Dear [Name],


2. On 8 June 2011 and 17 June 2011 our office advised you that we were undertaking inquiries with the relevant areas in the department to assist you in making a valid request. Your request in its original form was not considered valid under section 15 of the FOI Act.

3. On 17 June 2011 you agreed the following revised scope:

"Minute to the Minister Assisting the Minister for Defence concerning the Proposed 60 Minutes Report on Ordinary Seaman Edward Sheen; and [Item 1]

"Ministerial Submission concerning Defence's Response to Public Calls for Retrospective Award of Victoria Cross for Navy Personnel." [Item 2]

Background

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. Ms Helen Gouzvaris, Acting Director Honours and Awards, is the authorised decision maker, under the FOI Act, in relation to your request.

Documents identified

6. Ms Gouzvaris identified two documents as matching the description of your request.

Decision

7. Ms Gouzvaris has decided to release both documents intact.
Payment of Charges

8. In my letter of 24 June 2011, I advised that the department estimated the cost associated with processing your request to be [redacted]. By email dated 24 June 2011 you agreed to pay charges for the administration of your request, noting that a deposit was not required on this occasion.

9. After completion of your request, the actual amount for processing matched the original estimated amount. Accordingly, you are required to pay [redacted] in order to finalise your request. Cheques or money orders should be made payable to the ‘Receiver of Public Monies’ and forwarded to the address at the top of this letter. Credit card payments can be made by completing the form at Enclosure 1 and returning it to the FOI Directorate.

10. Upon receipt of the outstanding charges the FOI Directorate will email the documents to you.

Rights of review


Further advice

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

Yours sincerely

Mr Trevor Greenberg
Case Manager
Freedom of Information

15 July 2011

Enclosures:
1. Credit card payment form
2. Fact Sheet: Freedom of Information – Your Review Rights
# Freedom of Information Request

## Credit Card Payment Form

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<td>(Please tick one box only)</td>
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<tr>
<td>□ Deposit for charges</td>
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<td>□ Balance of charges</td>
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</table>

Enter your credit card details, sign below and return this form via email to FOI.Inquiries@defence.gov.au or by post to the address below.

- □ VISA
- □ MASTERCARD

Card Number: [Redacted]

Expiry: _____ / _____  

Amount: $________

Name on Card: __________________________

Signature: __________________________

Once invoice has been issued you will be contacted by the FOI Directorate for the CCV number to enable the processing of your payment online.

* Due to personal security reasons Defence will not accept this form via fax

Freedom of Information Directorate  
Department of Defence  
CP1-6-001  
PO Box 7910  
CANBERRA, DC ACT 2600  
Tel: (02) 6266 2200  
www.defence.gov.au/foi
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 2610

Fax: +61 2 626 62112
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 complaint 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