

Elphick, Vanessa MRS

From: Carl English <carl.english@oaic.gov.au>
Sent: Tuesday, 14 February 2017 4:14 PM
To: FOIReview
Subject: FW: MR16/00581 - Notice of IC review and request for documents [SEC=UNCLASSIFIED]
Attachments: External Review Request - Defence FOI 087-1617.pdf
Follow Up Flag: Follow up
Due By: Tuesday, 7 March 2017 12:00 AM
Flag Status: Completed

From: Carl English
Sent: Tuesday, 14 February 2017 3:25 PM
To: 'foi@defence.gov.au' <foi@defence.gov.au>
Subject: MR16/00581 - Notice of IC review and request for documents [SEC=UNCLASSIFIED]

Our reference: MR16/00581
Your reference: 087/16/17

Melissa Davidson
Department of Defence

Sent by email to foi@defence.gov.au

Dear Ms Davidson

Notice of IC review and request for documents

BMV Solutions has requested that the Information Commissioner review the Department of Defence's (DOD) decision made on 16 December 2016 under the *Freedom of Information Act 1982* (the FOI Act). The application for review is attached.

I write under s 54Z of the FOI Act to notify you that the OAIC will review the decision of the DOD.

I draw your attention to s 55DA of the FOI Act which requires you to assist the OAIC in conducting an IC review.

I note that s 55Z of the FOI Act authorises you to provide information for the purposes of an IC review and provides a protection from liability for doing so.

A key issue in this IC review is whether the DOD has correctly determined that the documents the subject of the applicant's FOI request are exempt documents pursuant to s 47E of the FOI Act.

Please provide the following information to the OAIC by **7 March 2017**:

Your Ref: N/A
Our Ref: 48200-001

21 December 2016

Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2000

By email: enquiries@oaic.gov.au

Request for External Review – Department of Defence FOI 087/16/17

Dear Australian Information Commissioner

BMV Solutions seeks external review of the Defence FOI decision 087/16/17 in accordance with the freedom of Information Act.

We requested internal review of the original decision maker's decision, which is now complete. It is our view that the Department has no sustainable basis for determining the weightings as conditionally exempt under section 47E(d). However, even if they are conditionally exempt, then the matters favouring disclosure in section 11B(3) significantly outweigh the likelihood of any potential harm.

We consider the Internal review decision contains an error of fact that these weightings are representative of current or future tenders. It is also highly relevant that this procurement is undertaken on average once in every seven years, a key consideration which the decision maker has not referenced in his decision.

The weightings are purely factual material that determine how a team of evaluators must act. All tenders have now closed. The Statement of Reasons does not provide any cogent case of action and consequence to meet the test of a *substantial adverse effect*.

As the Acting Australian Information Commissioner Timothy Pilgrim stated in *Seven Network and the Department of Finance [2015] AICmr 87* (18 December 2015), at para 22 ...*The Guidelines explain that an agency cannot merely assert that an effect would occur following disclosure. The particulars of the predicted effect and the reasons behind the identification of those particulars should be articulated during the decision making process.*

The decision maker's claim that disclosure could result in *an unfair advantage to a tenderer that would not necessarily be the most suitable value-for-money provider* is in error. The proper and efficient conduct of the operations of an agency is to ensure that evaluation criteria weighted as agreed are the fundamental inputs to value for money. Ergo, if a tenderer is strongest across the more heavily weighted criteria, they are incontrovertibly the most suitable value for money provider (on technical grounds).

www.bmvsolutions.com.au

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P 1300 BID 2 WIN | F 02 6188 4101
info@bmvsolutions.com.au

The appropriateness of the weightings approved for the subject matter is exclusively a matter for the Department and a risk they bear if they are misaligned. There is no unfairness created by release – there is fairness to all tenderers in terms of information equity.

Under s 55D of the FOI Act, the Department has the onus of establishing that its decision is justified. BMV Solutions is not satisfied that the Department has discharged its onus, as it has failed to explain how the disclosure of these details could reasonably be expected to have either a *substantial* or *adverse* effect on proper and efficient conduct of the operations of the Department.

Taking the reasons from paragraph 12 of the decision, it is equally arguable that if the weightings were known by tenderers; this could positively focus tenderers on those matters which the Department has previously determined is of most importance and value to it. This outcome would:

- enhance the offering of all tenderers and increase competition – a tenet of value for money in any procurement
- assist in the overall productivity of tendering effort enabling all tenderers to be more informed in their decision to invest resources in tendering depending on where the relative weightings lay.

Either or both effects would be positive, not adverse, and on balance are more probable than the remote harm which the decision maker has sought to contend. This argument is supported by the fact it is not uniformly Commonwealth policy to withhold weightings from tenderers. In fact, many agencies consider it part of their transparency obligation and seek to obtain the exact benefits articulated above.

In terms of the public interest factors, these weightings are very likely to mathematically show that many participants in the process have been treated unfairly where they were screened and not considered further. It is for these reasons that it is absolutely in the public interest that this be aired. This will allow any flaw in the process be debated by those who have been significantly affected. This will achieve improved process by the Department in the future and accountability for those who approved the flawed process.



Enclosures 1 to 7 contain relevant background information in chronological order.



Ian Maas
Director
BMV Solutions



Encl:

1. FOI Request – BMV Solutions
2. Email - FOI 087/16/17 - Notification of extension for third party consultation
[SEC=UNCLASSIFIED]
3. FOI 087 1617 - Statement of Reasons#2
4. FOI 087 1617 - Documents approved for release#4
5. BMV Solutions Request for Internal Review
6. FOI 087 1617 Defence Internal Review Statement of Reasons
7. FOI 087 1617 – Additional Pages approved for release

- The FOI request, and any correspondence that modifies its scope
- The names and contact details of anyone who was consulted by DOD, formally under ss 15(7), 26A 27A, or informally (if the informal consultation influenced DOD’s decision)
- Copies of any correspondence between DOD and anyone who was consulted, including file notes of any relevant telephone conversations
- A marked up and unredacted copy of the documents at issue in an electronic format. Material which is claimed to be exempt should be highlighted with reference made to the exemption/s applied
- Any submissions the agency wishes to make in support of its decision

The OAIC will share the submissions you provide during IC review with the applicant. However, we do not provide the applicant with copies of the document/s at issue.

