



**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 177/15/16



By email: 

Dear 

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

1. I refer to your correspondence, dated 18 December 2015, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to documents relating to the funeral of Seaman Elliott Coulson. You agreed on the same day to revise the scope of your request to:

*“...Most recent Senate Estimates Brief relating to Seaman Elliott Coulson and the provision of a service funeral.”*

**Background**

2. I note that the due date for a decision on your request is Sunday 17 January 2016. 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. As such, the due date for you to receive a response is 18 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. Commander GN Fiedler, Deputy Director, Navy Ministerials and Coordination was the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

**Documents identified**

5. One document totalling three pages was identified as matching the scope of your request.

## Decision

6. Following examination of the document, Commander Fiedler decided to release the document in full.
7. The document in its approved form for release is at Enclosure 1.

## Material taken into account

8. In making his decision, Commander Fiedler had regard to the following:
  - a. the terms of the request;
  - b. *Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act* (the Guidelines);
  - c. *Principles on open public sector information* listed on the website of the Office of the Australian Information Commissioner;
  - d. *the factors favouring, or against, disclosure* in the public interest listed on the website of the office of the Australian Information Commissioner; and
  - e. advice received from officers within the Department.

## Section 22 – Access to edited copies with exempt or irrelevant matter deleted

9. Section 22 of the FOI Act provides that if an agency or Minister decides to:
  - (i) *refuse 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;*

and it is reasonably practicable to prepare a copy of the document modified by deletions, the agency or Minister must give the applicant access to the edited copy.

10. 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.
11. After examination of the document and noting the scope of the request, Commander Fiedler found that it contained material which, if released, would disclose information that would reasonably be regarded as irrelevant to the scope of the request. He specifically relied upon section 22(1)(a)(ii) to exclude the names of departmental officers, as per the Department's policy on this issue.
12. As it was practicable to prepare a copy of the document modified by deletions, such that the edited copy would no longer be exempt, Commander Fiedler made such a copy in accordance with section 22 of the FOI Act.

## **FOI Disclosure Log**

13. 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 25 January 2016.

## **Your Review Rights**

### ***Internal Review***

14. 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***

15. 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***

16. 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

17. 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

18. Contact details for the Information Commissioner are above.

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

Yours sincerely



Theresa Stinson  
Assistant Director – Media Case Management

18 January 2016

Enclosure:

1. Document in the form for release