

15 June 2012

Ms Roslyn O'Reilly  
McCabe Partners  
PO Box 2114  
Taren Point NSW 2229

Dear Ms O'Reilly

**Request for access to documents under the *Freedom of Information Act 1982* (the Act)**

1. I refer to your request of 16 May 2012 under the *Freedom of Information Act 1982* (the Act) in which you sought access to information on behalf of [REDACTED], as below:

We act for the Lessor [REDACTED].

Pursuant to *Section 11 of the Freedom of Information Act 1982*, our client requests access to, or a copy of Defence Housing Australia's file in relation to management of the above property, pursuant to the lease to Defence Housing Australia commencing 28 May 2004. Our request is made having regard to our client's dispute with Defence Housing Australia in relation to substantial pest damage to the above property.

Yours faithfully,

**McCABE PARTNERS**

**Roslyn O'Reilly**  
**Solicitor'**

2. I acknowledged your request on 17 May 2012.
3. I am an officer authorised under section 23 of the Act to make decisions in respect of requests for access to documents. My decision and the reasons for that decision are set out below.

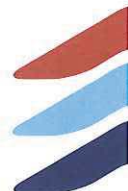
**Legislative background**

4. The Act provides a right of access to information in the possession of Commonwealth agencies, limited only by exceptions and exemptions provided for in the Act.

**Decision**

5. I have identified the documents listed in the attached Schedule of Documents (Attachment A) as falling within the scope of your request.
6. I have decided to release documents 1-4, 6-9, 17, 19, 21, 23, 27, 28, 31-35, 38, 41-44, 48-51, 53-59 and 63-102 in full.

HEAD OFFICE



7. Documents 5,10-16, 18, 20, 22, 24-26, 29, 30, 36, 37, 39, 40, 45-47, 52 and 60-62 contain personal information and I am satisfied that disclosure of this information would amount to an unreasonable disclosure of personal information. Accordingly I find that these document are exempt under section 47F (Public interest conditional exemptions – personal privacy) of the Act.
8. Where a decision is made to refuse access to a document, the release of a copy of the document with the exempt matter deleted should be considered under section 22(1) (c) of the Act. Accordingly, I have decided to release a copy of documents 5, 10 -16, 18, 20, 22, 24-26, 29, 30, 36, 37, 39, 40, 45-47, 52 and 60-62 with redactions.
9. I have decided that it is not reasonably practicable to prepare an edited copy of page 2 of document 11 having regard to the nature and extent of the modifications. Consequently, under section 22 (1) (c) I have not released that page.

### **Charges**

10. I have decided not to impose any charges.

### **Rights of review**

11. If you do not agree with my decision in relation to the release of documents you are entitled to apply for an internal review of the decision and/or an external review by the Australian Information Commissioner. Information on your review rights is at Attachment B.

### **Publication on Disclosure Log on DHA website**

12. Defence Housing Australia is required by section 11C of the Act to publish a disclosure log at dha.gov.au. The disclosure log lists information which has been released in response to a FOI request with some exceptions. Information must be published on the log within ten working days of its release to the applicant.

Yours sincerely

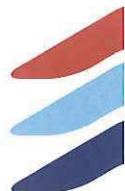


**Ross Jordan**  
**Company Secretary**

### **Attachments:**

- A. Schedule of Documents.
- B. FOI Fact Sheet 12 – Freedom of information – Your review rights.


