



Our reference: FOI 413/13/14

[REDACTED]

Dear [REDACTED]

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

1. I refer to your email, dated 9 June 2014, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

*"I seek access under the Freedom of Information Act to documents related to the export of defence and strategic goods from Australia for the financial year 2012-2013. I seek documents which detail the quantum of defence and strategic goods exports, the nature/type of the goods being exported, and the destination countries and/or organisations of those exports. These statistics are held by the Department of Defence, within the Defence Export Unit and the Defence Export Control Office.*

*In the case of this request, 'documents' refers to all reports, papers, working papers, tables, graphs, powerpoint presentations, spreadsheets, or other documents that detail the scope and nature of Australian exports of defence and strategic goods. I do not seek all documents relating to Australia's defence and strategic goods exports, rather I seek documents which collate the details of the total exports. Until 2003/04, the Department of Defence produced an annual report, released publicly, titled: 'Annual Report – Exports of Defence and Strategic Goods from Australia'. It is this report, or any document detailing similar or identical material, that I seek under this Freedom of Information request."*

**Background**

2. 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

3. Mr John Toohey, Director Operations, Defence Export Control Office was the accredited decision maker, under the FOI Act, in relation to your request.

### Documents identified

4. Mr Toohey identified four documents as matching the scope of your request. A schedule of documents is at Enclosure 1.

### Decision

5. Mr Toohey decided to release the identified documents intact.

6. In collecting the documents for this request Mr Toohey advised that he was cognisant of the applicant's request to have access to documents that capture the "...quantum of Defence and strategic goods exports..." Mr Toohey noted that this was an important distinction, as it considerably limited the scope of the request, as much of the data relevant to the export of Defence and strategic goods held on Defence databases is disaggregated. It is only when a report is requested/required/generated by an operator that the data is aggregated into a documents as captured by this FOI request. This goes some way to explain the limited nature of the documents captured by the request.

7. You also referred to a historical document titled: '*Annual Report – Exports of Defence and Strategic Goods from Australian.*' Mr Toohey advised that this line of reporting ceased in 2003/2004.

8. You also requested documents from the now defunct Defence Export Unit (DEU) within the Defence Material Organisation. In conducting his search, Mr Toohey found that the International Materiel Engagement section (IME) which includes the functions of the former DEU, does not hold records of specific export items or destination countries.

9. The IME section maintains a spreadsheet which includes the value of contracts secured by companies attending Team Defence Australia (TDA) events and which can be attributed to those companies' involvement in the TDA event. The spreadsheet includes information categorised by company and event, but does not include the product(s) or service(s) included under those contracts. This field of information is obtained in confidence by the Commonwealth, and while not captured by this request, would likely be exempt under section 45 [documents containing material obtained in confidence] of the FOI Act.

### Payment of Charges

10. In our letter, dated 13 June 2014, after deducting the free decision making time, the department estimated the cost associated with processing your request to be [REDACTED]. You sought waiver of the charges on 16 June 2014. On 16 July 2014, I provided you with the decision on your request for waiver of the charges and advised that if you wished to proceed a deposit of [REDACTED] was required.

11. You agreed to pay charges for the administration of your request and paid the required deposit on 29 July 2014. I have now decided to cap the charges at the deposit amount already paid. Accordingly, there are no further payments required to finalise your request. Copies of the documents in the form for release are at Enclosure 2.

**Rights of review**

12. The FOI Act provides for rights of review of decisions. A copy of the fact sheet, "Freedom of Information – Your Review Rights" is at Enclosure 3.

**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 will publish the identified documents relating to this request on 2 September 2014. Defence will also publish this decision notice with privacy deletions.

**Further advice**

14. The FOI Act may be accessed online at: <http://www.comlaw.gov.au/Details/C2014C00122> .

15. Should you have any questions, please contact this office.

Yours sincerely



Theresa Stinson  
Assistant Director – Media Case Management  
Freedom of Information

26 August 2014

Enclosures:

1. Schedule of documents
2. Documents in form for release
3. Fact Sheet: Freedom of Information – Your Review Rights