



Reference: BN5016025

FOI 319/18/19 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:

“I seek access to the following documents, referenced on page 14 of the Review of risk assessments associated with the proposal to establish a national radioactive waste repository by A Johnston and A Zapantis (Supervising Scientist Report 174, 2003):

[Item 1]• Defence 2002. Consolidated EIS Response for the NRWR Department of Defence, Canberra, October 2002. Unpublished report.

[Item 2]• DEST 2002. Response to Defence Information Paper on the Draft EIS on the National Repository. Department of Education, Science and Training, Canberra, December 2002. Unpublished report.

[Item 3]• Halliburton 2002. National Radioactive Waste Repository - Report on issues relating to Site 52a. Report prepared for the Department of Education, Science and Training, Halliburton KBR Pty Ltd, Canberra, February 2002. Unpublished report.

[Item 4]• HLA 2001. Impact on Australian Defence Force Operations of locating the National Radioactive Waste Repository at Site 52a within the Woomera Prohibited Area at Woomera, South Australia. Report prepared for Department of Defence, HLA-Envirosciences, Canberra, December 2001. Unpublished report.”

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 two documents as matching the description of the request.
4. The decision in relation to each document is detailed in a schedule of documents.
5. I have added an FOI reference number and Item/Serial number to each of the documents, which corresponds with the schedule.

Decision

6. I have decided to:
 - a. release two documents in full; and
 - b. refuse access to documents 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

7. 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. advice received from Defence Estate and Infrastructure Group.

Reasons for decision

Section 24A(l) of the FOI Act - Requests May Be Refused

8. In relation to Items 2 and 3 of the request, section 24A(l) 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.*

9. Paragraph 3.94 of the Information Commissioner Guidelines advises what detail this statement of reasons needs to include to refuse a request under section 24A(l):

... 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. To ensure that all reasonable steps have been taken in this request, every reasonable avenue of locating the documents has been exhausted.

11. Defence Estate and infrastructure Group undertook searches of the Defence Record Management System (Objective) for the documents description identified by the applicant. No file could be identified. Further, a review of the description of file location did not identify any documents that met the scope of the request.

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 access to this request under section 24A(1) of the FOI Act.

Context Statement

13. I note that the request for Item 4 was for a publication date of 2001. Defence identified a later revision of the same document from 2002. I have provided this document and its associated Appendix for release administratively.

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Joanne Groves

Assistant Director Freedom of Information
Accredited Decision Maker
Enterprise and Reform Branch

1 May 2019