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**FOI Request (Ms Roughan)**  
**Schedule of documents**

Item No.	Title/Description	Date	Author/Creator	Addressee	No. pages	Decision
1	Faxed invoice for Dolce oven	Faxed 24.05.04	Khater Constructions	George, DHA	2	Released in full
2	Letter enclosing copy of registered lease	24.06.04	Hunt & Hunt	Ms Lorraine Walker, DHA	33	Released in full
3	By-laws	01.2005	Premier Strata Management	DHA	2	Released in full
4	Letter	14.03.05	Heidi Huber, DHA	[REDACTED]	2	Released in full
5	Work Order	02.12.04	DHA	GSM family business	1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
6	Contractor Works programme	02.12.04	DHA	File record	1	Released in full
7	Invoice	Faxed 27.11.04	James Gill & sons	Premier Strata Management	1	Released in full
8	Inspection report	Unknown	DHA	DHA	1	Released in full
9	Letter	02.12.04	Kia Molyneux, DHA	Ms Roughan	2	Released in full
10	Letter	29.09.04	Kia Molyneux, DHA	Tenants	1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
11	Work Order	02.12.04	DHA	T&B Cleaning	1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act



12	Work Order	02.12.04	DHA	T&B Cleaning	1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
13	Work Order	02.12.04	DHA	PJ & SD Reid	1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
14	Work Order	02.12.04	DHA	Belfor Ayline	1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
15	Work Order	02.12.04	DHA	Domestic Automatics	1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
16	Work Order	02.12.04	DHA	Belfor Ayline	1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
17	Advise of Change of details	Stamped 15.12.04		DHA	2	Released in full
18	Work Order	20.12.04	DHA	Essential Locksmiths	1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
19	Property inspection report	Unknown	DHA		2	Released in full
20	Work Order	02.12.04	DHA	Myjen Electrics	1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act

								22(1)(c) of the Act
21	Contractors work programme	Unknown	DHA				1	Released in full
22	Work Order	02.12.04	DHA		GSM family business		1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
23	Housing Condition Report	Unknown	DHA				4	Released in full
24	Receipt of keys form	19.01.05	DHA		Tenant		1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
25	Letter, return of condition report	09.03.05	DHA, Kia Molyneux		Tenant		1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
26	Letter, reminder to return condition report	08.04.05	DHA, Cleo Pickard		Tenant		1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
27	Confirmation of lessor details	Stamped 22.03.05			DHA		1	Released in full
28	Landlords Residential Property Insurance	01.08.05	CGU				7	Released in full
29	Letter, Annual Inspection	06.03.06	DHA, William Shen		Tenant		1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
30	Letter, periodic inspection report	24.03.06	DHA, Deb Gray				4	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection

								22(1)(c) of the Act
31	Advise of change of details	Stamped 05.04.06				DHA	2	Released in full
32	Facsimile, Sydney Water	22.03.06	Sydney Water			DHA	2	Released in full
33	Landlords residential property insurance	Stamped 24.08.2006	CGU				7	Released in full
34	Vacant property maintenance log	Unknown	DHA				2	Released in full
35	Letter, termite inspection	11.05.07	DHA				5	Released in full
36	Quotation for works/services	14.06.07	DHA			Nicholls air	1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
37	Quotation for works/services	24.05.07	DHA			Dibcon Holdings	1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
38	Email	12.07.07	Belfor Ayline			DHA	1	Released in full
39	Work Order/approval & email	09.05-13.07.07	DHA				5	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
40	Application for approval for pay TV	21.08.06	DHA				4	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
41	Facsimile, returned Approval for pay TV	28.09.06				DHA	2	Released in full
42	Property Inspection Report	08.12.06	DHA				1	Released in full
43	Works Programme	Due date 29.12.06	DHA				1	Released in full



