



**Reference: AB29490253**

**FOI 070/16/17 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT**

1. I refer to the application by [REDACTED] under the *Freedom of Information Act* 1982 (FOI Act), for access to:

*1. Purchase logs and or invoices for the purchase of AFFF and any other fire fighting foams that contain PFOS or PFOA for use at RAAF Williamtown from 1 January 2000 to present.*

*2. Inventory logs for AFFF and other fire fighting foams that contain PFOS and or PFOA for use at RAAF Base Williamtown from 1 January to present.*

*3. Any incident reports or other documents recording or referring to events at RAAF Base Williamtown or surrounds in which the Department of Defence and or Australian Defence Force personnel (defence personnel) used AFFF and or other products containing PFOS/PFOA including but not limited to*

*a) Winjeel aircraft crash in or around March 1988*

*b) Oil tanker fire on Medowie road in around 1994*

*4. Copies of completed AFFF surveys received from the Department of Defence and/or Australian Defence Force personnel (Defence personnel), or summaries or reports of the same referred to on page v of "Environmental issues Associated with the Defence use of AFFF by Sonia Colville and Nicole McCarron, Environmental stewardship, EH&R Branch, Corporate Services and Infrastructure Group, Department of Defence May 2003*

*5. Any file notes or other documents recording a meeting between The Department of Defence ad the EPA on or about 10 May 2012*

*6. Any file notes or other documentation recording a telephone conversation between the Department of Defence and NSW EPA in or about June 2012 regarding groundwater contamination at RAAF base Williamtown*

*Excluding duplicates, personal email addresses, mobile phone numbers, signatures and personnel numbers.*

**FOI decision maker**

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

3. This decision follows an interim decision dated 10 November 2016. This decision relates to Items 1, 2, 3 and 5.

**Documents identified**

4. I identified 17 documents as matching the description of the request.

5. The decision in relation to each document is detailed in a schedule of documents.

6. I have added an Item and serial number to each of the documents, which corresponds with the schedule.

### **Decision**

7. I have decided to:

- a. release 17 documents in full for Items 2, 3 and 5;
- b. refuse access to documents for Item 1 of the request under sub paragraph 24A(1)(b)(ii) [requests may be refused if documents cannot be found, do not exist or have not been received] of the FOI Act; and
- c. remove irrelevant material that is not within the scope of the request in accordance with section 22(1)(a)(ii) of the FOI Act.

### **Material taken into account**

8. In making my decision, I had regard to:

- a. the terms of the request;
- b. the content of the identified documents in issue;
- c. relevant provisions in the FOI Act;
- d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines);
- e. responses to third party consultation; and
- f. advice from Infrastructure Division in Estate and Infrastructure Group (E&IG) and Capability Acquisition and Support Group (CASG)

### **Reasons for decision**

#### **Section 24A (1) of the FOI Act**

9. Section 24A(1) of the FOI Act states:

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

*Document lost or non-existent*

*(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.*

#### **Searches conducted for Item 1**

10. Defence holds no records in relation to purchase orders or invoices for the purchase of AFFF for Williamtown. Searches for documents were undertaken within E&IG and CASG. Although purchase orders and invoices for AFFF were located the identified documents did not fall within the scope of your request for Item 1 as they were not related to Williamtown.

11. Advice provided from CASG is that AFFF is purchased centrally and then distributed to various Defence establishments rather than being purchased for specific individual locations.

12. Based on the above, I am satisfied that no documents could be found matching the scope of Item 1. Accordingly I have decided to refuse access to Item 1 under section 24A of the FOI Act.

### **Third party consultation**

13. I decided to consult with third parties regarding their information which was contained in the documents. In response to this consultation, some of the third parties have objected to the release of information. The department is required to advise the third parties of my decision. Documents will be provided when all review rights have been exercised.

### **Further information**

14. Some of the documents matching the scope of this request contained a dissemination limiting marker. As the documents are approved for public release the marker has been struck through.

**HelenBlain**  
Digitally signed by HelenBlain  
DN: c=AU, o=GOV, ou=DoD,  
ou=PKI, ou=Personnel,  
cn=HelenBlain  
Date: 2016.11.24 16:28:39 +11'00'

Helen Blain  
Accredited Decision Maker  
Estate and Infrastructure Group