



Australian Government
Department of Defence

Freedom of Information
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FOI@defence.gov.au

Our reference: FOI 170/15/16

[REDACTED]

By email: [REDACTED]

Dear [REDACTED]

NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST

1. I refer to your correspondence, dated 9 December 2016, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

“Any audits undertaken by IGADF relating to the 20th Surveillance & Target Acquisition Regiment at Gallipoli Barracks, Enoggera in the financial year 2014/2015.
[Item 1]

In the event an audit was not undertaken, I seek access to emails to the IGADF discussing a possible audit of the Unit.” [Item 2]

Background

2. On 6 January 2016, our office sought an extension to the FOI processing timeframe, in accordance with section 15AA of the FOI Act. On the same day your office advised that they had agreed to the requested extension. The new due date for your request is 21 January 2016.

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

Identified documents

5. I have identified one document which matches the scope of the request.

Decision

6. I have decided to refuse access to Item 1 of the request under section 24A [requests may be refused if documents cannot be found, do not exist or have not been received] of the FOI Act, and release the document identified as matching Item 2 of the request intact.

Material taken into account

7. In making my decision I had regard to:
- a. the content of the identified document in issue;
 - b. relevant provisions in the FOI Act;
 - c. 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);
 - d. advice from officers whose duties relate to the matters referred to in the document.

Reasons for decision - Item 1

8. I was advised by the Inspector General Australian Defence Force (IGADF) that no audits of 20th Surveillance & Target Acquisition (STA) had been undertaken in the period requested. I was advised that audits were previously conducted for that Unit in 2009 and 2012.
9. Taking the above into account, I have decided to refuse access to the requested document under section 24A of the FOI Act as all reasonable steps had been taken to identify the document and it does not exist.

Reasons for decision - Item 2

10. I identified one document as matching the scope of Item 2 of your request, being an email, from IGADF to an officer in Forces Command – Army, which foreshadowed possible audits for Units including 20 STA during the period Jul-Dec 15, while the requested document falls outside of the requested time period, for completeness and taking into account the objects of the FOI Act, I have decided to include it as part of this request.

Section 22

11. The Department excludes the personal details of its officers, such as names, signatures and mobile telephone numbers, contained in documents that fall within the scope of an FOI request unless you specifically request such details.
12. After examination of the document matching the scope of Item 2 of the request, I found that it contained material which, if released, would disclose information that would reasonably be regarded as irrelevant to the scope of the request. I found it was practicable to prepare a copy of the document, modified by deletions, such that the edited copy would no longer contain irrelevant material.
13. Taking the above into account, I have specifically relied upon section 22(1)(a)(ii) [access to edited copies with exempt or irrelevant matter deleted] of the FOI Act to exclude the names and contact details of departmental officers and information relating to areas other than 20 STA.

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. This request will be published on 28 January 2016.

Your Review Rights

Internal Review

15. 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
 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

16. 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
 Phone: 1300 363 992
 Fax: 02 9284 9666
 Post: GPO Box 2999
 Canberra ACT 2601

Complaints

17. 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
 Post: Tony Corcoran
 Assistant Secretary Information Management and Access Branch
 CP1-6-14
 PO Box 7911
 CANBERRA BC ACT 2610

18. 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

19. Contact details for the Information Commissioner are above.

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

Yours sincerely



Natalie Carpenter
Acting Director
Information Access

20 January 2016

Enclosure:

1. Documents in the form for release