44	Instructions to contractor	12.12.06	DHA	MyGen Electrics	1	Released in full
45	Welcome to the area	Unknown	DHA	Tenant	1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
46	Receipt of Keys form	29.12.06	DHA	Tenant	1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
47	Housing condition report	29.12.06	DHA	Tenant	4	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
48	Recycled water scheme	Stamped 12.06.07	Sydney water	[REDACTED]	1	Released in full
49	Landlords residential property insurance	24.06.07	CGU	[REDACTED]	6	Released in full
50	Letter, Annual General Meeting	28.02.08	Premier Strata management	The Owners	11	Released in full
51	Notice of proposed integrated development – subdivision	13.06.08	Baulkham Hills Shire Council	c/- DHA	6	Released in full
52	Pre PVI Administration	Unknown	DHA	Tenant	21	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
53	Letter, notification of vacancy	30.01.09	DHA	[REDACTED]	1	Released in full
54	Advice of change of details	Dated 11.01.09	[REDACTED]	DHA	2	Released in full
55	Letter, termite inspection	27.02.09	DHA	[REDACTED]	13	Released in full
56	Letter, notification of re-tenancy	03.03.09	DHA	[REDACTED]	1	Released in full
57	Granitgard, treatment certificate	12.02.03	SGC		1	Released in full

58	Granitgard, treatment certificate	03.02.03	SGC		1	Released in full
59	Granitgard, warranty package	Unknown	Granitgard		9	Released in full
60	Welcome Visit Process Checklist	04.03.09	DHA		11	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1) (c) of the Act.  The decision maker has decided that it is not reasonably practicable to prepare an edited copy of page 2 of document 11 having regard to the nature and extent of the modifications. That page is not released under section 22 (1) (c) of the Act.
61	Housing condition report	Stamped 27.03.09	DHA	Tenant	8	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
62	Work Order	02.12.08	DHA	Fieldforce Services	1	Exempt under section 47F (Public interest conditional exemptions – personal privacy) but released with redactions under subsection 22(1)(c) of the Act
63	Letter, renewal of investor home & contents insurance	24.06.10		DHA	3	Released in full
64	Letter and pest inspection report	10.02.10	DHA/Sherlock pest control		13	Released in full
65	Email, ceiling fan installation	03.11.09		DHA	1	Released in full
66	Letter, work order MITM-303702	23.12.10		DHA	1	Released in full
67	Email, termite treatment	23.12.10		DHA	1	Released in full
68	Email exchanges, termite treatment	Latest date 23.12.10	Various	Various	6	Released in full



69	Email	23.12.10		DHA, Dave Boxwell	1	Released in full
70	Email exchanges, termite treatment	Latest date 23.12.10	Various	Various	4	Released in full
71	Email exchanges, termite treatment	Latest date 16.12.10	Various	Various	5	Released in full
72	Standard Timber pest detection report	19.01.11	Sherlock Pest Control	DHA	12	Released in full
73	Subterranean Termite Management	10.12.10	Sherlock Pest Control		3	Released in full
74	Exterra termite interception & baiting system proposal	22.12.10	Ingleburn pest control	DHA	4	Released in full
75	Email exchange, termite action	24.12.10		DHA, Dave Boxwell	1	Released in full
76	Baiting system, monitoring form	13.01.11	Sherlock Pest Control	DHA	1	Released in full
77	Email exchange	25.01.11	DHA, Dave Boxwell	Sherlock Pest Control	1	Released in full
78	Email exchange	25.01.12	DHA, Dave Boxwell	Sherlock Pest Control	2	Released in full
79	Email exchange,	Latest date 25.01.11	DHA, Dave Boxwell	Sherlock Pest Control	2	Released in full
80	Email exchange	Latest date 24.03.11	Various	Various	16	Released in full
81	Exterra termite interception & baiting system proposal	22.12.10			3	Released in full
82	Contract for the sale of land	Unknown	DHA	Hunt & Hunt	1	Released in full
83	Email	13.05.11	DHA, Dave Boxwell	Sherlock Pest control	1	Released in full
84	Email	17.05.11		DHA, Dave Boxwell	1	Released in full
85	Email	Latest	DHA, Dave	Sherlock Pest	1	Released in full

