Dear [Redacted]

NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST

I refer to your correspondence, dated 17 August 2015, in which you requested access, under the Freedom of Information Act 1982 (FOI Act), to:

"Hot Issue Brief, CERB DNIB 2011/16, 001-11, Allegations by Male Trainee of Sexual Relationship with Male Leading Seaman Instructor dated 10th May 2011."

Background

I also refer to your email, dated 7 September 2015 in which you agreed to revise the scope of your request to ‘exclude the personal details of officers not in the Senior Executive Service (SES), as well as the mobile telephone numbers of all staff, contained in documents that fall within scope of an FOI request.’

The due date for you to receive a response is 16 September 2015.

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

Captain Nicholas Mathews, RANR, Chief Staff Officer (Executive), Navy is the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

Captain Mathews identified one document as matching the description of your request. Documents in the form approved for release are at Enclosure 1.

Decision

Captain Mathews has decided to release the document in full.
Material taken into account

In making his decision, Captain Mathews had regarded:

a. the terms of the request;
b. the content of the identified document in issue;
c. relevant provisions in the FOI Act;
d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and

e. the Principles on open public sector information issued by the Information Commissioner.

Your Review Rights

Internal Review

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

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

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
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

Contact details for the Information Commissioner are on the previous page.

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

Yours sincerely

Michelle Rueckert
Assistant Director

16 September 2015

Enclosures:
1. Document in the form for release