Please consider whether it is necessary for you to notify any third parties (s 54P and s 54Q). If any third parties are notified of this IC review, please provide the OAIC with a copy of the written notifications.

Please send your response to this notice to enquiries@oaic.gov.au.

If you wish to discuss the matter in the interim please contact our Enquires Line by email or by phone on 1300 363 992.

Please ensure you quote the OAIC reference number above in all correspondence.

Yours sincerely

Carl English | Assistant Investigation and Review Officer | Freedom of Information Dispute Resolution
Office of the Australian Information Commissioner
 Level 3, 175 Pitt Street, SYDNEY NSW 2000
 GPO Box 5128 SYDNEY NSW 2001 | www.oaic.gov.au
 Phone: +61 2 9284 9745 | E-mail: carl.english@oaic.gov.au

Protecting information rights – advancing information policy



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Elphick, Vanessa MRS

From: Ishani Jayaweera <ishani.jayaweera@oaic.gov.au>
Sent: Friday, 26 May 2017 3:54 PM
To: FOIReview
Subject: RE: MR16/00581 - BMV Solutions and Department of Defence (FOI 087/16/17) [SEC=UNCLASSIFIED]

Follow Up Flag: Follow up
Due By: Friday, 2 June 2017 12:00 AM
Flag Status: Completed

Our reference: MR16/00581
Your reference: 087/16/17

Dear Joanne

MR16/00581 - BMV Solutions and Department of Defence

I refer to the above IC review.

I wanted to clarify an aspect of the information provided below. As the applicant is only seeking IC review of the Department's decision in respect of s 47E(d) of the FOI Act, it appears that the only document at issue is Annex A to Attachment G, and in particular, the evaluation weightings applied.

I would be grateful if you could please confirm whether the evaluation weightings were available in the public domain, even for a short period of time, as part of the relevant Approach to Market on AusTender. Alternatively, was this information only known to Defence staff for the purposes of the evaluation.

I would be grateful for a response by **2 June 2017**.

If you have any questions, please feel free to call or email.

Kind regards
Ishani

Ishani Jayaweera | Review and Investigation Officer | FOI, Dispute Resolution
Office of the Australian Information Commissioner
Level 3, 175 Pitt Street, SYDNEY NSW 2000
GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au
Phone: +61 2 9284 9882 | E-mail: ishani.jayaweera@oaic.gov.au

Protecting information rights – advancing information policy



From: Kopec, Joanne MS [mailto:joanne.kopec@defence.gov.au] **On Behalf Of** FOIReview
Sent: Friday, 10 March 2017 4:07 PM
To: Carl English <carl.english@oaic.gov.au>
Subject: RE: MR16/00581 - Notice of IC review and request for documents (FOI 087/16/17) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Carl

1. I refer to your email dated 14 February 2017, in which you advised BMV Solutions has requested the Information Commissioner (IC) to review Defence's internal review decision of 16 December 2016 under the *Freedom of Information Act 1982* (FOI Act). I note you kindly granted an extension to 10 March 2017.

2. In response to your request for information, we provide the following:

- the FOI request and acknowledgement email (**Attachment A**)
- consultation documents conducted under section 27 of the FOI Act with Commerce Decisions Pty Ltd, including the third party's response whereby there was no objection to the release of the information (**Attachment B**)
- original documents (**Attachment C**) - due to the size of the documents they have been saved to a CD and sent by express post
- a marked up copy of the documents (**Attachment D**) - due to the size of the documents they have been saved to a CD and sent by express post
- original statement of reasons - (**Attachment E**)

Internal review

3. On 25 November 2016, the applicant applied for an internal review. Noting the applicant's contentions, two pages were subject to internal review where section 47E(d) exemptions had been originally applied: page 21 (Annex A) and page 22 (Annex B).

4. Defence varied the decision by releasing further information with material considered exempt removed under section 47E(d) of the FOI Act. The application for internal review, decision and documents (marked up version and in the form approved for release) are at **Attachment F**.

5. Material contained at page 22 was removed under subparagraph 22(1)(b)(ii) [Access to edited copies with exempt or irrelevant matter deleted] of the FOI Act, as it relates to 'names or positions of personnel who are tasked with the evaluation of tenders' which is irrelevant to the applicant's request. I note that this material was originally exempted under section 47E(d) of the FOI Act due to an administrative oversight.

Advice

6. During the processing of the internal review, advice was obtained by a subject matter expert in the Capital Facilities and Infrastructure Branch in relation to the possibility of releasing further information and what the harm would be if the percentages in the 'weighting column' were released. The email correspondence relating to the advice is at **Attachment G**.

Further information

7. Material on page 22, which was considered exempt under section 47F in the original decision, was not subject to the internal review as the applicant did not contend this particular exemption.

8. Please note that Defence does not wish to make any submissions at this time. Further, Defence wishes to highlight that the advice at Attachment G and documents at Attachment C and D are not to be shared with the applicant.

9. I trust the above provides meets your requirements. If you have any questions please contact this office at FOIReview@defence.gov.au.

Kind regards

Joanne Kopec
Acting Assistant Director Information Access
FOI Reviews and Guidance

**Information Management and Access Branch
Governance and Reform Division**

Department of Defence · CP1-6-009A
PO Box 7910 · Canberra BC ACT 2610
phone +61 2 6266 4434 · fax +61 2 6266 2112 | email joanne.kopec@defence.gov.au

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Your reference: 087/16/17

Melissa Davidson
Department of Defence

Sent by email to foi@defence.gov.au

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Please consider whether it is necessary for you to notify any third parties (s 54P and s 54Q). If any third parties are notified of this IC review, please provide the OAIC with a copy of the written notifications.

