



## **ASA FOI 010/24/25**

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

1. I refer to the request by Glenn Hamiltonshire (the applicant), dated and received on 26 November 2024 by the Australian Submarine Agency (ASA), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):  
*... the Style Guides/Brand Guides/Writing Guides currently used for the Australian Submarine Agency.*

#### **Background**

2. On 26 November 2024, in anticipation of the upcoming holiday period, the applicant provided his written consent for ASA to extend the period for dealing with this FOI request from 26 December 2024 until 25 January 2025, in accordance with section 15AA [extension of time with agreement] of the FOI Act.

#### **FOI decision maker**

3. I am the authorised officer, as designated under section 23 of the FOI Act, approved to make a decision on this FOI request.

#### **Documents identified**

4. I have identified one document as falling within the scope of the request.

#### **Exclusions**

5. Personal email addresses, signatures, PMKeyS numbers and mobile telephone numbers contained in documents that fall within the scope of the FOI request, duplicates of documents, and documents sent to or from the applicant are excluded from this request. ASA has only considered final versions of documents.

#### **Decision**

6. I have interpreted the scope of your request to mean that you are seeking access to the following documents being held by the ASA:  
[Item 1] *Style Guides*  
[Item 2] *Brand Guides*  
[Item 3] *Writing Guides*
7. I have decided to:
  - a. release one document in full under Item 2 of the request; and

- b. refuse access to Item 1 and Item 3 of 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**

8. In making my decision, I have had regard for:
  - a. the terms of the request;
  - b. the content of the identified documents in issue;
  - c. the relevant provisions of the FOI Act; and
  - d. 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**

9. 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.*
10. Paragraph 3.94 of the Guidelines advises the detail that this statement of reasons should include to refuse a request under section 24A(1) as follows:

*...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...*
11. To ensure that all reasonable steps have been taken in relation to this request, every reasonable avenue of locating potential documents matching the scopes of Item 1 and Item 3 of the request have been exhausted. ASA personnel conducted searches within the relevant databases for documents matching the description of 'Style Guides' and 'Writing Guides'. No documents were identified which matched the applicant's scope.
12. 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.

*Alexander Bailey*

Alexander Bailey  
Acting Director Ministerial and Parliamentary Services  
Australian Submarine Agency  
18 December 2024