



Objective Reference: AHQ/OUT/2022/BQ43544237

DEFENCE FOI 204/22/23 – STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the request by [REDACTED], dated 18 October 2022, under the *Freedom of Information Act 1982* (FOI Act) for access to:

Item 1. *A copy of Land Warfare Procedures – General – 7-1-2 The Instructor's Handbook 2008.*

Item 2. *Any Standing Orders, Administrative Instructions or Codes of Conduct issued by the Warrant Officer and Non Commissioner Officer (WONCO) Academy for the period 2010 to present which details the behaviours required by instructors and the procedures should instructors not abide by the requirements.*

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 one document, totalling 412 pages, as matching the scope of Item 1 of the request.

Exclusions

4. 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. Defence has only considered final versions of documents.

Decision

5. I have decided to:

- a. release the document for Item 1 in full
- b. refuse access to documents for Item 2 under section 24A [Requests may be refused if documents cannot be found, do not exist or have not been received] of the FOI Act
- c. remove irrelevant material as referred to in the scope of the request in accordance with section 22(1)(b)(ii) of the FOI Act.

Material taken into account

6. 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 provided by Headquarters Forces Command and the Land Warfare Centre.

Reasons for decision

Section 22 – Edited copies with exempt or irrelevant matter deleted

7. Section 22 of the FOI Act provides that if an agency or Minister decides:
 - (i) *to refuse access to an exempt document; or*
 - (ii) *that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access*

and it is reasonably practicable to prepare a copy of the document modified by deletions, the agency or Minister must give the applicant access to the edited copy.

8. In relation to item one, the document provided contains a signature that does not relate to the scope of the request. I consider this information as outside the scope of this request.

9. Considering all of the above, I decided that it was reasonably practicable to remove the material that did not fall within scope of this request and release the documents in an edited form.

Section 24A(l) - Requests may be refused if documents cannot be found, do not exist or have not been received

10. Section 24A(l) of the FOI Act states:

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

Document lost or non-existent

- (l) *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.*

11. The Guidelines, at paragraphs 3.85 to 3.94, provide guidance on the steps that should be taken by Agencies to find a document and the considerations for refusing a request if documents cannot be found or do not exist.

12. To ensure that 'all reasonable steps' have been taken in this request, every reasonable avenue of locating the documents has been exhausted. The details of these searches are outlined below.

13. In relation to item two, the Defence Records Management system *Objective* was searched for files relating to any Standing Orders, Administrative Instructions or Codes of Conduct issued by the Warrant Officer and Non Commissioner Officer (WONCO) Academy. No records were found matching the applicant's scope.

14. 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.

Further Information

15. The Land Warfare Centre (LWC) identified two additional documents that may be of interest to the applicant: LWC Standing Orders, Part 3, Chapter 10 – *Behaviour Standards and Assessment Conditions* and a directive titled *Withdrawal of ATI 1-19/17 – Codes of Conduct for Instructors and Trainees*. I have decided that these documents can be released to the applicant administratively with this decision. The documents form part of the overarching policy for all training centres and training establishments within Army.

16. The document matching the scope of item one was classified. The version of the document being released under this request has been declassified and the classification struck through.

J. 
 LTCOL
 Accredited Decision Maker
 Army