Please send your response to this notice to enquiries@oaic.gov.au.

If you wish to discuss the matter in the interim please contact our Enquires Line by email or by phone on 1300 363 992.

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Yours sincerely

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Elphick, Vanessa MRS

From: Kopec, Joanne MS on behalf of FOIReview
Sent: Tuesday, 30 May 2017 5:21 PM
To: Patterson, Craig MR 4
Cc: Elphick, Vanessa MRS; FOIReview
Subject: FW: MR16/00581 - BMV Solutions and Department of Defence (FOI 087/16/17)
[SEC=UNCLASSIFIED]

Follow Up Flag: Follow up
Flag Status: Completed

UNCLASSIFIED

Hi Craig

The OAIC has requested further information regarding the BMV Solutions IC review. Please see their email below.

Could you please provide me with a copy of the Request For Tender. Also, could you please advise whether the evaluation weights were available in the public domain at any stage or was it only known to Defence staff.

I'd be most grateful if you could provide a response by 12pm Thursday 1 June 2017.

Please contact me if you have any questions.

Kind regards

Joanne Kopec
Acting Assistant Director Information Access
FOI Reviews and Guidance
Information Management and Access Branch
Governance and Reform Division

Department of Defence · CP1-6-009A
PO Box 7910 · Canberra BC ACT 2610
phone +61 2 6266 4434 · fax +61 2 6266 2112 | email joanne.kopec@defence.gov.au

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Elphick, Vanessa MRS

From: Patterson, Craig MR 4
Sent: Tuesday, 30 May 2017 5:33 PM
To: FOIReview
Cc: Elphick, Vanessa MRS
Subject: RE: MR16/00581 - BMV Solutions and Department of Defence (FOI 087/16/17) [SEC=UNCLASSIFIED]

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Good afternoon Joanna

The evaluation weightings were not published on AusTender - they have never been made available in the public domain.

Regards

[Craig Patterson](#)

Director Program Performance
Capital Facilities and Infrastructure Branch
BP26-1-B076
PO Box 7925
Canberra ACT 2600

Tel: (02) 6266 8302 | §22 | Fax: (02) 6266 8103

From: Kopec, Joanne MS **On Behalf Of** FOIReview
Sent: Tuesday, 30 May 2017 17:21
To: Patterson, Craig MR 4
Cc: Elphick, Vanessa MRS; FOIReview
Subject: FW: MR16/00581 - BMV Solutions and Department of Defence (FOI 087/16/17) [SEC=UNCLASSIFIED]

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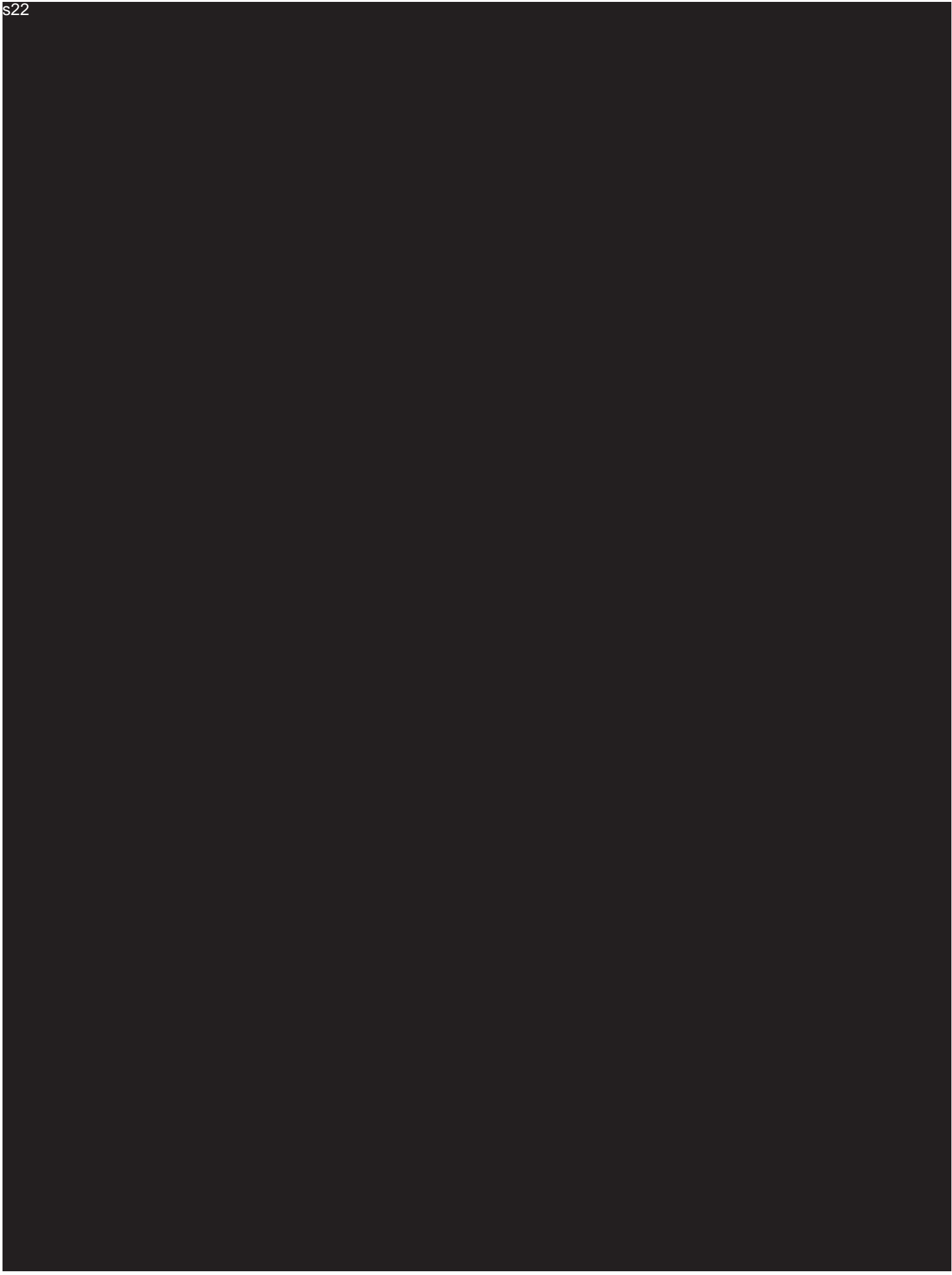
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From: Kopec, Joanne MS on behalf of FOIReview
Sent: Wednesday, 31 May 2017 12:29 PM
To: Patterson, Craig MR 4
Cc: Elphick, Vanessa MRS
Subject: RE: MR16/00581 - BMV Solutions and Department of Defence (FOI 087/16/17) [SEC=UNCLASSIFIED]

