



**Australian Government**

**Department of Defence**

Office of the Chief Operating Officer

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Our reference: FOI 034/12/13

Via email: [REDACTED]

Dear [REDACTED]

1. I refer to your correspondence dated 14 June 2012, in which you sought access, under the *Freedom of Information Act 1982* (FOI Act), to:

*“The analysis of, justification for, consultation regarding, and higher level approval for disbanding ADFWC by increments and subsuming ADFWC functions into ADC/ACSC (Item 1);*

*Detail of anticipated increases in ADC/ACSC effectiveness as a result of subsuming ADFWC functions (Item 2);*

*Any cost-benefit analysis of disbanding ADFWC and moving functions to ADC/ACSC, given the 2009 costing of \$81-84 million for such a move (Item 3); and*

*Consideration of the option of reducing the excess 05-06 level staffing at ACSC instead of moving ADFWC functions to ACSC to employ such staff (Item 4)”.*

**Revised scope**

2. On 27 July 2012, following consultation you agreed to the following scope:

*“Item 1 - The analysis of, justification for, consultation regarding, and approval by COMADC for disbanding ADFWC by increments and subsuming ADFWC functions into ADC/ACSC, final versions excluding any drafts or duplicates, held in the office of COMADC authored after 1 June 2011;*

*Item 2 - Any cost-benefit analysis of disbanding ADFWC and moving functions to ADC/ACSC, given the 2009 costing of \$81-84 million for such a move, final versions excluding any drafts or duplicates, held in the office of COMADC authored after 1 June 2011;*

*Item 3 - Consideration of the option of reducing the number of 05-level directing staff at ACSC, instead of moving ADFWC functions to ACSC to reduce the existing excess 05-level staff capacity, final versions excluding any drafts or duplicates, held in the office of COMADC authored after 1 June 2011;*

*Item 4 - The final version of MAJGEN Morrison's review of Joint Education and Training 2008; and*

*Item 5 - The final signed version from VCDF MINSUB to The Hon. Dr Mike Kelly AM, MP Parliamentary Secretary for Defence - VCDF/OUT/2012/142 Possibility of relocating Peace Operation Training Centre (POTC) dated 8 May 2012".*

3. By email dated 27 July 2012, I advised you that there were charges relating to your request, which you paid on 30 July. The 30-day statutory period for processing your request expires on 29 August 2012.

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. GPCAPT A.H. Borzycki, Chief of Staff, Australian Defence College, is the authorised decision maker, under the FOI Act, in relation to your request.

#### **Documents identified**

6. GPCAPT Borzycki conducted a search of the files, and identified seven documents as matching the description of your request identified in paragraph 2. A schedule of documents is at Enclosure 1.

7. GPCAPT Borzycki noted that no one document meets the specific description of Items 1, 2 and 3; however, taken as a package of information, GPCAPT Borzycki believes your request is met. Items 4 and 5 stand alone and are also provided.

8. GPCAPT Borzycki has further identified three publications which provide the strategic framework that underpins ADC future planning and business delivery:

- a. Transforming Defence Education and Training  
<http://intranet.defence.gov.au/VCDF/sites/ADC/comweb.asp?page=79332&Title=Transforming%20ADC>
- b. Planning Guidance – Transforming Defence Education and Training
- c. ADC Annual Plan – 2011-2014  
[http://intranet.defence.gov.au/vcdf/sites/ADC/docs/ADCHQ\\_110321\\_ADCPlan.pdf](http://intranet.defence.gov.au/vcdf/sites/ADC/docs/ADCHQ_110321_ADCPlan.pdf)

9. GPCAPT Borzycki recommend the administrative release of these publications as they will assist you in understanding the broader context within which some of the above documents were developed. Further discussion about these documents appears at paragraph 31.

#### **Decision**

10. GPCAPT Borzycki's decision in relation to each document is detailed on the schedule of documents at Enclosure 1. For ease of reference and processing this request, an FOI Item number and Serial number has been marked on each document.

#### **Material taken into account**

11. In making her decision, GPCAPT Borzycki had regard to:

- a. the terms of the request;
- b. the content of 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)*: and
- d. *Principles on open public sector information* issued by the Information Commissioner.

12. GPCAPT Borzycki noted that ADFWC is not being 'disbanded' as the request has stated, rather, ADC is restructuring to meet changing Defence requirements in the realm of joint education and training and ADFWC is part of the structuring process.

13. Upon examination of the documents that GPCAPT Borzycki believed meet the intent of Item 1, ie Serials 1, 2, 4 and 5, Serials 1 and 5 can be released in their entirety

#### **Reasons – S33**

14. GPCAPT Borzycki noted that serial 2, Report on the Review of ACSC Joint Training, contains material which could harm the national security, defence and/or international relations of the Commonwealth if released. In accordance with s33 subsections (a)(ii) and (a)(iii), release of the material in the document relating to wargaming scenarios for regional contingencies, tactics and training for new capabilities, deficiencies in current training to support capability, and interoperability standards with allies could reasonably be expected to:

- 'cause damage to ...
- (ii) the defence of the Commonwealth; or
- (iii) the international relations of the Commonwealth.'

#### **Reasons – 47F**

15. GPCAPT Borzycki noted that serial 4 and 7, *Proposal to Restructure ICT Including AV Functions Across the Australian Defence College*, contains the Employee Identification numbers (EID) and personal mobile numbers of ADC personnel other than the applicant.

