



our reference: FOI 036/13/14

[REDACTED]

By email [REDACTED]

Dear [REDACTED]

## **NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST**

1. I refer to your email, dated 5 August 2014, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to the following documents:

*“MAJGEN Richard Wilson "Review of the ADF Higher Command and Control Arrangements". 2005*

*AVM Kerry Clark (May 2003) Review of the ADF Strategic and Operational Level Command and Control Arrangements.”*

### **Background**

2. The purpose of this letter is to provide you with the decision relating to the documents that are the subject of your request.

### **FOI decision maker**

3. Group Captain John Martin, Commanding Officer, Headquarters Joint Operations Command is the accredited decision maker, under the FOI Act, in relation to your request.

### **Documents identified**

4. Group Captain Martin identified two documents relevant to the request, comprised of:

- a. Better Higher Command and Control Arrangements for the Australian Defence Force 30 Nov 05 (K131259). (46 pages and 24 Annexes and 24 appendices).
- b. Review of the Australian Defence Force Strategic and Operational Level Command and Control Arrangements 9 May 2003 (AM1762400). (71 pages)

**Decision**

5. Group Captain Martin decided to release the identified documents intact.

**Material taken into account**

6. In making his decision Group Captain Martin had regard to:
- a. the content of the identified documents in issue,
  - b. the age of the documents and the reality that there is no detail contained therein that accurately reflects Headquarters Joint Operations Command current structure, organisation, capability or capacity,
  - c. advice from staff whose duties relate to the matters referred to in the document;
  - d. relevant provisions in the FOI Act,
  - e. Defence guidance material on the FOI Act and the guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the guidelines)

**Payment of Charges**

7. In our letter, dated 19 August 2014, after deducting the free decision making time, the department estimated the cost associated with processing your request to be [REDACTED]. You agreed to pay charges for the administration of your request on 2 September 2014, an invoice for the preliminary assessment deposit of [REDACTED] was subsequently sent directly from Defence Finance. You advised on 3 September 2014 that the invoice had been paid.

8. Upon completion of your request, after deducting the free decision making time, the actual amount for processing was calculated to be [REDACTED]. However, on this occasion I have used my delegation with regard to payment of charges and decided to cap the charge payable at the amount of [REDACTED] being the deposit amount you have already paid.

9. Accordingly, please find the documents in the form approved for release at Enclosure 1.

**Rights of review**

10. The FOI Act provides for rights of review of decisions. A copy of the fact sheet, "Freedom of Information – Your Review Rights" is at Enclosure 2.

**FOI Disclosure Log**

11. In accordance with the requirements of section 11C of the FOI Act, Defence is required to publish details of information released under the FOI Act. Defence will publish the identified documents relating to this request within five working days of receipt by the applicant. Defence will also publish this decision notice with privacy deletions. This request will be published on 3 October 2014.

**Further advice**

12. The FOI Act can be accessed online at: <http://www.comlaw.gov.au/Details/C2014C00122> .

13. All departmental action on your request is now complete. Should you have any questions, please contact this office.

Yours sincerely



Theresa Stinson  
Assistant Director – Media Case Management  
Freedom of Information

26 September 2014

Enclosures:

1. Documents in form for release
2. Fact Sheet: Freedom of Information – Your Review Rights