



Australian Government
Department of Defence
Defence Support and Reform Group

Ministerial and Information
Management Branch
Department of Defence

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Our reference: FOI 057/13/14

By email [REDACTED]

Dear [REDACTED]

NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST

1. I refer to your email, dated 12 August 2013, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

"...the records of RMC Duntroon from the section responsible for maintenance of archives/records concerned with responding to a public researcher request ((reference NAA/20972) of December 2012 through the National Archives of Australia for a record from Commonwealth Record Series A10160 held by RMC Duntroon archives

This request includes electronic as well as hard copy records to and from the archives section of RMC Duntroon with other Commonwealth agencies including but not limited to the National Archives of Australia dating from receipt of the NAA request in December 2012 and to the present date."

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. Ms Jan Andrews, Acting Director Management and Access, Directorate Records Management Policy is the accredited decision maker, under the FOI Act, in relation to your request.

Identified documents

4. Ms Andrews identified 15 documents as matching the scope of your request. Ms Andrews noted that a number of the identified documents are duplicates, however, as the scope of your request does not specify to exclude duplicates; she decided to include the duplicates. The identified documents are listed on the schedule of documents at Enclosure 1.

Decision

5. Following examination of the documents Ms Andrews decided to release the identified documents intact. However, Ms Andrews found that material in Serials 3A, 6, 7A and 8A related to requests for other files, which she considered irrelevant to the scope of your request. Therefore, this material was removed in accordance with section 22(1)(a)(ii) of the FOI Act.

6. For ease of reference and for the purpose of processing this request, the FOI Item number and Serial number has been added to each of the documents, corresponding with the schedule.

Courtesy consultation with National Archives of Australia

7. On 9 September 2013, Ms Joanne Kopec, FOI Review team, contacted the National Archives of Australia (NAA) to undertake courtesy consultation regarding the proposed full release of the identified documents. On 11 September 2013 NAA responded and advised that they agreed to the release of the identified documents intact.

Further information

8. Ms Andrews noted that there was no correspondence after 2 August 2013 and up to the time the file was transferred to NAA on 20 August 2013.

9. On 5 September 2013 Mr James Ryan, Special Adviser Classified Archival Records Review advised that there were no further emails sent from himself to Major Cherisa Bellis after 2 August 2013. Mr Ryan explained that on 19 August 2013 Mrs Melinda Duncan, Army Headquarters delivered the file (please see Serial 9). On 20 August 2013 Mr Ryan hand delivered the file to Fiona Sagripanti, Director of NAA, Access Examination Section, however, there was no paperwork recorded for the transfer from Defence to NAA.

Payment of Charges

10. In our letter, dated 23 August 2013, 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 29 August 2013, an invoice for the preliminary assessment deposit of [REDACTED] was subsequently sent directly from Defence Finance.

11. Upon completion of your request, the actual amount for processing exceeded the original estimate provided to you. As explained in the above mentioned letter the amount payable can only be more than the preliminary assessment if the decision is to release all of the documents requested in full. While it is the case that the documents have been released intact, I have decided not to impose the extra processing charge. Accordingly, on this occasion you are required to satisfy the original estimated amount of [REDACTED].

12. Accordingly you are required to pay the remaining [REDACTED] in order to finalise your request. Please find attached at Enclosure 2 an agreement to pay final charges form. This form is an agreement to pay charges. Upon receipt of the form an invoice will be generated, which may take up to 3 business days. Details about payment of the invoice are on the form.

Rights of review

13. 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 3.

FOI Disclosure Log

14. 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 publishes identified documents relating to requests within five working days of receipt by the applicant. Defence will also publish this decision notice with privacy deletions. I will advise you of the publication date when the documents are dispatched to you.

Further advice

15. The FOI Act may be accessed online at: <http://www.comlaw.gov.au/Details/C2011C00803>.
16. Should you have any queries about this matter please contact me directly on (07) 3332 6359. Alternatively, the FOI team can also be contacted on the details at the top of this letter.

Yours sincerely



Theresa Stinson
Assistant Director – Media Case Management
Freedom of Information

17 September 2013

Enclosures:

1. Schedule of documents
2. Freedom of Information Payment Authorisation Form /Invoice for balance of charges
3. Fact Sheet: Freedom of Information – Your Review Rights