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Hi Craig

Thanks for taking the time to speak with me and provide further clarification.

As discussed, you confirmed that the criteria is published in the request for tender, however the weightings are not. Can you please provide the reasoning as to why the weightings are not published.

You advised me that when an approach to marked (ATM) is loaded on to AusTender and then removed, that the documents cannot be recovered/are permanently removed. Can you please confirm this.

Kind regards

Joanne Kopec
Acting Assistant Director Information Access
FOI Reviews and Guidance
Information Management and Access Branch
Governance and Reform Division

Department of Defence · CP1-6-009A
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From: Patterson, Craig MR 4
Sent: Wednesday, 31 May 2017 11:49
To: FOIReview
Subject: RE: MR16/00581 - BMV Solutions and Department of Defence (FOI 087/16/17) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Joanna

I am at my desk now

Craig Patterson

Tel: (02) 6266 8302 |

s22

Fax: (02) 6266 8103

From: Kopec, Joanne MS **On Behalf Of** FOIRReview

Sent: Wednesday, 31 May 2017 11:48

To: Patterson, Craig MR 4

Cc: Elphick, Vanessa MRS

Subject: RE: MR16/00581 - BMV Solutions and Department of Defence (FOI 087/16/17) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Craig

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Kind regards

Joanne Kopec

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From: Patterson, Craig MR 4

Sent: Tuesday, 30 May 2017 17:33

To: FOIRReview

Cc: Elphick, Vanessa MRS

Subject: RE: MR16/00581 - BMV Solutions and Department of Defence (FOI 087/16/17) [SEC=UNCLASSIFIED]

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Good afternoon Joanna

The evaluation weightings were not published on AusTender - they have never been made available in the public domain.

Regards

Craig Patterson

Director Program Performance

Capital Facilities and Infrastructure Branch

BP26-1-B076

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I'd be most grateful if you could provide a response by 12pm Thursday 1 June 2017.

Please contact me if you have any questions.

Kind regards

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Acting Assistant Director Information Access

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Follow Up Flag: Follow up
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Jo

Background

As discussed, the Approach to Market (ATM) is the AusTender reference for procurement activities undertaken by Commonwealth agencies.

Capital Facilities and Infrastructure branch prepares a Project Development and Delivery Plan (PDDP), that recommends procurement activities for the complete project - including project management, design and construction contract requirements, based on a series of risk assessments.

The PDDP also identifies the evaluation criteria and weightings that are applicable to each of the planned procurements as attachments/annexures to the PDDP. These evaluation criteria align with the standard form tender documents that accompany the Defence Suite of Facilities Contracts.

On whether the evaluation criteria weightings were ever made public:

The tender documents that are accessed through AusTender contain a series of tender schedules that align with the evaluation criteria identified in the PDDP. CFI does not release the evaluation weightings for these evaluation criteria. I am not sure if other areas of Defence, such as CASG may release the weightings as well. I can confirm that in relation to the Defence Infrastructure Panel re-tender, the evaluation weightings were not published on AusTender, nor released publicly.

I have confirmed with AusTender support that the tender documents released on AusTender are only publicly available while the approach to market is current. Once the tender period closes, the documents are retained on AusTender, but only available to the publishing agency.

On why the evaluation criteria should not be made available:

The risk profile for engaging DIP panel members is generally fairly consistent, and the criteria weightings are generally similar to those outlined in the DIP Retender Project Procurement Plan. Release of the weightings may impact the successful receipt of tenders in the future, as the Commonwealth's evaluation focus will be exposed. The panel is frequently accessed by a number of Defence areas, supporting a program of works exceeding \$1bn per annum. PMCA fees would account for approximately 2% of this figure, or approximately \$20 million per annum when calculated as ROM costs. This was a significant factor in my decision. Publishing of the criteria may inadvertently impact the effective evaluation of tender submissions for the period 2017-22, which is the duration of the panel agreement.

