



Our reference: FOI 353/14/15

Mr Nicholas Golsvelt

By email: foι+request-1058-453ba03x@xxxxxxxxxxxxx.xxx.xx

Dear Mr Golsvelt

NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST

1. I refer to your email, dated 2 May 2015, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

“...the budgeted costs related to Price [sic] Harry of the United Kingdom's attachment to the Australian Defence Forces, that are above and beyond normal operating costs...”

Background

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. Lieutenant Colonel (LTCOL) Damien Spindelove, Chief Legal Officer, Office of the Chief of Army, is the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

4. LTCOL Spindelove identified one document as matching the description of your request. The document in the form approved for release is at Enclosure 1.

Decision

5. LTCOL Spindelove has decided to partially release the document with deletions made in accordance with subsection 22(1) [Access to edited copies with exempt or irrelevant matter deleted] of the FOI Act, on the grounds that the deleted material is considered exempt under section 47F [personal privacy] of the FOI Act.

Material taken into account

6. In making his decision, LTCOL Spendelove had regard to:
- a. the terms of the request;
 - b. the content of the identified document in issue;
 - c. relevant provisions in the FOI Act; and
 - d. the *Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act* (the Guidelines).

Reasons for decision

Personal privacy – Section 47F of the FOI Act

7. The document contains signatures of APS personnel and the PMKeyS number of an ADF member.
8. To determine whether the disclosure of the identified personal information was unreasonable, LTCOL Spendelove had regard to the criteria specified in section 47F(2) of the FOI Act:
- a. the extent to which the information is well known;
 - b. whether the persons to whom the information relates are known to be (or to have been) associated with the matters dealt with in the document; and
 - c. the availability of the information from publicly accessible sources.
9. Against these three criteria, LTCOL Spendelove found:
- a. the specific personal information listed is not well known;
 - b. the individuals whose personal information is contained in the document are not widely known to be associated with the matters dealt with in the documents; and
 - c. the information is not readily available from publicly accessible sources.

10. With reference to the assessment above, LTCOL Spendelove considers that the release of signatures and PMKeyS numbers would be an unreasonable disclosure of personal information and therefore conditionally exempt under section 47F(1) of the FOI Act.

11. Section 11 (5) of the FOI Act requires Defence to allow access to conditionally exempt documents unless access to the documents would be contrary to the public interest.

Public interest considerations – Section 47F

12. When assessing whether disclosure is on balance, contrary to the public interest, LTCOL Spendelove has considered the guidelines provided by the Australian Information Commissioner, together with a range of factors that favour access to a document as set out in section 11B(3) [Public interest exemptions – factors] of the FOI Act.

13. LTCOL Spendelove has considered the public interest in promoting the objects of the FOI Act. In this regard, he is satisfied that the identified personal information would not inform public debate on any matter of public importance. Additionally, the disclosure of this information would not promote oversight on public expenditure or allow a person to access his or her own personal information.

14. In coming to his decision, LTCOL Spendelove also considered subsection 11B(4) [public interest exemptions – irrelevant factors] of the FOI Act listing factors that must not be taken into account in deciding whether access would, on balance, be contrary to the public interest. None of the factors he took into account were listed under subsection 11B(4) of the FOI Act.

15. LTCOL Spendelove found that the public interest factors against disclosure outweigh the factors for disclosure of the identified personal information and deem the information exempt under section 47F of the FOI Act.

Disclosure Log

16. 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 five working days following receipt by the applicant. Defence will also publish this decision notice with privacy deletions.

Rights of review

17. 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 2.

Further information

18. The FOI Act may be accessed at: <http://www.comlaw.gov.au/Details/C2015C00013>.

19. All departmental action on your request is now complete. Should you have any questions in regard to this matter please contact this office.

Yours sincerely



John Peterson
Case Officer
Freedom of Information

18 May 2015

Enclosures:

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

AUSTRALIAN ARMY

PROPOSAL FOR EXPENDITURE ON CHIEF OF ARMY COUNTERPART VISITS AND ARMY TO ARMY STAFF TALK DIALOGUES

1. **Unit:** DIE-A

2. **Date of Meeting/Conference:** 06 April – 09 May 2015

3. **Name of Meeting/Conference:** CAPT Harry Wales, Army Secondment

4. **Purpose of Meeting/Conference:** VIP Army Secondment

5. **Meeting/Conference location (venue, city, state):** Robertson Barracks, Swanbourne Barracks and Holsworthy Barracks

6. **Supplier:** Multiple

7. **Organiser:** DIE-A

8. Attendees:

Department of Defence attendees:	7	
Non-Defence attendees:	20	<u>UK CPP, AFP and State Police</u>
Total:		

9. Estimate cost of activity: A draft program is to be attached to this document.

Item	Expenditure ¹	Supplier ²	Estimate ³
a.	Accommodation & Rations - Mess	Robertson Barracks, Swanbourne Barracks, Holsworthy Barracks	\$10,000.00
	The AOT has been utilised in selecting the accommodation supplier	YES/NO ⁴	
	Accommodation will be booked via the AOT	YES/NO ⁵	
	AOT has not been used on this occasion as they do not have a VIP service to support a Service Chief Counterpart visit. A waiver has been given by the ITS for visits of this nature until such time AOT can support.		
b.	Ground Transport	NIL	
c.	Visit costing including:		
	Catering (CA Chef)	Morning Tea at RMC-Duntroon	\$500.00
	Rations	Rations for secondment - NORFORCE	\$1000.00
	VIP Room - Airport	Sydney and Perth Airports	\$500.00
	AME	ACH – RAAF Contract	\$75,940.74
	ARTS	Salaries for Reservists	\$10,000.00
	OE – Travel	OE-Travel	\$12,000.00
	OE-DUF	OE-DUF	\$1,000.00
	Fuel	Fuel – NORFORCE Patrol	\$4,000.00
	Other (Specify)	Bottles of Water/Gatorade for VIP (heat safety)	\$1000.00

and other supplies reqd to spt the visit

¹ List to be amended as appropriate

² Justifications are to be provided where sole sourcing is used as a method of selecting a supplier in para 11

³ If expenditure is over \$10,000 it must be reported on AusTender using form AE108.

