



DEFENCE FOI 291/22/23 – 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. The amounts paid by Defence to:

- Canberra Airport Pty Limited (ACN 080 361 548)*
- Capital Airport Group Pty Limited (ACN 080 711 191)*

for the occupation or use of any premises (including hangars, other buildings and car parking areas) by Defence.

Excluding premises constructed, or caused to be constructed, by the above at Defence Establishment Fairbairn.

2. The amounts paid by Defence to:

- Canberra Airport Pty Limited (ACN 080 361 548)*
- Capital Airport Group Pty Limited (ACN 080 711 191)*

for the landing or parking of aircraft of the Australian Defence Force at the Canberra Airport.

*Request/inquiry timeframe: from date
01/07/2020 - 12:00am*

*Request/inquiry timeframe: to date
30/06/2022 - 12:00am”*

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. One document in relation to Canberra Airport Pty Limited was generated in accordance with subsection 17(1)(c)(i) of the FOI Act.

4. This was done on the basis that a written document could be produced containing the information in discrete form by the use of a computer ordinarily available to Defence for retrieving or collating stored information.

5. I identified no documents in relation to Capital Airport Group Pty Limited as matching the description of the scope.

6. I have added an FOI reference number and document number to the document.

Decision

7. I have decided to:

- a. release one document in relation to Canberra Airport Pty Limited in full that was created under section 17 of the FOI Act; and
- b. refuse access to documents in relation to Capital Airport Group Pty Limited 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

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

- a. the terms of the request;
- b. the content of the document in issue;
- c. relevant provisions in the FOI Act; and
- d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines).

Reasons for Decision

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

9. 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.



10. Paragraph 3.94 of the Information Commissioner 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 be in the agency's possession, describe the steps the agency took to search for the document, and note the limitations of any search...

11. To ensure that "all reasonable steps" have been taken in relation to this request, every reasonable avenue of locating potential documents matching Capital Airport Group Pty Limited has been exhausted.

12. In relation to Capital Airport Group Pty Limited, Defence Finance Group conducted searches on their financial systems and advised that no documents were found within the timeframe specified by the applicant. Search term used was "*Capital Airport Group Pty Limited*".

13. 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 documents in relation to Capital Airport Group Pty Limited under section 24A (l) of the FOI Act.

 Digitally signed
by 
Date: 2023.01.23
15:51:47 +11'00'


Accredited Decision Maker
Security and Estate Group