

Current date the decision is due *

25 Jun 2023

Requested length of extension (*number of days*)

45

New decision due date if extension granted *

09 Aug 2023

Did you approach the applicant for an extension of time under s 15AA

Yes

No

Please provide your internal reference, and/or the OAIC reference for this notification or request? *

RQ23/02427

What was the outcome? Did the applicant raise any concerns? *

The applicant did not raise any concerns and granted the extension period of 30 days in full.

Has the processing period been extended as a result of other statutory provisions, or are you considering such an extension? *
(For example, through consultation provisions or provisions about charges that impact on the statutory due date)

Yes

No

Has the applicant raised any concerns about delays?

If yes, please attach a copy of the correspondence received from the applicant. (see below for attaching files). *

Yes

No

Please also explain the reasons for the request and why an extension would be justified. Requests for longer extensions of time (more than 30 days) will require greater justification.

Please provide a timeline setting out the work already completed in order to process this request. Where an extension of time has previously been granted, describe the work that was undertaken during that extended period. *

On 26 April 2023 the applicant sought documents under the Freedom of Information Act 1982 (FOI Act) to the Department of Defence (Defence).
A search for documents was commenced by the responsible area of Defence (Joint Operations Command, Army and Office of the Chief of the Defence Force).

On 11 May 2023 the responsible area for the request was required to ensure all relevant records were available and digitised. At this time a separate in-person search of Defence Archive records was initiated and expected to take between 1 and 3 business weeks to complete.

On 16 May 2023 Defence sought a 30 day extension with the applicant due to the considerable sensitivities related to the request. In addition, multiple lines of internal consultation and collaboration would be required.

On 02 June 2023 the responsible area for the request confirmed the Defence Archives records searches were complete.

On 09 June 2023 the Accredited Decision Maker began reviewing and preparing the documents for internal consultation.

On 14 June 2023 the Accredited Decision Maker sought internal consultation with the Office of the Chief of the Defence Force, Vice Chief of the Defence Force and the Head of the Afghanistan Inquiry Response Task Force. These consultations are ongoing and yet to be finalised.

On 16 June 2023 the Accredited Decision Maker notified the Freedom of Information Directorate that they would be unable to progress the decision until after 11 July 2023 due to travelling overseas to serve in ADF operations.

On 20 June 2023 it was identified that internal legal advice would be required to progress the decision in the Accredited Decision Maker's absence

What work is required to finalise the request? *

The Office of the Chief of the Defence Force, Vice Chief of the Defence Force and Head of the Afghanistan Inquiry Response Taskforce are continuing to review and assess technical aspects of the potential release of documents related to the request.

In addition to the above, the Accredited Decision Maker is away on leave overseas (ADF operational purposes) until 11 July 2023. They are expected to return to their office-based role by Friday 14 July. It is anticipated that they will have capacity to continue working on the request from 17 July 2023.

In order to manage the risk of vicarious trauma associated to the content of the documents, Defence does not find it appropriate to appoint an interim decision maker as this does not support trauma informed principles. Defence are confident that the most appropriate Decision Maker is appointed.

In the interim, in the absence of the Decision Maker, Defence are continuing to seek legal advice on the best next-steps to support a decision on access in a timely manner.

Why is the request considered complex or voluminous? *

The request is considered complex due to the sensitive nature of the information sought (response letters from the leadership of Combined Team Uruzgan and Joint Task Force 633 to the Afghan Independent Human Rights Commission (AIHRC)).

Careful consideration is being taken by Defence to seek complex legal advice and finalise necessitated internal consultation prior to the Decision Maker returning from duty to make a robust decision on access.

Prior to release trauma-informed consideration are required to be meticulously assessed to mitigate any broader impact on the well-being of both current and former serving personnel and the general public upon release of the decision (the applicant has an influential position as a journalist).

Do other agencies or parties have an interest in the request? *

It is likely other parties have an interest in the request.

Due to the delicate nature of the information, any consultation will require formal internal, external, or a combination of, legal advice.

Please describe the measures that would be taken to ensure a decision is made within the period of the requested extension and to keep the applicant informed of the progress of the request *

Upon the Accredited Decision Maker's return the document pack and decision will be progressed to finalisation.

It is expected that all internal consultation will have been facilitated by this time.

It is unclear whether external consultations will be finalised by this time, if it is determined they will be sought.

If the external consultations are sought, this may impact the time required by the Decision Maker to finalise the request.

Defence intend to continue to keep the applicant informed of the progression of their request and any actions that may create unexpected delay.

Please provide a copy of the FOI applicant's original FOI request and any revisions to the scope of the FOI request. *

*Files you attach **must**:*

- be in *.pdf, *.docx, *.doc, *.txt, *.jpg, *.gif, *.png format
- be no more than five files
- in total be no larger than 20MB.

[20230426 12 16 - Email - Andrew FOI requests at Defence - Freedom of Information req...](#)

[20230516 11 01 - Email - Andrew FOI Case Management - Defence FOI Request 687 2...](#)

If you have documents to attach to this form, please do so here:

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