



Australian Government

Defence

DEFENCE FOI 142/24/25

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 15 August 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 a list of all Work Health and Safety notices and reports, including Sentinel Event Incident Reports and Notifications to Comcare in relation to the MRH-90 Taipan helicopter, tabulating:

Author

Agency

Date

Title

Subject matter

Type of document (email, report, notice, etc) Number of pages.”

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. Relevant business areas that could reasonably be expected to hold documents have conducted preliminary searches. I confirm that the information requested is not centrally recorded and there is not an existing in-scope document.

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 provided from Capability Acquisition and Sustainment Group, Defence People Group and Army.

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. To ensure that all reasonable steps have been taken to locate a document matching the scope of the request, searches were undertaken of the official Defence records management system (Objective) and the Defence Work Health and Safety reporting database (Sentinel).

9. No documents matching the scope were located. Additionally, Defence does not have a central area of the Department that collates the requested information. I am satisfied that all reasonable steps have been taken to locate any documents relevant to the applicant's request. Subsequently, I am satisfied and that the document does not exist, and refuse the request under section 24A(1) of the FOI Act.

Joanne GROVES

Digitally signed by Joanne

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Date: 2024.09.11 16:21:36

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Mrs Joanne Groves
Accredited Decision Maker
Army Headquarters
Department of Defence