any of the factors listed in section 24AA(3) of the FOI Act.

andrew.ormsby Digitally signed by
andrew.ormsby
Date: 2022.12.20 08:51:31 +10'30'

Andrew Ormsby
Group Captain
Accredited Decision Maker
Royal Australian Air Force