Please let me know if you need anything further.
Regards

Craig Patterson

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FOI Reviews and Guidance

Information Management and Access Branch

Governance and Reform Division

Department of Defence · CP1-6-009A

PO Box 7910 · Canberra BC ACT 2610

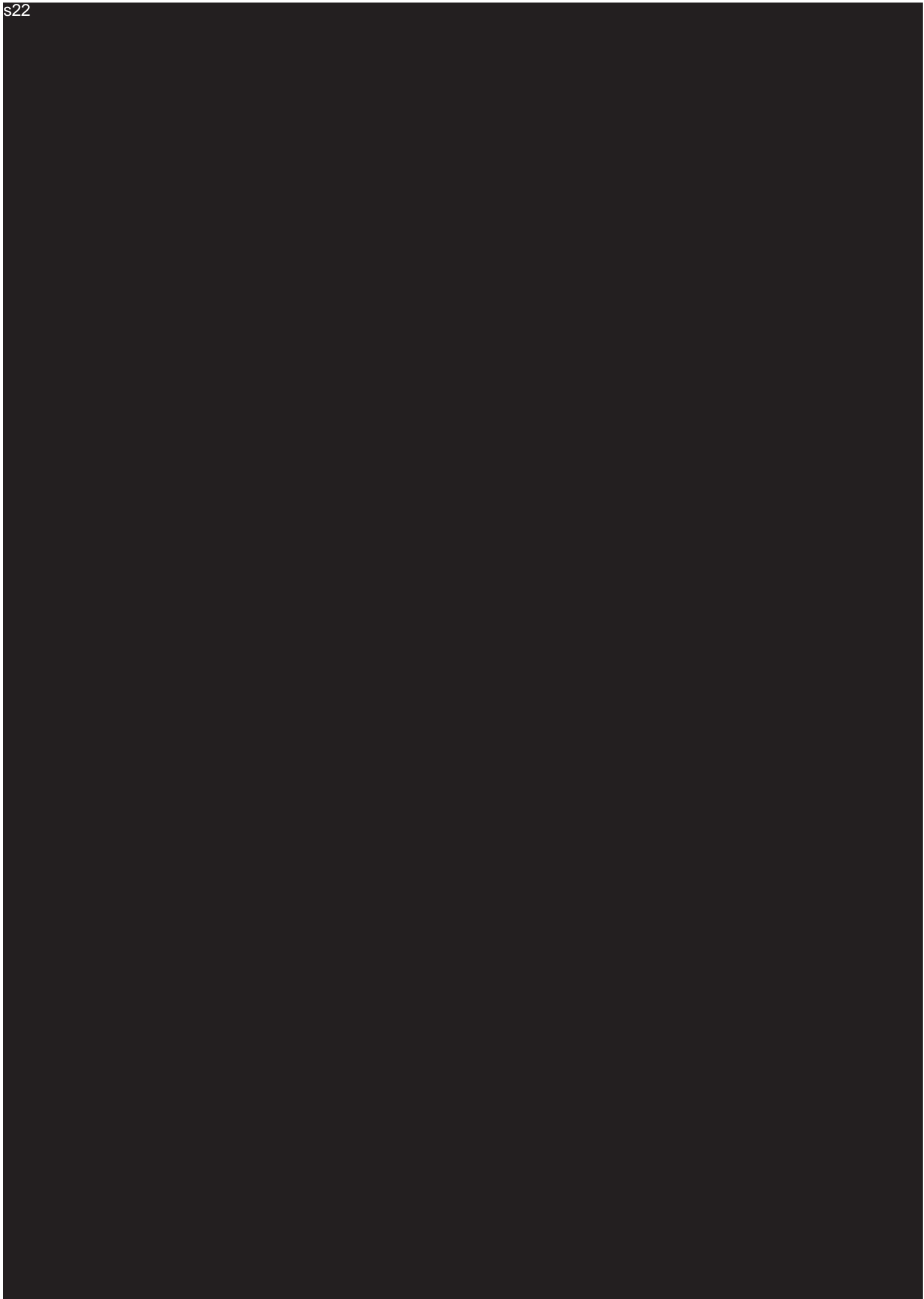
phone +61 2 6266 4434 · fax +61 2 6266 2112 | email joanne.kopec@defence.gov.au

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Elphick, Vanessa MRS

From: Kopec, Joanne MS on behalf of FOIReview
Sent: Thursday, 29 June 2017 11:56 AM
To: Patterson, Craig MR 4
Cc: FOIReview
Subject: URGENT: MR16/00581 - BMV Solutions and Department of Defence (FOI 087/16/17) [SEC=UNCLASSIFIED]
Attachments: External Review Request - Defence FOI 087-1617.pdf
Follow Up Flag: Follow up
Flag Status: Completed

