



**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 313/11/12



By email: [Redacted]

Dear [Redacted]

1. I refer to your email, dated 5 June 2012, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

*"the terms of reference for, or brief outlining the purpose of, Project Fulcrum, along with the final paper or report from the project."*

2. 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**

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

**Documents identified**

4. Group Captain McCormack identified four documents that could be described as a "...*brief outlining the purpose of Project Fulcrum, along with the final paper or report from the project*", as follows:

- a. Power Point presentation outlining concepts for Project Fulcrum;
- b. Plan on a Page for Project Fulcrum;
- c. Chiefs of Service Committee Agendum 63-11; and
- d. Chiefs of Service Committee Outcome 63-11.

## Decision

5. Group Captain McCormack decided to release the identified documents intact.
6. In relation to '*the terms of reference for...Project Fulcrum...*', Group Captain McCormack advised that no document could be identified matching that description. As such, he decided to refuse this aspect of your request under section 24A [requests may be refused if documents cannot be found, do not exist or have not been received] of the FOI Act on the grounds that the document does not exist.

## Reasons for decision

7. In making his decision, Group Captain McCormack had regard to the following:
- the terms of your request;
  - the content of the documents to which access was sought;
  - advice from Defence officers with responsibility for matters relating to the documents to which you sought access;
  - the relevant provisions of the FOI Act;
  - Defence's guidance material on the FOI process;
  - the Australian Information Commissioner's Guidelines on FOI; and
  - advice from Defence's in-house legal team.
8. Group Captain McCormack was satisfied that all reasonable steps were taken to find any documents that could be described as '*the terms of reference for...Project Fulcrum...*', and that no such documents exist or have ever existed. From consultation with the subject matter areas within Defence, Group Captain McCormack is satisfied that no 'terms of reference' were produced for Project Fulcrum.

## Additional information regarding Project Fulcrum

9. In relation to Project Fulcrum, Group Captain McCormack provided the following additional information:

*Project Fulcrum refers essentially to a strategic plan and concept paper setting out possibilities for the future development of the Australian Defence Force Investigative Service. The concepts set out in Project Fulcrum papers have not been accepted by Defence, although recent consideration by the Chiefs of Service of one particular aspect of the Project, namely, proposals aimed at modernising the investigative provisions and powers of the Defence Force Discipline Act 1985 (Cth), is reflected in the Chiefs of Services Committee Outcome 63-11. Any proposals to reform the investigative provisions of the Defence Force Discipline Act 1985 will required liaison with a number of stakeholders and also required policy approval from the Attorney-General's Department. This liaison and consultation will commence shortly. Chiefs of Service Committee Outcome 63-11 called for other aspects of Project Fulcrum to be developed and brought forward to committee in May 2012. This has not yet occurred and there is no current timeline for consideration of these matters.*

### **Payment of Charges**

10. In our letter, dated 6 June 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 and paid the preliminary assessment deposit of [REDACTED] on 7 June 2012.

11. Upon completion of your request, the actual amount for processing, after deducting the free decision making time, was calculated to be [REDACTED]. Accordingly you are required to pay [REDACTED] in order to finalise your request.

12. Please complete and return the form at Enclosure 1 to the FOI Directorate, this form is an agreement to pay charges and enables the FOI Directorate to continue processing your request without delay. Upon receipt of the form an invoice will be generated, noting this can take up to 3 business days. Details about payment of the invoice are on the form.

### **Rights of review**

13. 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.

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

### **FOI Disclosure Log**

15. 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**

16. 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

6 July 2012

#### **Enclosures:**

1. *Payment authorisation form*
2. *Fact Sheet: Freedom of Information – Your Review Rights*