



**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 146/15/16

By email [REDACTED]

Dear [REDACTED]

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

**Request**

1. I refer to your correspondence dated 11 November 2015, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

*Defence Industry Division*

*1. Defence Industry Division documents to or from other areas of Defence or Government which relate to Australian Industry Involvement in providing improvements to the AN/BYG-1 Tactical and Weapon Control Sub-system from January 2013 to present. The documents I seek are restricted to communications with direct bearing on how or when Australian industry is, has been or might be involved in AN/BYG-1 improvements.*

*AN/BYG-1 Joint Program Office*

*2. Joint Program Office documents to or from other areas of Defence or Government which relate to Australian Industry Involvement in providing improvements to the AN/BYG-1 Tactical and Weapon Control Sub-system from January 2013 to present. The documents I seek are restricted to communications with direct bearing on how or when Australian industry is, has been or might be involved in AN/BYG-1 improvements.*

*SEA 1000 Program Office*

*3. SEA 1000 Project documents to or from other areas of Defence or Government which relate to Australian Industry Involvement in providing improvements to the AN/BYG-1 Tactical and Weapon Control Sub-system from January 2013 to present. The documents I seek are restricted to communications with direct bearing on how or when Australian industry is, has been or might be involved in AN/BYG-1 improvements.*

*4. SEA 1000 Project documents (documents, emails reports, notes etc.) that relate to the decision to make the AN/BGY-1 Combat System the*

*'preferred' combat system including:*

- *Factual information that opposed such a decision*
- *Factual information that supported such a decision*
- *The decision record itself*

*With respect to this request, I do not require:*

- *A search to be carried out on backup tapes*
- *A search to be carried out for deleted items*
- *A search to be conducted for paper copies of emails/attachments*
- *Duplicate copies of any emails or documents*

2. By email dated 16 November 2015, Ms Theresa Stinson, Assistant Director, Media Case Management advised that your request, as it stood, was at risk of refusal under section 24 [power to refuse request – diversion of resources etc.] of the FOI Act. [REDACTED] began liaising with Ms Stinson on 26 November 2015 in an attempt to revise your request so as to eliminate the possible diversion of resources. Based on an email dated 14 December 2015, the scope of your request was revised to:

*Decision of the following committees, with respect to making the AN/BYG-1 Combat System the future submarine (SEA 1000) 'preferred' Combat System.*

*Project Initiation and Review Boards  
Capability Gate Reviews  
Defence Capability Committee  
Defence Capability and Investment Committee*

3. On 18 December 2015 Ms Stinson wrote to you to advise of the preliminary assessment of charges associated with your request. The statutory processing time for the request was suspended on this date. You provided the receipt for your payment of the required deposit on 4 January 2016. As such, the statutory deadline for processing your request is 29 January 2016.

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

#### **FOI decision maker**

5. I am an accredited officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

#### **Identified documents & decision**

6. Two five page documents were identified as containing information which matched the scope of your request, being:

1. Project Initiation and Review Board Meeting Minutes – 5 Oct 12. Minute No: 30/2012
2. Defence Capability Committee Meeting Minutes – 13 Dec 12. Minute No: 32/2012

7. I found that the identified documents contained material which did not relate to the scope of your request. Taking this into account, material that was considered irrelevant to your request was removed in accordance with section 22(a)(ii).

8. Notwithstanding the above, I have decided to release the parts of the identified documents which match the scope of your request, intact. A schedule of documents is at Enclosure 1 and documents in the form for release are at Enclosure 2.

9. By way of clarification, I would draw your attention to a media release by the then Minister for Defence on 20 February 2015 (Enclosure 3) which stated, inter alia, that:

*“In addition to this – and on the advice of Defence – the Government has endorsed a set of key strategic requirements for our future submarines:*

.....

*c) The combat system and heavyweight torpedo jointly developed between the United States and Australia as the preferred combat system and main armament.”*

### **Payment of Charges**

11. On this occasion, I have decided to cap the charges at the deposit amount already paid.

### **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. This request will be published on the Defence FOI Disclosure Log on 5 February 2016.

### **Your Review Rights**

#### ***Internal Review***

13. 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***

14. 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***

15. 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

16. 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

17. Contact details for the Information Commissioner are above.

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

Yours sincerely



Ms Natalie Carpenter  
Acting Director  
Information Access

29 January 2016

Enclosures:

1. Schedule of documents
2. Documents in form approved for release
3. Media release