



Australian Government
Department of Defence
Office of the Chief Operating Officer

Freedom of Information and
Information Management Branch
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Our reference: FOI 297/11/12
Your reference: 139/12



By email: [Redacted]

Dear [Redacted]

1. I refer to your emailed letter, dated 17 May 2012, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

"Specifically, I am seeking access to documents produced in the last two years showing information including circumstances about the theft, suspected theft, loss or misplacing of firearms."

2. By email, dated 17 May 2012, you were advised that, as it stood, your request was considered too broad. By email, dated 30 May 2012, you advised that you wished to proceed with the following revised scope:

"...database print out, schedules or final reports held by Defence Security Authority produced in the past two years which includes the circumstances about the theft, suspected theft, loss or misplacing of firearms"

3. 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

4. Mr Mark Hill, Intelligence and Security Group is the accredited decision maker, under the FOI Act, in relation to your request.

Documents identified

5. Mr Hill identified three documents as matching the description of your request, as follows:

- a. *Senate Estimates Brief on Theft and Loss of Defence Weapons, Munitions and Explosives for the period 1 Jan 10 – 28 Feb 11;*
- b. *Senate Estimates Brief on Missing Military Ordnance for the period 1 Jan -31 Dec 11; and*
- c. *Senate Estimates Brief on Missing Military weapons and Ordnance for the period 1 Jan – 31 Mar 12.*

Material taken into account

6. In making his decision, Mr Hill had regard to:

- the terms of your request;
- the contents of the documents in issue;
- relevant provisions of the FOI Act;
- defence guideline material on the FOI Act; and
- the guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act.

Decision

7. After examining the documents Mr Hill found that they contained material relating to the loss and theft of weapons, explosives and ordnance. Taking into account the specific scope of your request, Mr Hill found that material relating to explosives and ordnance would reasonably be considered irrelevant to the scope of your request. For this reason, Mr Hill 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.

Payment of Charges

8. In our letter, dated 1 June 2012, after deducting the free decision making time, 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 paid the preliminary assessment in full on 7 June 2012.

9. Upon completion of your request, the actual amount for processing exceeded the original estimate. However, as explained in paragraph 10 of the above mentioned letter, the amount payable can only be more than the preliminary assessment if the decision is to release all of the documents requested in full. In this instance, you are not required to pay any further processing charges.

Rights of review

10. 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 1.

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. Copies of the documents in the form approved for release are at Enclosure 2. The FOI Act can be accessed online at: <http://www.comlaw.gov.au/Details/C2011C00803>

13. Should you have any questions in regard to this matter please contact me directly on (07) 3332 6359. Alternatively, the FOI team can also be contacted on the details at the top of this letter.

Yours sincerely



Theresa Stinson
Assistant Director – Media Case Management
Freedom of Information

5 July 2012

Enclosures:

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