



Australian Government
Department of Defence

Freedom of Information
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Our reference: FOI 043/15/16

Mr Jackson Gothe-Snape

By email: foi+request-1163-f1cexxxx@xxxxxxxxxxxx.xxx.xx

Dear Mr Gothe-Snape

NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST

I refer to your correspondence, dated 18 September 2015, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

“The document known as QB15-000025 dated 11 February 2015.”

Background

The purpose of this letter is to provide you with the decision relating to the document that is the subject of your request.

FOI decision maker

I am an authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Identified document & decision

I identified the requested document and have decided to release it intact. A copy of the identified document is at Enclosure 1.

Material taken into account

In making my decision, I had regard to:

- a. the terms of your request;
- b. the content of the identified document in issue;
- c. relevant provisions in the FOI Act;
- d. the *Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act* (the Guidelines); and
- e. advice and clarifying information provided by an officer in Capability Acquisition and Sustainment Group (CASG).

Contextual statements

CASG noted that release of the identified document without some additional context may lead to confusion, and asked that I provide the following information in regards to the MH-60R:

- *The 2009 Defence White Paper stated that as a 'matter of urgency' the Government will acquire a fleet of at least 24 new naval combat helicopters to provide eight or more aircraft concurrently embarked on ships at sea. The urgency for acquiring new naval combat helicopters was driven by two main factors: the need for a credible Anti-Submarine Warfare and Anti-Surface Warfare helicopter capability, and the increasing obsolescence difficulties with maintaining the current S-70B-2 Seahawk 'Classic' fleet. This capability would replace the 16 S-70B-2 Seahawk 'Classic' helicopters then in-service and the 11 cancelled Seasprite helicopters, which were cancelled 8 March 2008.*
- *On 24 February 2010, Government announced First Pass approval for Project AIR 9000 Phase 8, the Future Naval Aviation Combat System. It was announced that a cost capped competition would be conducted to consider the MH-60R Seahawk 'Romeo' , sourced from the US Navy (USN) via the US Foreign Military Sales (FMS) program, and the NATO Frigate Helicopter (NFH), sourced via a direct commercial sale from Australian Aerospace.*
- *A Request for Tender was issued to Australian Aerospace (now Airbus Group Australia Pacific) in April 2010 for the NFH (based on the French Navy variant). A Letter of Request was released to the US Navy on the same day for the MH-60R.*
- *Both parties responded by the due date in July 2010 and then responded, at Defence's request, with revised and final offers in February 2011. A detailed evaluation of the responses was then completed, with the decision by Government on 16 June 2011 to acquire 24 MH-60R Seahawk 'Romeos'.*
- *A total of 14 MH-60R Seahawk 'Romeos' have been delivered to date (as at 24 Sep 15)*
- *The project remains ahead of schedule.*

The following relates to content relating to C-27J:

- *At the time of execution, the C-27J process was not conceived as a competitive evaluation and its use as an exemplar after the fact risks giving undue support to the concept*
- *USG policy prevented an FMS offer being provided in direct competition to a US supplier direct commercial sales (DCS) offer.*
- *The C-27J FMS evaluation was conducted against older DCS tender data on record, supplemented with up-dated OEM/partner information where available, and at no point did this DCS consideration involve a US supplier.*
- *The USAF JCA variant C-27J was only available via FMS at the time, the commercial alternatives considered were for subtly different version with less capability*
- *The option to procure C-27J via FMS was extremely time constrained due to the limited duration of the USG production contract.*

The following relates to content referring to Option 3 and Option 4 in the Background section of the document:

- *At the time of the Senate Economics Reference Committee hearing on 30 September 2014, Future Submarine Program resources had been focused on the 'evolved Collins' option (Option 3) and new design option (Option 4).*
- *This work had been completed before Government's announcement of the Competitive Evaluation Process.*
- *It remains the case that no decision has been made on submarine cooperation with any country.*

FOI Disclosure Log

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

Your Review Rights

Internal Review

Under the provisions of section 54 of the FOI Act, you are entitled to request a review of this decision. You must request a review, in writing, within 30 days of the date of this letter, or the date you receive the documents. Requests can be sent to:

Email: xxxxxxxxx@xxxxxxxx.xxx.xx
 Fax: 02 626 62112
 Post: Freedom of Information Directorate - Reviews
 Department of Defence
 CP1-6-029
 PO Box 7910
 CANBERRA BC ACT 2610

Australian Information Commissioner

Under the provisions of section 54 of the FOI Act, you are also entitled to request an external review of this decision by the Australian Information Commissioner. You have 60 days to lodge such a request, using one of the contact methods below:

Email: enquiries@oaic.gov.au
 Phone: 1300 363 992
 Fax: 02 9284 9666
 Post: GPO Box 2999
 Canberra ACT 2601

Complaints

You may complain to Defence, the Information Commissioner or the Commonwealth Ombudsman about an action taken by Defence in the exercise of its power or the performance of its functions under the FOI Act. There is no fee for making a complaint. Should you wish to

complain to the Department of Defence, your complaint can be addressed to Mr Tony Corcoran using the contact details below:

Email: tony.corcoxxx@xxxxxxxx.xxx.xx
Post: Tony Corcoran
Assistant Secretary Information Management and Access Branch
CP1-6-14
PO Box 7911
CANBERRA BC ACT 2610

Contact details for the Commonwealth Ombudsman are below:

Phone: 1300 362 072)
Fax: 02 6276 0123
Post: Commonwealth Ombudsman
GPO Box 442
CANBERRA ACT 2601

Contact details for the Information Commissioner are above.

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

Yours sincerely



Ms Linda McCann
Director
Information Access

19 October 2015

Enclosure:

1. Document in the form for release