

6 October 2011

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

1. I refer to your request of 7 September 2011 for access to information held by Defence Housing Australia under the *Freedom of Information Act 1982*.
2. 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.

**Background**

3. On 7 September 2011 you lodged an FOI request by email as below:

The following is a request for information under the Freedom of Information Act 1982. (FOI 1982). In accordance with the FOI 1982, I hereby request all maintenance and correspondence records for the following Address: 6 Danvers Place, Richardson, ACT 2905.

The dates to be covered are:  
2001 through 06 Sep 2011 inclusive.

With respect to the correspondence records, it is requested that all records relating to maintenance, upkeep, inspections, standard of residence, and disposal of residence including internal correspondence be included.

With respect to maintenance records, it is requested that all records of requests for maintenance, completion of maintenance, allocation of maintenance contracts including internal correspondence be included.

All records are request in both paper (certified) and electronic format. Paper copies can be sent to the following address:

Electronic copies of the requested items can be emailed to the email address listed below.

Regards

HEAD OFFICE

26 Brisbane Avenue Barton ACT 2600  
Switchboard: 02 6217 8444 Fax: 02 6217 8500  
Email: [info@dha.gov.au](mailto:info@dha.gov.au) Internet: [www.dha.gov.au](http://www.dha.gov.au)  
ABN 72 968 504 934



4. I acknowledged receipt of this request on 9 September 2011.

**Legislative background**

5. 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**

6. I have identified the documents listed in the attached Schedule of Documents (Attachment A) as falling within the scope of your request. I have decided to release all documents in full except for Serial 32. In that case, I considered that details of carrying value, sell costs and estimated profit on sale of 6 Danvers Place, Richardson had commercial value which would be diminished if disclosed (FOI Act, Section 47). In reaching this decision I took into account

**Rights of review**

7. 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.

Yours sincerely



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

**Attachments:**

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

**FOI Request**  
**Schedule of documents**

Item No.	Title/Description	Date	Author/Creator	Addressee	No. pages	Decision
1	Summary of maintenance actions on 6 Danvers Place, Richardson	1a. 2001 – 2005 1b. 2006 – 2009	Housing Management Centre (HMC)	N/A	4 (A3)	Release in full
2	Housing Condition Report	22/11/2001	HMC	CPO Black	4	Release in full
3	Record of call by to report broken roof tiles	14/09/2004	HMC	N/A	1	Release in full
4	Progress on maintenance actions related to broken roof tiles	14/09/2004	HMC	N/A	1	Release in full
5	Record of call by regarding various maintenance actions.	14/09/2004	HMC	N/A	1	Release in full
6	Quotation received from ACT Tops (roof maintenance) for roof repair	15/09/2004	ACT Tops	HMC	1	Release in full
7	Quotation received from ACT Constructions in relation to matters raised by trial 5 above.	16/09/2004	ACT Constructions	HMC	1	Release in full
8	Quotation received from Fyshwick Home and Heating for work on an internal wood heater incl. fitting a child guard screen.	20/09/2004	Fyshwick Home and Heating	HMC	1	Release in full
9	Internal email confirming advice from tenant at roof safe for repairs	23/09/2004	Chenai Cooper (HMC)	Natasa Lankester (HMC)	1	Release in full
10	Record of Conversation form used to make notes on a number of maintenance actions on 6 Danvers Place.	31/12/2004	Not recorded	Not recorded	1	Release in full



11	Unit Amendment Form (UAF) for an entry in Property Management System noting that 6 Danvers Place, Richardson to be coded 'possible disposal'.	25/01/2005	HMC	Head Office	1	Release in full
12	Annual Property Inspection Report dated 11/03/2005 including as a general comment "property well maintained".	11/03/2005	HMC	HMC/Tenant	2	Release in full
13	Quotation received from Steadford Building Services for maintenance on pergola.	08/04/2005	Steadford Building Services	HMC	1	Release in full
14	E-mail from Directorate of Entitlements approving modifications at Defence expense (installation of lever taps) to meet tenant special needs.	17/05/2006	Warrant Officer Ian Gilbank	HMC	1	Release in full
15	Internal e-mail requesting HMC (Natasa Lankester) call	24/05/2006	HMC	HMC	1	Release in full
16	Job Details Report for 6 Danvers Place, Richardson for installation of lever taps.	26/05/2006	HMC	HMC	1	Release in full
17	Quotation received from Colourful Painting & Home Maintenance for replacement of wood fence.	03/11/2006	Colourful Painting & Home Maintenance	HMC	1	Release in full
18	E-mail from _____ addressed 'to whom it may concern' in DHA regarding status of outstanding maintenance actions on 6 Danvers Place.	11/02/2009	CPO Black	HMC	3	Release in full
19	E-mail from _____ (Howard Faulks) to _____ in response to his e-mail of 11/02/2009.	20/02/2009	Howard Faulks (HMC)		1	Release in full
20	E-mail from _____ in response to his e-mail of 20 Feb 2009.	24/02/2009		Howard Faulks (HMC)	1	Release in full