		date	Boxwell	control		
86	Email	Latest date 17.05.11	DHA, Dave Boxwell	[REDACTED]	1	Released in full
87	Email	Latest date 26.05.11	[REDACTED]	DHA, Dave Boxwell	2	Released in full
88	Email	Latest date 14.06.11	[REDACTED]	DHA, Dave Boxwell	7	Released in full
89	Letter, termite activity	20.06.11	DHA, Matt Adams	[REDACTED]	2	Released in full
90	Email	12.07.11	Various	Various	4	Released in full
91	Email	Latest date 14.07.11	DHA, Matt Adams	[REDACTED]	3	Released in full
92	Timber Pest Detection Report	24.10.11	Sherlock Pest Control	DHA	12	Released in full
93	Email	Latest date 01.12.11	Various	Various	11	Released in full
94	Email	14.12.11	DHA, Dave Boxwell	Various	1	Released in full
95	Email	Latest date 14.12.11	DHA, Dave Boxwell	[REDACTED]	2	Released in full
96	Email	Latest date 03.05.12	Various	Various	10	Released in full
97	Granitgard guidelines	Unknown	Granitgard		2	Released in full
98	Letter	19.04.12	DHA, Shauna Ramrakha	McCabe Partners, Roslyn O'Reilly	4	Released in full
99	Letter	26.04.12	McCabe Partners, Roslyn O'Reilly	DHA, Shauna Ramrakha	4	Released in full
100	Letter	02.05.12	McCabe Partners, Roslyn O'Reilly	DHA, Shauna Ramrakha	4	Released in full
101	Letter	16.05.12	McCabe Partners, Roslyn O'Reilly	DHA, Shauna Ramrakha	2	Released in full

102	Pest Report	10.05.12	Mr Pest	DHA, Dave Boxwell	9	Released in full
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## FOI Fact Sheet 12

### Freedom of information – Your review rights

If you disagree with the decision of an Australian Government agency or 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 someone is to be granted access to information that is about you, if the agency has informed you that it will impose a charge for processing your request or if your application to have your personal information amended was not accepted. There are two ways you can ask for review of a decision: internal review by the agency, and external review by the Australian Information Commissioner.

#### Internal review

If an agency makes an FOI decision that you disagree with, you can ask the agency to review its decision. The review will be carried out by a different agency officer, usually someone at a more senior level. There is no charge for internal review.

You must apply within 30 days of being notified of the decision, unless the agency extended the application time. You should contact the agency if you wish to seek an extension. The agency must make a review decision within 30 days. If it does not do so, its original decision is considered to be affirmed.

Internal review is not available if a minister or the chief officer of the agency made the decision personally.

#### Review by the Information Commissioner

The Information Commissioner is an independent office holder who can review the decisions of agencies and ministers under the FOI Act.

#### Is a review the same as a complaint?

No. The Information Commissioner also investigates complaints about agency actions under the FOI Act. However, if you are complaining that an agency decision is wrong, it will be treated as an application for a review. Your matter will be treated as a complaint when a review would not be practical or would not address your concerns (for example, if you were not consulted about a document that contains your personal information before it was released). For more information see

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

No. You may apply directly to the Information Commissioner. However, going through the agency's internal review process gives the agency the opportunity to reconsider its initial decision, and your needs may be met more quickly without undergoing an external review process.

## **Do I have to pay?**

No. The Information Commissioner's review is free.

## **How do I apply?**

You must apply in writing and you can lodge your application in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)

Post: GPO Box 2999, Canberra ACT 2601

Fax: +61 2 9284 9666

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

In person: Level 3, 25 National Circuit

Forrest, ACT, or at

Level 8, Piccadilly Tower,

133 Castlereagh Street, Sydney,

NSW

An application form is available on the website at [www.oaic.gov.au](http://www.oaic.gov.au). Your application should include a copy of the notice of the decision that you are objecting to (if one was provided), and your contact details. You should also set out why you are objecting to the decision.

## **Can I get help in completing the application?**

Yes. The Information Commissioner's staff are available to help you with your application if anything is unclear.

