Dear [Name]

1. I refer to your email of 4 May 2012 in which you requested access, under the Freedom of Information Act 1982 (FOI Act), to:

   "Page 2 of the "Ministerial Submission – 26 March 2009 - Defence Security Authority initial assessment on alleged Defence investigation of Minister for Defence" This application is for the entire page."

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. Mr David Cross, Intelligence and Security Group, is the authorised decision maker, under the FOI Act, in relation to your request.

Documents identified

4. Mr Cross identified one document as matching the description of your request.

Decision

5. Mr Cross has decided to release the identified document with material deleted in accordance with section 22(1)(b) [exempted material deleted], in so far as the deleted material is exempt under section 33(a)(ii) and section 33(a)(iii) [cause damage to the Defence of the Commonwealth, and international relations of the Commonwealth] of the FOI Act. These sections are available via the following link: http://www.comlaw.gov.au/Details/C2012C00231.

Material taken into account

6. In making his decision Mr Cross had regard to:

   - The content of the identified document in issue.
   - Relevant provisions of the FOI Act.
   - The guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the guidelines).
Reasons for decision

7. Having examined the identified document, Mr Cross determined that it contained material relating to a sensitive Defence capability. The disclosure of this capability, in the context of a discussion on a Defence led security investigation, would unreasonably risk damaging the effectiveness of that capability and its contribution to the defence of the Commonwealth. Additionally, Mr Cross determined that as Defence co-operates on the capability in question with strategic partner(s), the disclosure of this capability, in the context of a discussion on a Defence led security investigation, could reasonably damage the Commonwealth’s international relations.

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

Payment of Charges

9. In our email dated 7 May 2012, the department advised you that due to the minimal cost associated with processing your request, Melissa Davidson, Assistant Director FOI, had decided to waiver the costs associated with processing your request.

Rights of review


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

Further advice

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

Yours sincerely

Elliott Bator
Case Manager
Freedom of Information

4 June 2012

Enclosures:
1. Document in form for release
2. Fact Sheet: Freedom of Information – Your Review Rights