



**DEFENCE FOI 0076/24/25**

**STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982**

1. I refer to the request by Deborah-May Torrens (the applicant), dated and received on 24 July 2024 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

*...documents relating to agreements and partnerships entered into between the Australian DoD and the U.S. DoD regarding 'Project Bioshield Act of 2004' and the 'Pandemic and All-Hazards Preparedness and Advancing Innovation Act (PAHPAIA) of 2019'.*

**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 falling within the scope 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 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 the Directorate of Health Policy and Office of Command Joint Health.

**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(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.*

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 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...*

8. The Directorate of Health Policy (DHP) and Office of Command Joint Health (OCJHLTH) conducted searches in The Defence Records Management System, *Objective*, for files containing the words 'PAHPAIA', 'All-Hazards' and 'Bioshield'. No records were found matching the applicant's scope.
9. I am satisfied that all reasonable steps have been taken to locate the documents 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.

 Digitally signed by  
isaac.seidl  
Date: 2024.08.22  
17:38:51 +10'00'

**BRIG Isaac Seidl**  
Accredited Decision Maker  
Joint Health Command  
Department of Defence