



Our reference: FOI 258/14/15

Mr Culley Palmer

By email: <mailto:foi+request-944-1xxxxxxx@xxxxxxxxxxx.xxx.xx>

Dear Mr Palmer

NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST

1. I refer to your email, dated 18 February 2015, which we received on 19 February 2015, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

“Copies of all briefings, communications, forms, reports or notes mentioning or regarding the not-for-profit media organisation WikiLeaks or its Australian staff, including but not limited to Julian Assange.

I wish to exclude from the scope of my request:

- 1) Duplicates of documents and drafts;*
- 2) With the exception of WikiLeaks staff, the personal information of any individuals contained in the documents;*
- 3) Documents which are already publicly known or accessible.”*

Background

2. By email, dated 20 February 2015, I advised that your request was at risk of refusal in accordance with section 24AA [when does a *practical refusal reason* exist] of the FOI Act. You clarified, by email dated 20 February 2015 (received by this office on 23 February 2015), that you had intended that the request be limited to documents authored by the Defence Industry Innovation Board (DIIB).

3. By email, dated 23 March 2015, you agreed to proceed with the following scope:

to documents authored by the Defence Industry Innovation Board. Specifically, copies of all briefings, communications, forms, reports or notes mentioning or regarding the not-for-profit media organisation WikiLeaks or its Australian staff, including but not limited to Julian Assange.

I wish to exclude from the scope of my request:

- 1) Duplicates of documents and drafts;*

2) *With the exception of WikiLeaks staff, the personal information of any individuals contained in the documents;*

3) *Documents which are already publicly known or accessible.*

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

FOI decision maker

5. Mr Mark Worrall, Director, Ministerial Services and FOI, Defence Materiel Organisation was the accredited decision maker, under the FOI Act, in relation to your request.

Decision

6. Mr Worrall decided to refuse access to your request under section 24A [requests may be refused if documents cannot be found, do not exist or have not been received] of the FOI Act. His reasons for this exemption are set out below.

Material taken into account

7. In making his decision Mr Worrall had regard to:

- a. the content of the identified document in issue;
- b. relevant provisions in the FOI Act;
- c. 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);
- d. advice from the Business Services and Assurance Branch, DMO whose duties relate to the matters referred to in the document.

Reasons

8. The DIIB is part of the Defence portfolio and functions in an advisory capacity. Committee Support to the DIIB is provided by the Business Services and Assurance Branch, DMO.

9. Taking the above into account, Mr Worrall contacted DMO Committee Support to locate documents relevant to the request. He was advised by the Deputy Director that searches had been undertaken in all of the DIIB folders on Objective, the electronic records management system used in Defence, and that no reference to either 'WikiLeaks' or 'Julian Assange' could be found. He was also informed that the DIIB has not convened since 27 June 2013.

10. Mr Worrall advised that he would not expect documents relating to the DIIB to be held elsewhere in the department and as such, he was satisfied that reasonable searches were undertaken to locate any relevant documents and that no documents exist.

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" is at Enclosure 1.

Further advice

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

13. Should you have any questions, 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

3 March 2015

Enclosure:

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