



DEFENCE FOI 035/24/25

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

1. I refer to the request by James Smith (the applicant), dated and received on 10 July 2024 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

“Please provide any video recording of the Chief of Army's Address to the Defence Force Recruiting conference on 4 August 2016, transcribed here:

<https://www.army.gov.au/news-and-events/speeches-and-transcripts/2016-08-04/address-defence-force-recruiting-conference>”

Background

2. On 8 August 2024, Defence contacted the applicant to request an extension of time in accordance with section 15AA [extension of time with agreement] of the FOI Act. No record of response has been received.

FOI decision maker

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

Documents identified

4. I identified no documents as falling within the scope of the request.

Decision

5. 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

6. In making my decision, I have had regard to:
 - a. the terms of the request;
 - b. relevant provisions of the FOI Act;
 - c. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
 - d. advice from Army Headquarters Media, Defence Digital Media and Defence Force Recruiting.

REASONS FOR DECISION

Section 24A – Requests may be refused if documents cannot be found, do not exist or have not been received

7. 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.*

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

9. Army Headquarters Media, Defence Digital Media and Defence Force Recruiting conducted searches for a video recording of the Chief of Army's Address to the Defence Force Recruiting conference on 4 August 2016. Searches were undertaken utilising the key phrases "4 August 2016", "Chief of Army", "Defence Force Recruiting conference", "DFR conference", and "video recording". Further to this, advice received indicates that the Chief of Army's address, dated 4 August 2016, was not a video-recorded event. As such, no records were found matching the applicant's scope.
10. I am satisfied that all reasonable steps have been taken to locate the document sought by the applicant. I am satisfied that the documents do not exist, and refuse the request under section 24A(1) of the FOI Act.

Joanne GROVES

Digitally signed by Joanne
GROVES

Date: 2024.08.13 12:21:14 +10'00'

Mrs Joanne Groves
Accredited Decision Maker
Army Headquarters
Department of Defence