




**Australian Government**  
**Department of Defence**

Freedom of Information  
CP1-6-001  
PO Box 7910  
CANBERRA BC ACT 2610  
Tel: 02 626 62200  
Fax: 02 626 62112  
FOI@defence.gov.au

Our reference: FOI 063/15/16



By email: 

Dear 

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

I refer to your request of 2 September 2015, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

- “1. *SASR Routine Order 01/14 para 26 dated 6 March 2014;*
2. *any order or rule relating to the possession , custody or control of private firearms on Campbell Barracks;*
3. *any other order or rule relating to the storage of private firearms on Campbell Barracks; and*
4. *any order relating to the possession, custody, control or storage of other (i.e., non-private) firearms on Campbell Barracks.”*

Please note that due to the similarities of documents sought at Items 2, 3 and 4 of your request, we considered them as one item. As such, the scope of your request was considered to be two items.

**Background**

On 4 September 2015, our office advised you of the preliminary assessment of charges associated with your request. The statutory processing time for the request was suspended on that date. You provided the receipt for your payment of the required deposit on 7 September 2015. As such, the statutory deadline for processing your request was 5 October 2015.

By email of 25 September 2015, you kindly agreed to a 7-day extension of the statutory deadline, under section 15AA [Extension of time with agreement] of the FOI Act. As such, the statutory deadline now is 12 October 2015.

By email of 12 October 2015, we provided a decision for your request. The purpose of this letter is to provide you with further explanations regarding the decision made in relation to the documents that are the subject of your request.

**FOI decision maker**

I am the authorised officer pursuant to section 23 of the FOI Act to make a decision on your request.

**Documents identified**

I identified a total of three documents that match the description of your request.

**Decision**

I have decided to:

- a. release Item 1 in full;
- b. partially release Item 2, which comprises two documents, with deletions made under section 22 [Access to edited copies with exempt or irrelevant matter deleted] of the FOI Act, on the grounds that the deleted material is exempt under section 47E [Public interest conditional exemptions – certain operations of agencies] of the FOI Act.

When you receive the documents and schedule, you will note that my decision in relation to each document is detailed in the schedule. Please note that I have added an FOI Item number and Serial number to each of the documents which corresponds with the schedule.

**Material taken into account**

In arriving at my decision, I had regard to:

- a. the terms of the request;
- b. the content of the documents in issue;
- c. relevant provisions in the FOI Act;
- d. the Guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act; and
- e. advice received from relevant departmental officers.

**Reasons for Decision**

**Section 22(1) of the FOI Act – Irrelevant matter**

Section 22(1) of the FOI Act states the following:

- (1) *This section applies if:*
  - (a) *an agency or Minister decides:*
    - (i) *to refuse to give 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.*

After examination of the documents, I found that all three contained material which, if released, would disclose information that would reasonably be regarded as irrelevant to the scope of your request. I therefore removed that material in accordance with section 22(1)(a)(ii) of the FOI Act.

### **Section 47E – certain operations of agencies**

I found that one document contains details of audit requirements.

Section 47E provides that *documents are conditionally exempt if their disclosure could reasonably be expected to:*

- (a) *prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by an agency;*

An audit report, especially in respect to the security of weapons, will be conditionally exempt pursuant to subsection 47E(a) of the FOI Act, where its disclosure could reasonably be expected to prejudice the effectiveness of procedures or methods for the conduct of audits by Defence. The prejudice may relate to future audits or audits generally, as opposed to the specific audits the subject of this request.

Based on the above, I am satisfied that this material is conditionally exempt pursuant to subsection 47E(a) of the FOI Act.

Subsection 11A(5) [Access to documents on request – exemptions and conditional exemptions] of the FOI Act, requires Defence to allow access to a conditionally exempt document, unless, in the circumstances access to the documents would be contrary to the public interest.

### **Public interest considerations**

In assessing whether disclosure is, on balance, contrary to the public interest, I considered the relevant factors set out in 11B(3) [Public interest exemptions factors] of the FOI Act, and discounted any factors identified in section 11B(4) [Irrelevant factors] of the FOI Act.

I note that that disclosure may promote some of the objects of the FOI Act, as information held by the Government is a national resource. However, the disclosure of the exempt information would not increase public participation in Defence audit activities, nor would it increase scrutiny or discussion of Defence activities.

I am satisfied that if the details of the regularity and extent of the audits were made public, then an adversary may use this information to circumvent the security measures surrounding the storage and custody of weapons. Therefore, I am satisfied that this information, if disclosed, could reasonably be expected to prejudice the conduct of future Defence audits.

On balance, I am of the view that the public interest factors against disclosure in this application outweigh the factors for disclosure of the document. I, therefore, have decided that it would be contrary to the public interest to release the information considered exempt under section 47E of the FOI Act.

### **Payment of Charges**

You were provided with an invoice for the balance of FOI charges on 13 October 2015. Following the receipt of evidence of your payment, the documents approved for release will be sent.

## **FOI Disclosure Log**

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.

## **Your Review Rights**

### ***Internal Review***

Under the provisions of section 54 of the FOI Act, you are entitled to request a review of this decision. You must request a review, in writing, within 30 days of the date of this letter, or the date you receive the documents. Requests can be sent to:

Email: [FOIReview@defence.gov.au](mailto:FOIReview@defence.gov.au)  
 Fax: 02 626 62112  
 Post: Freedom of Information Directorate - Reviews  
 Department of Defence  
 CP1-6-029  
 PO Box 7910  
 CANBERRA BC ACT 2610

### ***Australian Information Commissioner***

Under the provisions of section 54 of the FOI Act, you are also entitled to request an external review of this decision by the Australian Information Commissioner. You have 60 days to lodge such a request, using one of the contact methods below:

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
 Phone: 1300 363 992  
 Fax: 02 9284 9666  
 Post: GPO Box 2999  
 Canberra ACT 2601

### ***Complaints***

You may complain to Defence, the Information Commissioner or the Commonwealth Ombudsman about an action taken by Defence in the exercise of its power or the performance of its functions under the FOI Act. There is no fee for making a complaint. Should you wish to complain to the Department of Defence, your complaint can be addressed to Mr Tony Corcoran using the contact details below:

Email: [tony.corcoran@defence.gov.au](mailto:tony.corcoran@defence.gov.au)  
 Post: Tony Corcoran  
 Assistant Secretary Information Management and Access Branch  
 CP1-6-14  
 PO Box 7911  
 CANBERRA BC ACT 2610

Contact details for the Commonwealth Ombudsman are below:

Phone: 1300 362 072)  
 Fax: 02 6276 0123  
 Post: Commonwealth Ombudsman  
 GPO Box 442  
 CANBERRA ACT 2601

Contact details for the Information Commissioner are above.

Should you have any questions in regard to the matter please contact the office.

Yours sincerely



L McCann  
Director Information Access

14 October 2015