Dear [Redacted]

NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST

1. I refer to your email, dated 5 January 2016, in which you requested access, under the Freedom of Information Act 1982 (FOI Act), to:

   "copy of any correspondence whereby Chief of Navy has given approval that female RAN officers may wear head scarfs as part of their dress uniform."

Background

2. On 7 January 2016 I 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 20 January 2016. As such, the statutory deadline for processing your request is 17 February 2016.

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

FOI decision maker

4. Commander Geoffrey Fiedler, RAN, Director Navy Ministerial and Coordination, is the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

5. Commander Fiedler identified four documents as matching the description of your request. A schedule of documents is at Enclosure 1. Documents in the form approved for release are at Enclosure 2. The decision maker has added an FOI Item number to each of the documents, which corresponds with the schedule.
Decision

6. Commander Fiedler has decided to release the documents in full.

Material taken into account

7. In making his decision, he had regard to:
   a. the terms of the request;
   b. the documents in issue;
   c. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines);
   d. Principles on open public sector information listed on the website of the Office of the Australian Information Commissioner;
   e. the factors favouring, or against, disclosure in the public interest listed on the website of the Office of the Australian Information Commissioner; and
   f. advice received from officers within the department.

Reasons for decision

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

8. 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.

9. After examination of the documents and noting the scope of the request, Commander Fiedler found that the documents contain material which, if released, would disclose information that would reasonably be regarded as irrelevant to the scope of the request. Commander Fiedler specifically relied upon section 22(1)(a)(ii) to exclude the names and signatures of departmental officers (except those specifically referenced in the request).

10. As it was practicable to prepare copies of the documents modified by deletions, such that the edited copies would no longer be exempt, Commander Fiedler made such a copy in accordance with section 22 of the FOI Act.

Payment of Charges

11. On this occasion, Mrs Michelle Rueckert, Assistant Director, FOI has decided to exercise her delegation and to cap the charges payable to 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.

**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
- **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
- **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
- **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

Matthew Ashauer
Case Manager

17 February 2016

Enclosures:
1. Schedule of documents
2. Documents in the form approved for release