



DEFENCE FOI 464/24/25

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

1. I refer to the request by Fred (the applicant), dated and received on 12 December 2024 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

“a list of all Australian Army Corps Trophies and Awards, which have been given out by the various Army Corps, with the associated requirements for achieving said awards and or trophies, a list of the associated names and dates of when these awards were presented to the individuals and background history, description, images and importance of the award(s) given out by each Army Corps.”

Background

2. On 13 December 2024 and 2 January 2025, Defence sought the applicants agreement to extend the period for dealing with the request from 11 January 2025 until 10 February 2025 in accordance with section 15AA [extension of time with agreement] of the FOI Act. The applicant did not respond to either correspondence.
3. On 10 January 2025, Defence applied to the Information Commissioner for an extension of time to deal with the request. On 20 January 2025, the Information Commissioner agreed to extend the period for Defence to deal with the request from 11 January 2025 until 8 February 2025 under section 15AB [extension of time for complex or voluminous requests] of the FOI Act.

FOI decision maker

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

Documents identified

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

Decision

6. 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

7. 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 officers within Defence including the Army History Unit.

REASONS FOR DECISION

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

8. 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.

9. 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...

10. Paragraph 3.208 of the Guidelines states that the FOI Act gives a legally enforceable right of access to documents that already exist, and an agency is not required to create a new document to satisfy an FOI request.

11. Relevant Defence personnel were consulted in relation to this request and necessary searches were undertaken across relevant systems to identify a 'list' meeting the parameters of the applicants request. No documents matching the scope were located.

12. Additionally, advice from the Army History Unit notes that they do not hold any list or details of all the Army Corp Awards and Trophies, and that there is not a central area within Defence that collates the requested information. I am satisfied that such a list would not be held by another Defence Group or Service, and to collate the requested information would require a significant level of manual intervention which as expressed above at paragraph 10, is outside the requirements of an FOI request.

13. Having regard to the parameters of the applicant's scope, I am satisfied that all reasonable steps have been taken to locate any relevant documents and that they do not exist. Accordingly, I refuse the request under section 24A(1) of the FOI Act.

joanne.groves

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Date: 2025.01.28 13:43:57 +11'00'

Mrs Joanne Groves

Accredited Decision Maker

Army Headquarters

Department of Defence