



DEFENCE FOI 512/22/23 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

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

All documents, including internal communications, relating to the purported publication of findings of the Defence Strategic Review in the media.

The scope of this request covers from 12 February to 19 February 2023.

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 documents as matching the description of the request.

Decision

4. I have decided to refuse the request under section 24A [Requests may be refused if documents cannot be found, do not exist or have not been received] of the FOI Act.

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 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. Paragraph 3.94 of the Guidelines advises the detail this statement of reasons should include to refuse a request under section 24A(1):

...the statement of reasons given to the applicant should sufficiently identify the document, explain why it cannot be found or is known not to exist or be in the

agency's possession, describe the steps the agency took to search for the document, and note the limitations of any search...

8. To ensure that “*all reasonable steps*” have been taken in relation to this request, every reasonable avenue of locating potential documents matching the scope of the request has been exhausted.

9. Defence conducted comprehensive searches within Defence’s record management system, *Objective*, as well as searches within personal and group email accounts using keywords from the applicant’s FOI request such as ‘*Defence Strategic Review*’, ‘*Media*’ and ‘*Finding*’. No documents matching the scope of the request were located.

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 under section 24A(l) of the FOI Act.

11. The Deputy Prime Minister has said that the public version of the Defence Strategic Review and the Government’s formal response to it will be released in April 2023.



Emma Baxter
Defence Strategic Review Implementation Taskforce
Accredited Decision Maker
15/03/2023