UNCLASSIFIED

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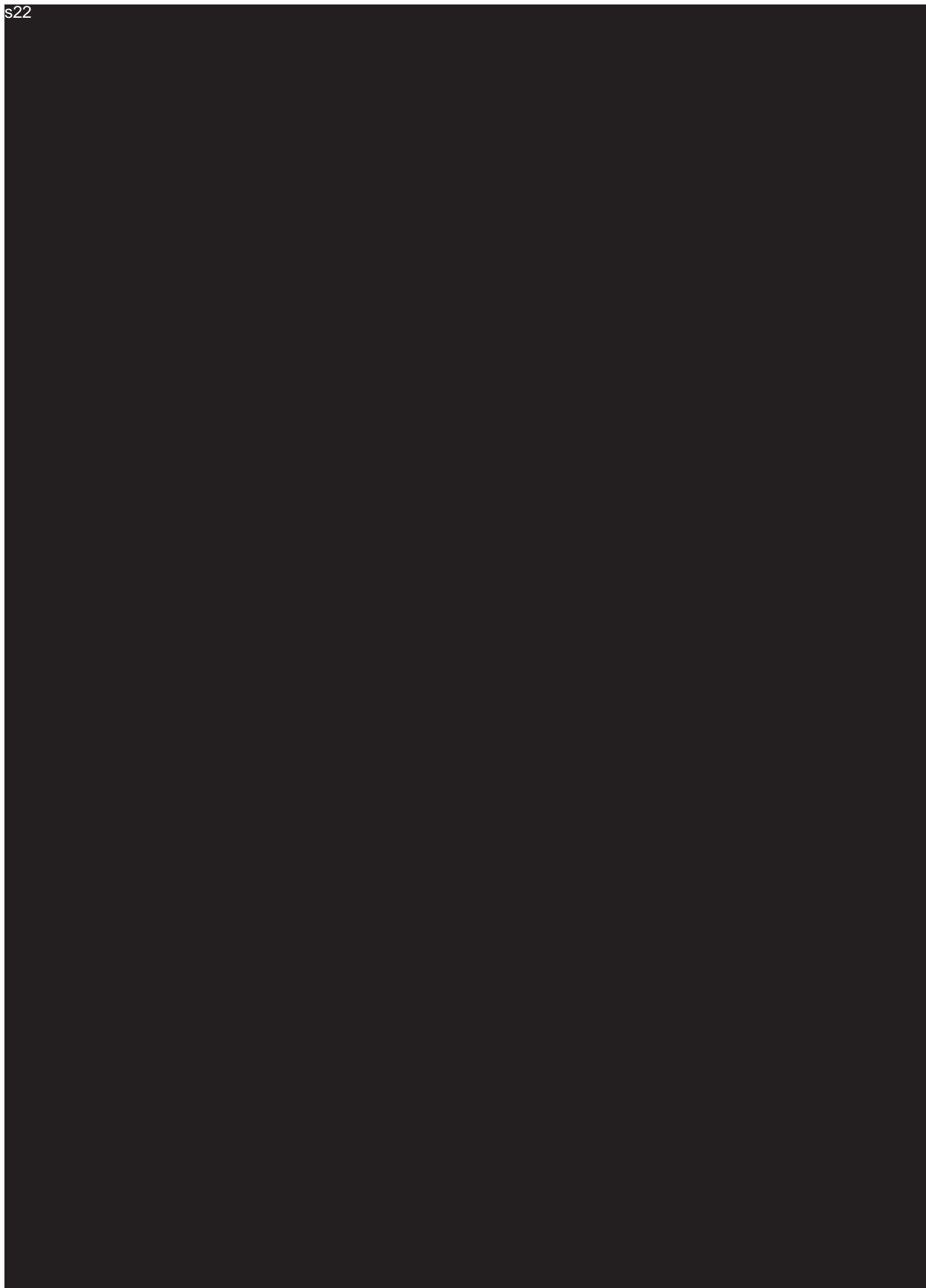
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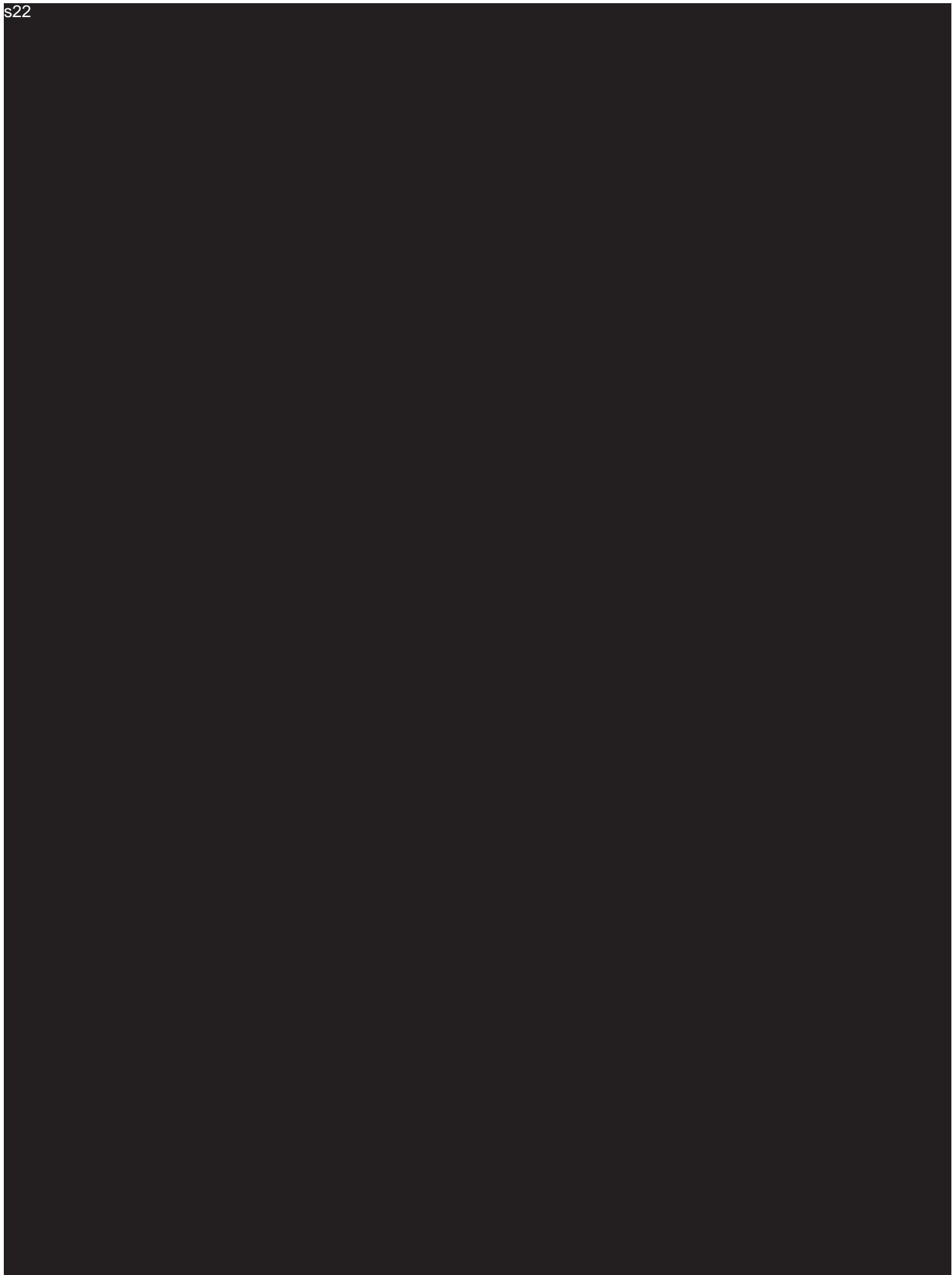
