Our reference: FOI 336/10/11

Via email: [Redacted]

Dear [Redacted]

1. I refer to your email dated 14 June 2011, in which you sought access, under the Freedom of Information Act 1982 (FOI Act), to:

   "...a copy of HMAS STUART Ship's Log for the period 10 February 1988 till 20 February 1988."

2. The purpose of this letter is to provide you with the decision in relation to the documents that are the subject of your request.

FOI decision maker

3. Commodore A J M Smith, Acting Commodore Support, HMAS Kuttabul, Fleet Headquarters – Support Force, is the authorised decision maker, under the FOI Act, in relation to your request.

Documents identified

4. Commodore Smith identified and located 30 pages from HMAS Stuart's 1988 Ship's Log (plus a one-page National Archives of Australia coversheet) which match the description of your request.

Decision

5. Following examination of the documents, Commodore Smith decided to release the documents intact. A copy of the documents is at Enclosure 1.

Defending Australia and its National Interests
Publicly available information released following an FOI access request

6. In accordance with the requirements of section 11C of the FOI Act, Defence is required to publish, on its website, information released under the FOI Act within 10 working days of the applicant being given access to documents. Defence will also publish the decision notice, with personal and business information deleted. The information published does not include personal information or the business, commercial, financial or professional affairs of any person if publication of that information would be unreasonable. Other information not published also includes that which the Australian Information Commissioner determines unreasonable to publish.

Rights of review


Further advice

8. Should you have any questions relating to your request, please contact me by telephone on (02) 6266 3685 or via email to FOI.inquiries@defence.gov.au.

Yours sincerely

John Peterson
Case Officer
Freedom of Information

11 July 2011

Enclosures:
1. Copy of documents approved for release
Freedom of Information – Your Review Rights

If you disagree with the decision made by the Department of Defence or the Minister under the Freedom of Information Act 1982 (the FOI Act), you can ask for the decision to be reviewed. You may want to seek review if you sought certain documents and were not given full access, if you have been informed that there will be a charge for processing your request or if your application to have your personal information amended was not accepted. There are two ways you can ask for review of a decision: internal review by Defence, or external review by the Australian Information Commissioner.

Internal review

If Defence makes an FOI decision that you disagree with, you can ask Defence to review its decision. Generally the review will be conducted by the FOI Directorate, however in some instances it will be referred to the area that made the decision, but it will be conducted by someone at a more senior level. There is NO charge for internal review.

You must apply within 30 days of being notified of the decision, unless you have sought an extension from Defence.

Defence must make a review decision within 30 days. Where Defence has not met its review obligation, you may then approach the Information Commissioner.

Internal review is not available if the Minister or the principal officer of the agency made the decision personally.

How to apply for internal review

You must apply in writing and should include a copy of the notice of the decision provided and the points to which you are objecting and why.

You can lodge your application in one of the following ways:

Post: Freedom of Information Directorate
Department of Defence
CP1-6-001
PO Box 7910
CANBERRA BC ACT 2600

Fax: +61 2 626 62122
Email: FOI.Inquiries@defence.gov.au

External Review

Do I have to go through the Defence’s internal review process first?

No. You may apply directly to the Information Commissioner. However, going through the Defence internal review process gives Defence the opportunity to reconsider its initial decision and your concerns will most likely be addressed more quickly, without undergoing an external review process.

When can I go to the Administrative Appeals Tribunal (AAT)?

Under the revised FOI Act, you must seek external review through the Information Commissioner prior to applying to the AAT for such a review.

Making a complaint

You may make a complaint to the Information Commissioner about actions taken by Defence in relation to your application. The complainant needs to be in writing.
Contacting the Information Commissioner

Further information about the external review process or how to make a complaint to the Information Commissioner is available at the following:

Online: www.oaic.gov.au
Post: GPO Box 2999, Canberra ACT 2601
Fax: +61 2 9284 9666
Email: enquiries@oaic.gov.au

Investigation by the Ombudsman

The Commonwealth Ombudsman can also investigate complaints about action taken by agencies under the FOI Act. However, if the issue complained about either could be or has been investigated by the Information Commissioner, the Ombudsman will consult the Information Commissioner to avoid the same matter being investigated twice. If the Ombudsman decides not to investigate, the complaint, then all relevant documents and information must be transferred to the Information Commissioner.

The Information Commissioner can also transfer to the Ombudsman a complaint that could more appropriately be investigated by the Ombudsman. This could occur where the FOI complaint is only one part of a wider grievance about an agency’s actions. It is unlikely that this will be common. You will be notified in writing if your complaint is transferred.

Defence FOI contacts

Freedom of Information Directorate
Department of Defence
CP1-6-001
PO Box 7910
CANBERRA BC ACT 2600

Ph: +61 2 626 62200
Fax: +61 2 626 62122

Email: FOI.Inquiries@defence.gov.au
Website: www.defence.gov.au/foi