



DEFENCE FOI 397/24/25

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

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

...an organisational [sic] and visual chart and which shows the Joint Service badges of the different Joint Commands are located and who Command and Control (C2) they fall under within and across the ADF.

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 received from relevant personnel within Joint Operations Command (JOC), Vice Chief of the Defence Force Group (VCDFG), Joint Capabilities Group (JCG), Defence People Group (DPG) and Associate Secretary Group (ASG).

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:

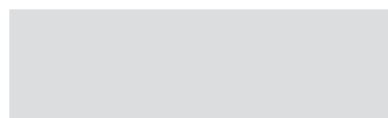
- (1) *An agency or Minister may refuse a request for access to a document if:*
 - (a) *all reasonable steps have been taken to find the document; and*
 - (b) *the agency or Minister is satisfied that the document:*
 - (i) *is in the agency's or Minister's possession but cannot be found; or*

(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. Personnel within JOC, VCDFG, JCG, DPG and ASG conducted searches of their respective files held within the Defence Records Management System, Objective, for an organisational or visual chart matching the applicants scope, however no relevant documents were identified.
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 cannot be found or do not exist, and refuse the request under section 24A(1) of the FOI Act.



A/g Director Freedom of Information
Governance Group
Department of Defence

23 December 2024