



Australian Government
Department of Defence
Defence Support and Reform Group

Ministerial and Information
Management Branch
Department of Defence

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Our reference: FOI 087/14/15

Mr Ben Garrett

By email: foi+request-773-b15bfxxx@xxxxxxxxxxxxx.xxx.xx

Dear Mr Garrett

1. I refer to your request, dated 25 September 2014, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

“Existing documents containing requests for the invoking of ‘military aid to the civil power’ within the Commonwealth of Australia, that would be contained in the category of Defence Force Aid to the Civil Power (DACP), for which to date has not been made publicly available in Australia.

Including but not limited to requests from State or Territory Governments, Foreign Governments, Military Government or occupation.”

Background

2. By email, dated 1 October 2014, you were advised that your request was at risk of refusal in accordance with section 24 [power to refuse request – diversion of resources etc.] of the FOI Act.

3. By email, dated 2 October 2014, you provided clarifying background information and revised the scope of your request to:

“...documents in the possession of the Department of Defence other than those that have been made publicly available, which contain requests from State or Territory Governments, Foreign Governments, Military Government or occupation for, the provision of Defence Force aid to civil law authorities in the performance of law enforcement tasks within Australia, regardless of whether the request was granted or not.”

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

FOI decision maker

5. Ms Andrea Sansom, Acting Director, FOI is the accredited officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Decision

6. Ms Sansom decided to refuse access to the requested documents in accordance with section 24 of the FOI Act.

7. Upon receipt of the revised scope, Ms Sansom contacted Military Strategic Commitments (MSC) in the Vice Chief of the Defence Force Group. The point of contact in MSC advised that he considered the scope of the request was still too broad. Of note was the omission of a date range. Further, she was advised that the office that would be responsible for responding to such requests is a very small team, and that the team was currently focussed on responding to and preparing for the upcoming G20 meeting as well as Australia's assistance to the conflict in Iraq.

8. While Ms Sansom noted that you provided some context to the sorts of civil assistance requests you were seeking, it would require searches of records within the department as well as any that have since been archived. Once searches were undertaken the FOI decision maker would then be required to compare the requests with publicly available information to determine which items could be excluded from further consideration in processing an FOI request.

9. Taking all of the above into consideration, acknowledging that the consultation process under section 24AB of the FOI Act has been undertaken, Ms Sansom was satisfied that the practical refusal reason still exists in relation to this request.

Rights of review

10. 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 3.

Further information

11. The FOI Act can be accessed at: <http://www.comlaw.gov.au/Details/C2014C00122>.

12. 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



Theresa Stinson
Assistant Director – Media Case Management
Freedom of Information

24 October 2014

Enclosure:

1. Fact Sheet: Freedom of Information – Your Review Rights