⁴ The AOT must be used in determining appropriate accommodation. If not a justification must be provided in para 11.

⁵ Accommodation must be booked through the AOT unless a justification is provided in para 11.

Total (incl GST):	\$115,940.74
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10. Background:

CDF agreed to host HRH Prince Henry of Wales, known as Prince Harry or CAPT Harry Wales for an Army Secondment as an official guest of the Australian Army.

11. Justification of value for money and reason for selecting the venue and/or supplier/s:

Suppliers that have been selected provide value for money and appropriate level of reciprocity for logistics associated with official VIP activities.

12. Method of payment (Purchase Order (PO) and invoice, or DPC) (specify):	Invoice/DPC
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Note: If a DPC is used there is no need for a Form AC977. If a PO and invoice is used a Form SA 405 must also be used. If expenditure is over \$10,000 it must be reported in AusTender (form AE108).

13. Requested by:

Expenditure is approved against the following	Cost Centre	Account Code	ACMS	Amount
	322407		ACMS-26487701	\$115,940.74

s47F

Name	Rank and appointment	Date
Ms Monique Andrews	PP&VO DIE-A	28 April 15

Where significant changes occur affecting the program and/or budget estimate as outlined above exceeds current approval amounts, a revised budget must be submitted to the delegate for approval.

Approvals to make minor changes can be sought from the delegate either verbally or via other correspondence. Verbal approvals must be captured in the after activity certification section below.

14. Procurement advice: (this is provided by an official holding a simple procurement competency and is only necessary if the Proposal Approver does not hold a procurement competency):

I hold a procurement competency and have provided advice in relation to this procurement.

Signature	Name	Appointment	Date
[Redacted]	Cassy Geishofer	BM DGAO	23.4.15

15. Section 23 Commitment Approver Delegate approval:

Verbal advice provided 13 Mar 15

Signature	Name	Rank	Date
	Graeme Finney	BRIG	23/4/15.
Employee ID	Position number	Appointment	Prior Approval Date
s47F	00460840	DGAO	13 Mar 15

16. After Activity certification:

I certify that the approved activity was undertaken in accordance with the guidance provided above with exception of the following:

	Expenditure⁶	Supplier/Cost	Reason for exception
a.	Accommodation		
b.	Ground Transport		
c.	Visit costing including: Catering (CA Chef) Rations VIP Room - Airport AME ARTS OE – Travel OE-DUF Fuel Other (Specify)		
	Including GST		
Comments:			

Signature of Requesting Officer

Signature	Name	Rank and appointment	Date

Section 23 Commitment Approver Delegate Approval – and additional expenditure

Signature	Name	Rank	Date
Employee ID	Position number	Appointment	Prior Approval Date

Notes:

- * Section 23 Commitment Approver Delegate approval must be given and recorded in writing prior to any commitment of funds or an order being placed with a supplier of goods or services.
You must complete an AE108 – AusTender Reporting form for purchases greater than or equal to \$10 000 (including GST) for any individual item.
Catering for a conference must be approved by an official of EL 2/O-6 level or higher.
If the amount provided for each person exceeds the amount for an equivalent meal in the capital city meal component of non-SLG travelling allowance (or the SLG travelling allowance, if all

⁶ List to be amended as appropriate

attendees are SLG staff) the expenditure must be approved by an official of SES Band 1 or 1 Star level, or higher.

If alcohol is to be provided at public expense the delegate must be of SES Band 1 or 1 Star level or higher.

Provision of hospitality is outside of the scope of this document. Refer to AHQ guidance on the provision of official hospitality.

Further information

Officials must comply with the Chief of Army Directive on Gifts, Hospitality, Sponsorship and Working Meals or, until the Directive is issued, the Conference Costs Guidance issued by AHQ. A copy of the Guidance is provided on the Army Financial Management web page.



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, if your application to have your personal information amended was not accepted or your comments in response to formal consultation were 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. The review will be conducted independently to the FOI Directorate. 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:

Email: FOIReview@defence.gov.au
Fax: +61 2 626 62112

Post: Freedom of Information Directorate

Department of Defence
CP1-6-029
PO Box 7910
CANBERRA BC ACT 2610

External Review

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

No. You may apply directly to the Information Commissioner, within 60 days of receiving your decision. 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 Defence or the Commonwealth Ombudsman about actions taken by Defence in relation to your application.

Contacting the Information Commissioner

Further information about the external review process is available at the following:

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

Contacting the Commonwealth Ombudsman

The Commonwealth Ombudsman investigates complaints about action taken by agencies under the FOI Act. Further details on how to contact or find out more about making a complaint to the Commonwealth Ombudsman are available at the following:

<http://www.ombudsman.gov.au/pages/making-a-complaint/>

Complaints can be made in writing, by phone, in person or by using an online form available on the website: <http://www.ombudsman.gov.au/pages/contact-us/>

Post: GPO Box 442, CANBERRA ACT 2601
Phone 1300 362 072 (calls from mobile phones at mobile phone rates)
Fax: 02 6276 0123

Defence FOI contacts

Freedom of Information Directorate

Department of Defence
CP1-6-029
PO Box 7910
CANBERRA BC ACT 2610

Ph: +61 2 626 63664
Fax: +61 2 626 62112

Email: FOIReview@defence.gov.au
Website: www.defence.gov.au/foi