



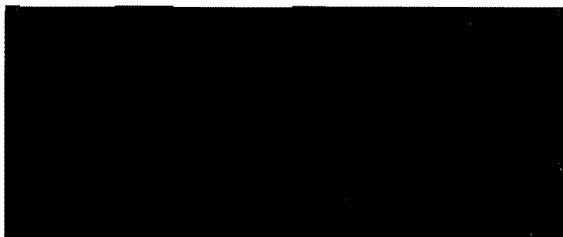
Australian Government

Department of Defence

Office of the Chief Operating Officer

Freedom of Information and
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Our reference: FOI 001/12/13



1. I refer to your letter dated 4 June 2012, received by the Department of Defence on 6 June 2012, in which you requested documents under the *Freedom of Information Act 1982* (FOI Act) relating to your submission made in 2006 concerning a *change in nature of service for Border Protection Operations from peacetime service to hazardous service*.

2. On 8 June 2012, Mr Dudfield, Director Freedom of Information, advised you that your request, in its current form, was not valid under subparagraph 15(2)(b) of the FOI Act.

3. Accordingly, on 13 June 2012, Mrs Melissa Davidson, Assistant Director Freedom of Information, contacted you to seek further information about the documents you were seeking. As a result of this conversation and advice from the relevant action area, on 2 July 2012 you agreed to revise the scope of your request as seeking access to:

"A copy of the final Department of Defence Chiefs of Service Committee Agendum Paper 40/10 Version number 01 involving the Nature of Service for Border Protection Operations, excluding drafts and duplicates [Item 1]

A copy of the signed Chiefs of Service Committee Outcome to Agendum Paper 40/10 - Nature of Service for Border Protection Operations dated 19 July 2010, excluding duplicates" [Item 2]

4. 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

5. Group Captain A. J. McCormack, Director Future Military Commitments, is the authorised decision maker, under the FOI Act, in relation to your request.

Documents identified

6. Group Captain McCormack identified two documents as matching the description of your request:
 - a. Chiefs of Service Committee Agendum 40/10: Nature of Service for Border Protection Operations (the Agendum); and
 - b. Chiefs of Service Committee Outcome 40/10: Nature of Service for Border Protection Operations (the Outcome).

Declassification of documents

7. A number of the pages from the documents identified had classification markings. Group Captain McCormack has declassified the versions of the documents he has approved for release.

Decision

8. Group Captain McCormack noted that some information contained within the Agendum originated from an intelligence agency listed in section 7(2A) of the FOI Act, which means that the agency is exempt from the operations of the FOI Act. Consequently, a document that contains a summary of, or an extract or information from, an intelligence agency document, to the extent that it contains such a summary, extract or information, cannot be considered for release under the FOI Act. As such, Group Captain McCormack removed this material from the document and did not consider it for release under the FOI Act.
9. Group Captain McCormack decided to release the remainder of the Agendum in full.
10. Group Captain McCormack decided to release the Outcome in full.

Material taken into account

11. In making his decision, Group Captain McCormack had regard to the following:
 - a. the terms of the request;
 - b. the content of the documents to which access is sought;
 - c. advice from Defence officers with responsibility for matters relating to the documents to which you sought access;
 - d. the relevant provisions of the FOI Act;
 - e. Defence's guidance material on the FOI Act;
 - f. the Australian Information Commissioner's guidelines on Freedom of Information, available on the Office of the Australian Information Commissioner's website; and
 - g. advice from Defence's in-house legal team.

Section 7 deletions

12. Group Captain McCormack found that Attachment B to Annex B of the Agendum is an intelligence agency document as defined in s.7(2A) of the FOI Act. The following parts of the Agendum contain information from Attachment B to Annex B:

- a. paragraph 5.a.;
- b. paragraph 10 of Annex B;
- c. the third and fifth sentences of paragraph 17 of Annex B;
- d. the title of Attachment B set out in the attachment list at the end of Annex B; and
- e. the third column of Attachment C to Annex B.

13. Group Captain McCormack noted that the Department of Defence is exempt from the operation of the FOI Act in relation to this material and redacted it from the Agendum.

14. Group Captain McCormack decided that the remainder of the Agendum and the Outcome should be released to you.

Payment of Charges

15. In our letter dated 2 July 2012, the department estimated the cost associated with processing your request to be [REDACTED]. You agreed to pay charges for the administration of your request on 3 July 2012.

16. Upon completion of your request, the actual amount for processing was calculated to be [REDACTED].

17. Accordingly you are required to pay [REDACTED] in order to finalise your request. Please complete and return the payment authorisation form at Enclosure 1 to the FOI Directorate. Upon receipt of the form an invoice will be generated, noting this can take up to three business days. Details about payment of the invoice are on the form.

Rights of review

18. The FOI Act provides for rights of review of decisions. A copy of fact sheet "Freedom of Information – Your Review Rights" setting out your rights of review is at Enclosure 2.

FOI Disclosure Log

19. 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 two working days of receipt by the applicant. Defence will also publish this decision notice with privacy deletions.

Further advice

20. Copies of relevant sections of the FOI Act are at Enclosure 3.

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

Yours sincerely



Trevor Greenberg
Case Manager
Freedom of Information

1 August 2012

Enclosures:

1. Freedom of Information request payment authorisation form
2. Fact Sheet: Freedom of Information -- Your Review Rights
3. Copies of sections 7 and 11C of the FOI Act.