



Australian Government
Department of Defence
Defence Support and Reform Group

Freedom of Information and
Information Management Branch
Department of Defence

CP1-6-001
PO Box 7910
CANBERRA BC ACT 2610
Tel: 02 626 62200
Fax: 02 626 62112
FOI@defence.gov.au

Our reference: FOI 290/12/13

[REDACTED]

By email: [REDACTED]

Dear [REDACTED]

1. I refer to your email, dated 10 February 2013, in which you requested access, under the Freedom of Information Act 1982 (FOI Act), to:

"...all substantiated acts of misconduct and/or crime by Townsville-based Australian Defence Force personnel in the calendar years 2012 and 2013. The information can be in any form (i.e. table, report, etc) but must detail the number of acts, what action was taken/is being taken by the ADF and a brief description of the offence/misconduct."

Revised scope

2. On 12 February 2013 Mr Rod Dudfield, Director Freedom of Information, advised that as it currently stood your request was at risk of refusal under section 24 of the FOI Act.

3. By email, dated 25 February 2013, you revised the scope of your request as follows:

"...a report of substantiated acts of misconduct and/or crime by Townsville-based Australian Defence Force personnel in the calendar year 2012:

ITEM 1 - Report produced from the Conduct Reporting and Tracking System (CRTS) providing the following information:

All guilty convictions found under the Defence Force Discipline Act (DFDA)

Members' Military Service

Members' rank

relevant section of the DFDA that applies

ITEM 2 - Discipline Action Report (DAR) for each Townsville based unit identifying civil convictions for the calendar year 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. Colonel J.M. Quirk, CSC and Bar, Director Inquiries Inspector General Australian Defence Force is the accredited decision maker, under the FOI Act, in relation to your request.

Documents identified

6. Colonel Quirk identified two documents as matching the description of your request, being reports extracted from the Conduct Reporting and Tracking System (CRTS).

Decision

7. After reviewing the identified documents, Colonel Quirk found that they contained material which he considered falls outside the scope of your request. Specifically, the material contains details relating to bases other than Townsville and matters that are not considered to be 'guilty convictions'. For this reason, Colonel Quirk has decided to remove the irrelevant material, in accordance with section 22(1)(a)(ii) [access to edited copies with exempt or irrelevant matter deleted] of the FOI Act, and release the remaining material intact.

8. Colonel Quirk noted that you should be advised that some offences identified in the reports could have been committed outside of the Townsville area or by the member before they were posted to units in Townsville and recorded on the CRTS at a later date.

Payment of Charges

9. In our letter, dated 27 February 2013, the department estimated the cost associated with processing your request to be [REDACTED]. You agreed to pay charges for the administration of your request and you were sent an invoice for the preliminary assessment deposit of [REDACTED] on 28 February 2013.

10. Upon completion of your request, the actual amount for processing was calculated to be [REDACTED]. The remaining balance is the difference between actual charges and the deposit you have already paid.

11. Accordingly you are required to pay the remaining [REDACTED] in order to finalise your request. Please complete and return the form at Enclosure 1 to the FOI Directorate, this form is an agreement to pay charges. Upon receipt of the form an invoice will be generated, noting this can take up to 3 business days. The documents in the form approved for release will be dispatched as soon as practicable after receipt of the form. Details about payment of the invoice are on the form.

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", setting out your rights of review is at Enclosure 2.

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 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. I will advise you of the publication date when the documents are dispatched to you.

Further advice

14. The FOI Act can be accessed online at: <http://www.comlaw.gov.au/Details/C2011C00803>

15. Should you have any questions in regard to this matter please contact me directly on (07) 3332 6359.

Yours sincerely



Theresa Stinson
Assistant Director – Media Case Management
Freedom of Information

27 March 2013

Enclosures:

1. Freedom of Information Payment Authorisation Form
2. Fact Sheet: Freedom of Information – Your Review Rights