## **When do I have to apply?**

If you are objecting to a decision to refuse access to documents, impose a charge or refuse to amend a document, you must apply to the Information Commissioner within 60 days of being given notice of the decision. If you are objecting to a decision to



grant access to another person, you must apply within 30 days of being notified of that decision.

You can ask the Information Commissioner for an extension of time to apply, and this may be granted if the Information Commissioner considers it is reasonable in the circumstances.

## **Who will conduct the review?**

Staff of the Information Commissioner will conduct the review. Only the Information Commissioner, the FOI Commissioner or the Privacy Commissioner can make a decision at the end of the review.

## **Does the Information Commissioner have to review my matter?**

No. The Information Commissioner may decide not to review an application that is frivolous, misconceived or lacking in substance, or if you fail to cooperate with the process or cannot be contacted after reasonable attempts. You cannot appeal against that decision.

Alternatively the Information Commissioner may decide that the Administrative Appeals Tribunal (AAT) would be better placed to review the matter, and if so, will advise you of the procedure for applying to the AAT. This will not be common.

## **Can I withdraw my application?**

Yes. An application can be withdrawn at any time before the Information Commissioner makes a decision.

## **What happens in the review process?**

The review process is designed to be as informal as possible. The Information Commissioner may contact you or any of the other parties to clarify matters and seek more information. The Information Commissioner may also ask the agency or minister to provide reasons for their decision if the reasons given were inadequate.

Most reviews will be made on the basis of the submissions and papers provided by the parties. Sometimes the Information Commissioner may decide to hold a hearing if one of the parties applies. Parties may participate in a hearing by telephone. If confidential matters are raised, the hearing may be held partly or wholly in private.

## **Will there be other parties to the review?**

There may be. The Information Commissioner can join other parties who are affected by the application. For example, if you are objecting to someone else being granted access to information that concerns you, that person may be joined in the review.



## **Can someone else represent me?**

Yes, including a lawyer. However, the Information Commissioner prefers the process to be as informal and cost-effective as possible and does not encourage legal representation.

## **Will the Information Commissioner look at all documents, including ones that are claimed to be exempt?**

Yes. The Information Commissioner's review is a fresh decision, so all the relevant material must be examined, including documents that the agency or minister has declined to release. Developments that have occurred since the original decision may also be considered.

## **What powers does the Information Commissioner have?**

While the review process is designed to be informal, the Information Commissioner has formal powers to require anyone to produce information or documents, to compel anyone to attend to answer questions and to take an oath or affirmation that their answers will be true.

An agency or minister can also be ordered to undertake further searches for documents.

## **What decisions can the Information Commissioner make?**

After reviewing a decision, the Information Commissioner must do one of three things:

- set the decision aside and make a fresh decision
- affirm the decision, or
- vary the decision.

The Information Commissioner will give reasons for the decision.

## **Will the decision be made public?**

Yes. The Information Commissioner will publish decisions on the website. Exempt material (that is, material that is not released) will not be included. Nor will the name of the review applicant, unless that person requests otherwise or there is a special reason to publish it.

## **What can I do if I disagree with the Information Commissioner's review decision?**

You can appeal to the AAT. The Information Commissioner will not be a party to those proceedings. The fee for lodging an AAT application is \$777 (at November 2010), although there are exemptions for health care and pension concession card holders and the AAT can waive the fee on financial hardship grounds.

## **FOI applications made before 1 November 2010**

The Information Commissioner can only review an agency's or minister's FOI decision if you made your FOI request on or after 1 November 2010. If you made your FOI request before 1 November, even if the decision was made after that date, the review process is different.

You must first ask the agency for internal review of the decision. You may then appeal to the AAT if you are not satisfied with the decision.

**The information provided in this fact sheet is of a general nature. It is not a substitute for legal advice.**

For further information  
**telephone:** 1300 363 992  
**email:** [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
**write:** GPO Box 2999, Canberra ACT 2601  
or visit our website at [www.oaic.gov.au](http://www.oaic.gov.au)