



AF32917710

FOI 314/17/18 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 request the following documents in relation to the Defence Major Projects Report (2016-17) released by the ANAO 23 January 2018.

Item 1 - A list of Audit Reports and Management Directed Tasks: FY 2016-17.

Item 2 – Documents that show as at 30 June 2017:

- 1 - How many service providers were employed by CASG?*
- 2 - Has CASG been able to remove the qualification required for their 2015-16 response?*
- 3 - How many APS personnel were employed by CASG?*
- 4 - How many uniformed Defence personnel were employed by CASG?*
- 5 - APS Salary Range 2017 per previous FOI 280/16/17*
- 6 - APS/SOS/SES headcount as at 30 June 2017*
- 7 - Army/Navy/RAAF headcount as at 30 June 2017*
- 8 - Uniformed personnel salary range as at 30 June 2017*

Item 3 - List of the Major Projects considered and reported by the DARC to the Defence Secretary and the CDF within the scope of Defence Major Projects 2016-17.”

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 three 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 three documents in full;
- b. refuse access to documents at Item 2 Serial 1 of the request under subparagraph 24A(1)[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 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

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. feedback received from Audit and Fraud Control Division, Defence People Group (DPG) and Capability Acquisition & Sustainment Group.

Reasons for decision

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

8. 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.*

9. The applicant requested at Item 2, Serial 1: How many service providers were employed by CASG? Advice was received from CASG that they do not track or record data on service providers.

10. Based on the above, I am satisfied that the documents cannot be found or do not exist. Accordingly, I have decided to refuse access under section 24A of the FOI Act.

Further Information

11. Documents requested at Item 2, Serial 2 and Item 3 is addressed in the Auditor-General's opinion within the 2016-17 Major Projects Report which was tabled on 23 January 2018 and is publicly available on the ANAO's website at the following link:

<https://www.anao.gov.au/>

12. Documents requested at Item 2, Serial 5 are publicly available in the Defence Enterprise Agreement 2017-2020 at the following link and are not provided as part of this request:

<http://www.defence.gov.au/PayandConditions/APS/DEA-2017-2020.pdf>

13. Documents requested at Item 2, Serials 6 and 7 are publicly available in the Defence Annual Report 2016/17 at the following link and are not provided as part of this request :

<http://www.defence.gov.au/AnnualReports/16-17/>

14. The ADF Allowance rates at Item 2, Serial 8 are dated 3 November 2016 but are applicable as at 30 June 2017 as requested by the applicant.

Ken.Martens Digitally signed by
Ken.Martens
Date: 2018.03.28 15:57:51
+11'00'

Ken Martens
Accredited Decision Maker
Associate Secretary Group

28 March 2018