



Our reference: FOI 217/14/15

Mr Culley Palmer

By email: [foi+request-861-4b0e0exx@xxxxxxxxxxxx.xxx.xx](mailto:foi+request-861-4b0e0exx@xxxxxxxxxxxx.xxx.xx)

Dear Mr Palmer

1. I refer to your email, dated 10 January 2015, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to documents relating to the incursion of protesters into Joint Facility Pine Gap.

### **Background**

2. You were advised that your request was at risk of refusal under section 24AA of the FOI Act as the scope of your request was too broad. After further email correspondence you revised the scope of your request to:

*“...all emails sent to and from the (then) Minister for Defence regarding the December 2005 incursion of protesters into Joint Defence Facility Pine Gap.*

*For ease of processing, I wish to exclude any duplicates and drafts, and also the personal information of the individuals concerned.”*

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

### **FOI decision maker**

4. Ms Andrea Sansom, Acting Director FOI was the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

### **Decision**

5. Ms Sansom decided to refuse access to this request under section 24A of the FOI Act. Her reasons for this exemption are set out below.

### **Material taken into account**

6. In making her decision, she had regard to:
- a. relevant provisions in the FOI Act;
  - b. Defence guidance material on the FOI Act and the *guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act* (the guidelines); and
  - c. advice from the areas whose duties relate to the matters referred to in the document.
7. Upon receipt of the revised request, it was referred to the areas in Defence that were considered may have had involvement with this matter. Specifically, the request was sent to International Policy (IP) Division, Defence Security Authority (DSA) and Defence Legal (DL).
8. Each of the three areas mentioned above undertook searches and advised as follows:
- DSA – Thorough searches were undertaken of both the Defence Restricted Network and the Defence Secret Network when the applicant’s request was initially received in January. That searched failed to locate any correspondence relating to this matter. DSA noted that personnel associated with this matter from 2005 are no longer employed by Defence and as such could not be contacted for input.
- IP – The Joint Facilities and Technical Programs, Major Powers Branch advised that they had no emails to or from the Minister with regard to this matter. IP advised that they searched their DRN & DSN file holdings.
- DL – The Office of the General Counsel undertook an initial electronic search of their Lotus Notes advices database using broad search terms, which included searching for ‘Pine Gap’ and then filtering with the term ‘incursion’. This did not identify any emails that matched the scope of the request. A review of hard copy files relating to this matter was undertaken and resulted in no documents being identified as falling within the terms of the request.
9. Notwithstanding the above, Ms Sansom sought assistance from the Directorate of Ministerial and Parliamentary Liaison Services (DMPLS), as the area who provide support to the Ministers’ offices, to determine whether there were any other areas in Defence that should be approached. DMPLS noted that they do not have access to any ministerial inboxes. Searches were undertaken of the DMPLS database using the keywords ‘Pine Gap’ and ‘Pine Gap Incursion’ the outcome of those searches did not identify any other areas within Defence that had not already been approached.
10. Taking the above into consideration, Ms Sansom was confident that thorough and diligent searches of the areas that may be considered to reasonably hold material relating to this matter were undertaken. She was satisfied that there are no documents in existence that meet the terms of this request and decided to refuse access under section 24A of the FOI Act.

**Rights of review**

11. 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 1.

**Further information**

12. The FOI Act can be accessed at: <http://www.comlaw.gov.au/Details/C2014C00673>

13. 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

A handwritten signature in black ink, appearing to read 'T. Stinson', with a stylized flourish at the end.

Theresa Stinson  
Assistant Director – Media Case Management  
Freedom of Information

16 February 2015

Enclosure:

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