NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST

1. I refer to your correspondence, dated 11 February 2016, in which you requested access, under the Freedom of Information Act 1982 (FOI Act), to:

   The brief number is QB15 – 000214 – Death of Elliott Coulson.

Background

2. 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

3. Commander GN Fiedler, RAN, 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

4. Commander Fiedler identified the requested document which totalled four pages.

Decision

5. Commander Fiedler decided, after removing irrelevant material to release the remainder of the document in full.

Material taken into account

6. In making his decision, he had regard to:

   a. the terms of the request;
   b. the content of the identified document in issue;
   c. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
   d. advice received from officers within the department.
Reasons for decision

7. Commander Fiedler noted that section 22 [access to edited copies with exempt or irrelevant matter deleted] 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.

8. After examination of the document and noting the scope of the request, Commander Fiedler found that the document contained 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) of the FOI Act to remove the mobile phone number of a departmental officer.

Other information

9. The identified document contained a dissemination limiting marker, as the document is approved for public release the marker has been struck through.

10. A copy of the document in the form approved for release is at Enclosure 1.

FOI Disclosure Log

11. 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 request will be published on 18 March 2016, or immediately following publication or public release of the material.

Your Review Rights

Internal Review

12. 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

13. 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
Complaints

14. 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

15. 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

16. Contact details for the Information Commissioner are above.

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

Yours sincerely

Theresa Stinson
Assistant Director
Media & Sensitive Case Management

11 March 2016

Enclosure:
1. Document in form for release