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Acting Assistant Director Information Access
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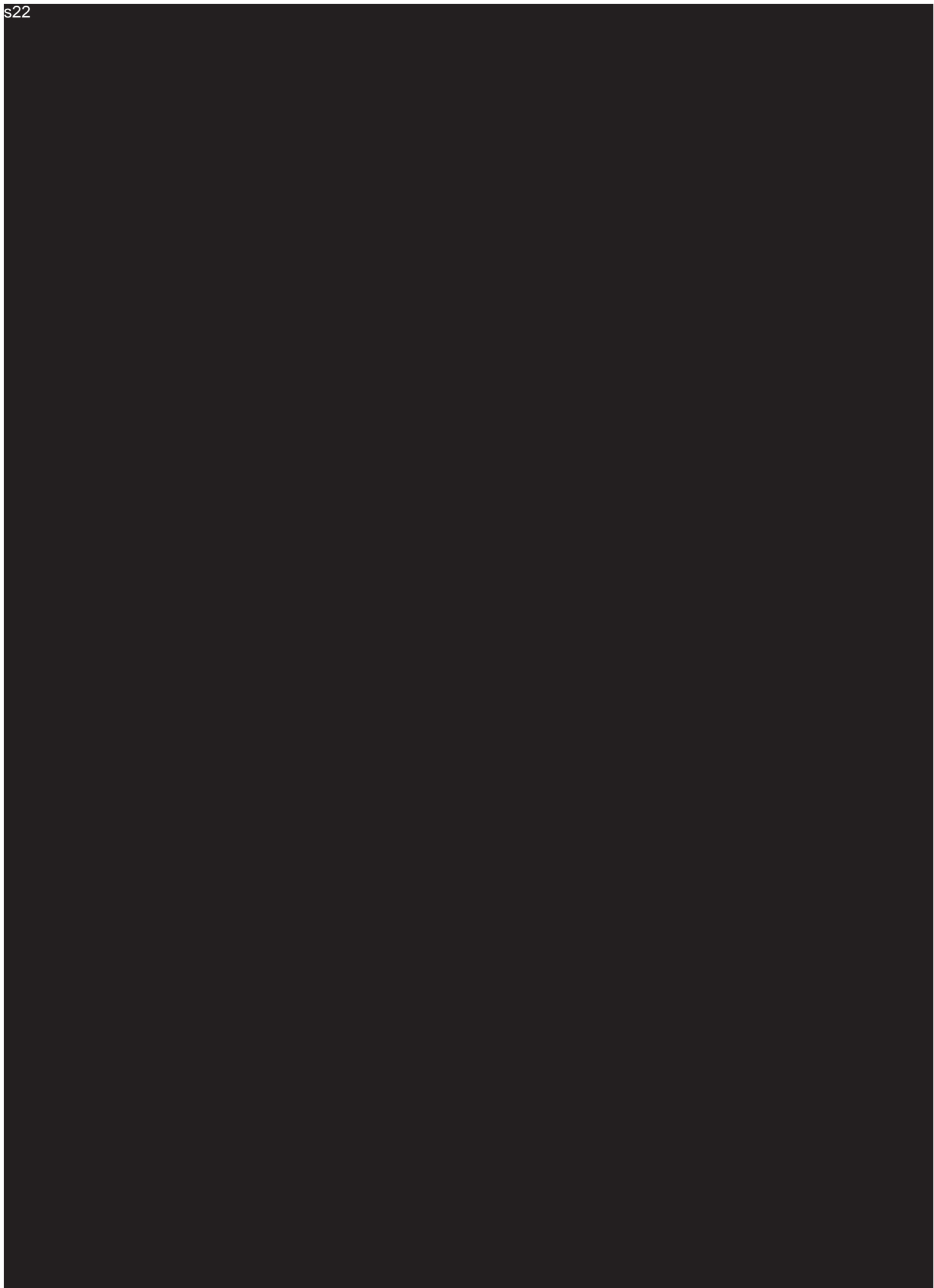
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