



**Australian Government**  
**Department of Defence**

Reference: R27949614

**FOI 102/16/17 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:

*Documents relating to the Lindt Cafe Siege, and the resultant Inquest, specifically:*

*Correspondence from any of the following:*

*The office of the Chief of Army;  
The office of Chief of the Defence Force;  
Special Operations Command.*

*to any of the following:*

*NSW Department of Premier and Cabinet;  
NSW Attorney General;  
The Solicitor General;  
Defence Ministers;  
Prime Minister & Cabinet; and  
Office of the Attorney General.*

*The date range for this request is 15 December 2014 - 20 August 2016.*

*...excluding personal email addresses, signatures, PMKeys numbers and mobile telephone numbers contained in documents that fall within the scope of the FOI request. In addition, excluding duplicates of documents.*

**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.

**Documents identified**

3. I identified two documents as matching the description of the request. I have added an FOI reference number and Serial number to each of the documents.

**Decision**

4. I have decided to:

- a. release two in documents in full; and
- b. refuse access to some parts of the request under subparagraph 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.

**Material taken into account**

5. 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); and
  - e. advice from the office of the Chief of Army and Special Operations Command.

**Reasons for decision**

6. The Office of the Chief of the Defence Force identified two documents which matched the scope of the request, both being Ministerial Advice. I have decided to release those documents intact.
7. Searches were undertaken by both the Office of the Chief of Army (OCA) and Special Operations Command (SOCOMD) for documents matching the scope of the request, however no documents were identified.
8. The Office of the Chief of Army undertook searches within Objective, the electronic records management system used by Defence. OCA ran searches using the key words 'Siege', 'Café', 'Lindt' and 'Martin Place' in both their working registry file titled Correspondence as well as their 2016 'Corro for filing' folder.
9. SOCOMD also undertook searches in Objective on both the Defence Restricted Network and the Defence Secret Network. Searches were undertaken using the key words 'Martin Place Seige', 'Lindt Café Siege' and 'Lindt' and 'Martin' in the folders 'CO SOCOMD' and 'SO HQ'.
10. No documents were identified as matching the scope of the request following the above searches. I consider that both OCA and SOCOMD undertook all reasonable searches to locate relevant documents. I do not consider that either area would hold relevant documents outside of the folders identified. Furthermore, I am satisfied that neither of those offices holds any relevant documents as evidenced by the advice provided in the two identified documents from the Office of the Chief of the Defence Force regarding Defence involvement in the siege.
11. Accordingly, I have decided to refuse access, under section 24A of the FOI Act, to *'Correspondence from any of the following:*
  - The office of the Chief of Army;*
  - Special Operations Command.*

**Further Information**

12. One 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.

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Date: 2016.11.24 07:41:43 +11'00'

Jan Andrews

Accredited Decision Maker

Associate Secretary Group

23 November 2016