21	Internal e-mail from Adrian Lawler to Michelle Gartshore responding to an e-mail from Howard Faulks to Michelle Gartshore directing action on drainage issues at 6 Danvers Place.	25/02/2009	Adrian Lawler and Howard Faulks (HMC)	Michelle Gartshore (HMC)	1	Release in full
22	Internal e-mail from Michael Singh to Howard Faulks responding to an e-mail from Howard Faulks directing urgent action on repairs to a fence and toilet at 6 Danvers Place.	17/11/2009	Michael Singh and Howard Faulks (HMC)	Michael Singh and Howard Faulks (HMC)	2	Release in full
23	Property Inspection Report dated 5 August 2011.	05/08/2011	Roseanne Gooch (HMC)	HMC	1	Release in full
24	Internal e-mail trail initiated 15 August 2011 that details the process for an offer to 5 Danvers Place.	23/08/2011	Howard Faulks and others	Howard Faulks and others	3	Release in full
25	Internal e-mail from Sara Howell to Roseanne Gooch directing replacement action on dishwasher at 6 Danvers Place.	25/08/2011	Sara Howell (HMC)	Roseanne Gooch (HMC)	1	Release in full
26	Internal e-mail from Roseanne Gooch to Sara Howell confirming action on replacement of dishwasher.	25/08/2011	Roseanne Gooch (HMC)	Sara Howell (HMC)	1	Release in full
27	Internal e-mail from Amy Vickers (Sales & Marketing) to Howard Faulks commenting on the pricing outcome for 6 Danvers Place.	30/08/2011	Amy Vickers (National Sales Office)	Howard Faulks	1	Release in full
28	Internal e-mail from Sara Howell to Howard Faulks regarding interest in purchasing 6 Danvers Place.	30/08/2011	Sara Howell (HMC)	Howard Faulks (HMC)	1	Release in full
29	Herron Todd White Valuation Report on 6 Danvers Place, Richardson.	30/08/2011	Herron Todd White	HMC	7	Release in full

30	Maloney's Real Estate Proposal for Appointment as Agent for the Sale of 6 Danvers Place, Richardson.	Undated but assumed to be 30/08/2011	Maloney's Real Estate	HMC	7	Release in full
31	ACTNOW Inspect Pty Ltd Building Inspection Report on 6 Danvers Place, Richardson.	02/09/2011	ACTNOW Inspect Pty Ltd	HMC	67	Release in full
32	Internal e-mail from Michael Molloy (Sales & Marketing) to Amy Vickers (Sales & Marketing) enclosing Disposal Pricing Submission for disposal of 6 Danvers Place.	02/09/2011	Amy Vickers (National Sales Office)	Howard Faulks (HMC)	2	Release with carrying value, sell costs and estimated profit redacted on the grounds that they have commercial value which would be diminished if disclosed (FOI Act, Section 47).
33	Letter from DHA (National Sales Office) to Amy Vickers (National Sales Office) relating to 6 Danvers Place, Richardson.	05/09/2011	Amy Vickers (National Sales Office)			Release in full
34	Letter from DHA (National Sales Office) to Meyer Vandenberg Lawyers requesting the preparation of contracts for sale of 6 Danvers Place, Richardson.	05/09/2011	Amy Vickers (National Sales Office)	Meyer Vandenberg Lawyers	1	Release in full
35	Internal e-mail from Sara Howell (HMC) to Howard Faulks (HMC) relating to 6 Danvers Place.	05/09/2011	Sara Howell (HMC)	Howard Faulks (HMC)	1	Release in full



## 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)