16. In accordance with subsection 47F(2), in determining whether the disclosure of this material would involve the unreasonable disclosure of personal information, GPCAPT Borzycki had regard to:

- (a) the extent to which the information is well known;
- (b) whether the person to whom the information relates is known (or to have been) associated with the matters dealt with in the documents; and
- (c) the availability of the information from publicly accessible sources.

17. Against these three criteria, GPCAPT Borzycki found that the specific pieces of personal information contained in spreadsheet issued with the Serial 4 email and mobile number in Serial 7 are generally not well known.

18. GPCAPT Borzycki decided that the disclosure of the EID and mobile phone number of the ADC personnel would involve the unreasonable disclosure of personal information on this occasion.

19. Section 11A(5) of the FOI Act, requires Defence to allow access to an exempt document unless, in the circumstances, access to the documents would, on balance, be contrary to the public interest.

#### **Public interest considerations – section 47F**

20. GPCAPT Borzycki in assessing whether disclosure is on balance, contrary to the public interest, considered the range of factors set out in section 11B(3) [Public interest

exemptions – factors] of the FOI Act, which favours access to a document. GPCAPT Borzycki noted that disclosure may promote some of the objects of the FOI Act, as information held by the Government is a national resource. In coming to the above decision, GPCAPT Borzycki also considered subsection 11B(4) [Irrelevant factors] of the FOI Act, which lists factors which must not be taken into account in deciding whether access would, on balance, be contrary to the public interest. None of the factors I took into account were listed under subsection 11B(4) of the FOI Act.

21. Accordingly, GPCAPT Borzycki considered that, on balance, the public interest factors against disclosure outweigh the factors for disclosure of the documents that match the scope of the request. Therefore, GPCAPT Borzycki decided that it would be contrary to the public interest to release the information considered exempt, under subsection 47F of the FOI Act.

#### **Reasons – 47D**

22. Serial 3, *'Australian Defence College Strategic Planning Study Steering Committee Membership and Draft Terms of Reference'* is the only document authored after 1 Jun 11, held by COMADC, that comes close to meeting the intent of the request elements of Item 2. The study proposed in this document relates to the requirements of ADC with specific emphasis on considering the facilities options that could best deliver learning outcomes and resource efficiencies for the ADC of the future.

23. The consultant commissioned to undertake the study has been asked to develop a costed implementation plan for the preferred option of the future estate disposition of ADC. To date, the consultant is still undertaking the research and analysis phase of the project and has not yet presented any findings or options for consideration by Defence.

24. GPCAPT Borzycki decided to release this document with minor deletions in accordance with s47D, Documents affecting financial or property interests of the Commonwealth. The document refers to contract negotiations with a Third Party that could be jeopardised if Defence future planning considerations became known before negotiations commenced.

#### **Public Interest Consideration – section 47D**

25. In assessing whether disclosure is on balance, contrary to public interest, CAPT Borzycki considered the range of factors set out in section 11B(3) [Public interest exemptions – factors] of the FOI Act, which favours access to a document. CAPT Borzycki noted that disclosure may promote some of the objects of the FOI Act, as information held by the Government is a national resource and the matter of oversight of public expenditure can be a factor favouring access.

#### **Irrelevant factors – section 11B (4)**

26. In coming to the above decision, GPCAPT Borzycki had regard to subsection 11B(4) [irrelevant factors] of the FOI Act, which lists factors which must not be taken into account in deciding whether access would, on balance, be contrary to the public interest. None of the factors GPCAPT Borzycki took into account were listed under subsection 11B(4) of the FOI Act.

27. Accordingly, GPCAPT Borzycki considered that, on balance, the public interest factors against disclosure outweigh the factors for disclosure of the exempt material contained

in the documents. Therefore, GPCAPT Borzycki decided that it would be contrary to the public interest to release the information considered under subsection 47F of the FOI Act.

28. Copies of the documents in the form authorised for released are at Enclosure 2.

#### **Administrative release**

29. In order to assist the applicant understand ADC's future planning and the strategic context within which decisions are being made, GPCAPT Borzycki decided to authorise the release of the following publications, outside of the formal provisions of the FOI Act:

a. Transforming Defence Education and Training

<http://intranet.defence.gov.au/VCDF/sites/ADC/comweb.asp?page=79332&Title=Transforming%20ADC>

b. Planning Guidance – Transforming Defence Education and Training

c. ADC Annual Plan – 2011-2014

[http://intranet.defence.gov.au/vcdf/sites/ADC/docs/ADCHO\\_110321\\_ADCPlan.pdf](http://intranet.defence.gov.au/vcdf/sites/ADC/docs/ADCHO_110321_ADCPlan.pdf)

30. Note that the Annual Plan 2011-2014 is due to be reviewed and updated to align with the activities and direction contained within the Transforming Planning Guidance. The new Annual Plan should be available in 2013.

31. Copies of the documents to be released administratively are at Enclosure 3.

32. Relevant sections of the Act are at Enclosure 4

#### **Rights of review**

33. 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 on the documents listed in the schedule is at Enclosure 5.

#### **Disclosure Log**

34. 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**

35. All departmental action on your request is now complete. Should you have any questions in regard to this matter please contact this office.

Yours sincerely



Andrea Sansom  
Assistant Director  
Freedom of Information

29 August 2012

**Enclosures:**

1. **Schedule of documents**
2. **Documents in the form approved for release**
3. **Documents released administratively**
4. **Relevant sections of the FOI Act**
5. **Fact Sheet: Freedom of Information – Your Review Rights**