



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 074/13/14



By email: 

Dear 

NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST

1. I refer to your emailed letter, dated 22 August 2013, in which you requested access, under the Freedom of Information Act 1982 (FOI Act), to:

"...documents identified in your decision letter relating to

Department of Defence: Senate Budget Estimates 3 - 4 June 2013.

Specifically, I am seeking the following briefing papers:

35. ADF Battle Casualties."

Background

2. On 27 August 2013, I wrote to you to advise you of the preliminary assessment of charges associated with your request. The statutory processing time for the request was suspended on this date. Your email agreeing to pay charges for the processing was received in this office on 3 September 2013. As such, the statutory processing time for your request expires on 28 September 2013. I note that the due date is a Saturday. In accordance with the FOI Guidelines issued by the Australian Information Commissioner, if the last day for notifying a decision falls on a Saturday, Sunday or a public holiday, the timeframe will expire on the first day following which is none of those days. Noting Monday 30 September 2013 is a gazetted public holiday in the ACT (from where all FOI requests are administered), the due date for you to receive a response expires on 1 October 2013.

3. The purpose of this letter is to provide you with the decision relating to the document that is the subject of your request.

FOI decision maker

4. Colonel Murray Thompson, Director, Future & Afghanistan Military Commitments, Military Strategic Commitments was the accredited decision maker, under the FOI Act, in relation to your request.

Documents identified

5. Colonel Thompson identified one document, titled *Senate Estimates Brief – Operations 05: Australian Defence Force Battle Casualties: Killed and Wounded as at 06 May 2013*, as matching the scope of your request.

Decision

6. Colonel Thomson reviewed the document and decided to release it intact.

Material taken into account

7. In making his decision Colonel Thomson had regard to:
- a. the terms of the request;
 - b. the content of the identified document 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)*; and
 - e. the Principles on open public sector information issued by the Information Commissioner

Payment of Charges

8. In our letter, dated 27 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 3 September 2013, noting that a deposit was not required.

9. Upon completion of your request, after deducting the free decision making time, the actual amount for processing was calculated to be [REDACTED]. In this instance, I have decided not to impose the FOI processing charges as the administrative cost of processing the payment would outweigh the collectable charge.

10. Accordingly, a copy of the document in the form approved for release is at Enclosure 1.

Rights of review

11. 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.

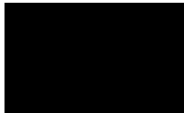
FOI Disclosure Log

12. 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. Unless otherwise agreed, this request will be published on Defence's FOI Disclosure Log on 8 October 2013.

Further advice

13. The FOI Act may be accessed online at: <http://www.comlaw.gov.au/Details/C2011C00803>.
14. Should you have any questions, please contact this office.

Yours sincerely



Theresa Stinson
Assistant Director – Media Case Management
Freedom of Information

1 October 2013

Enclosures:

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