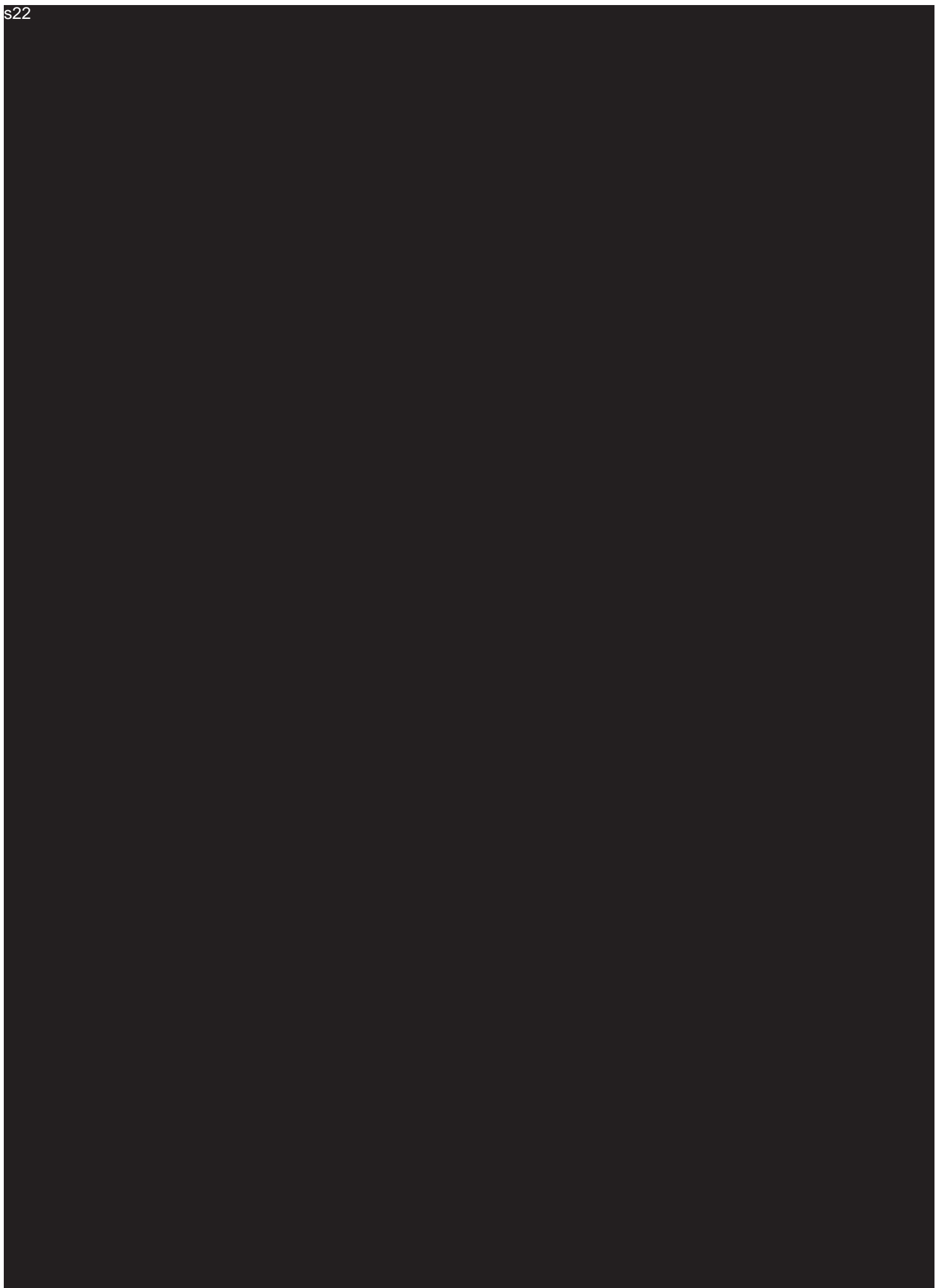
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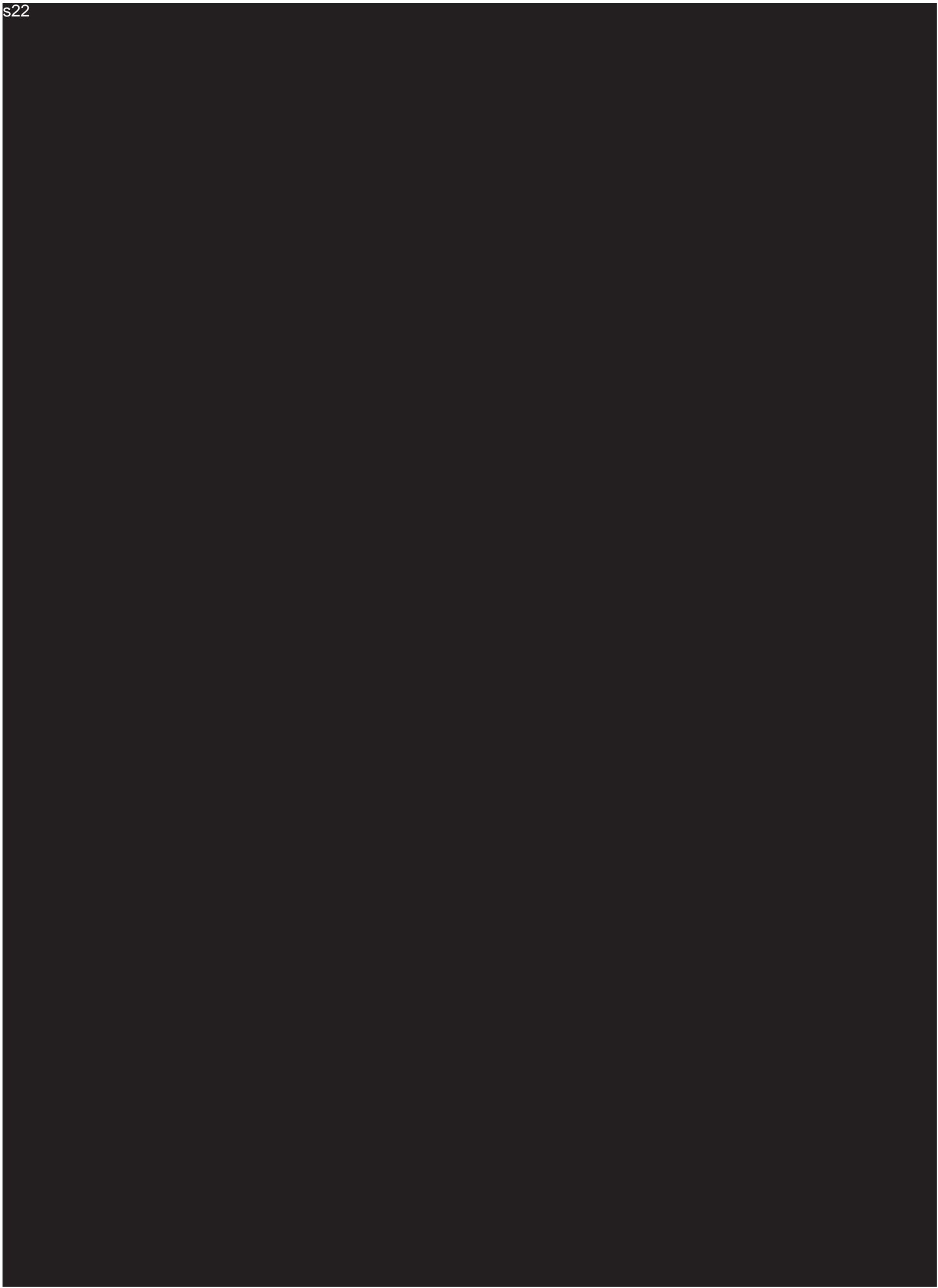














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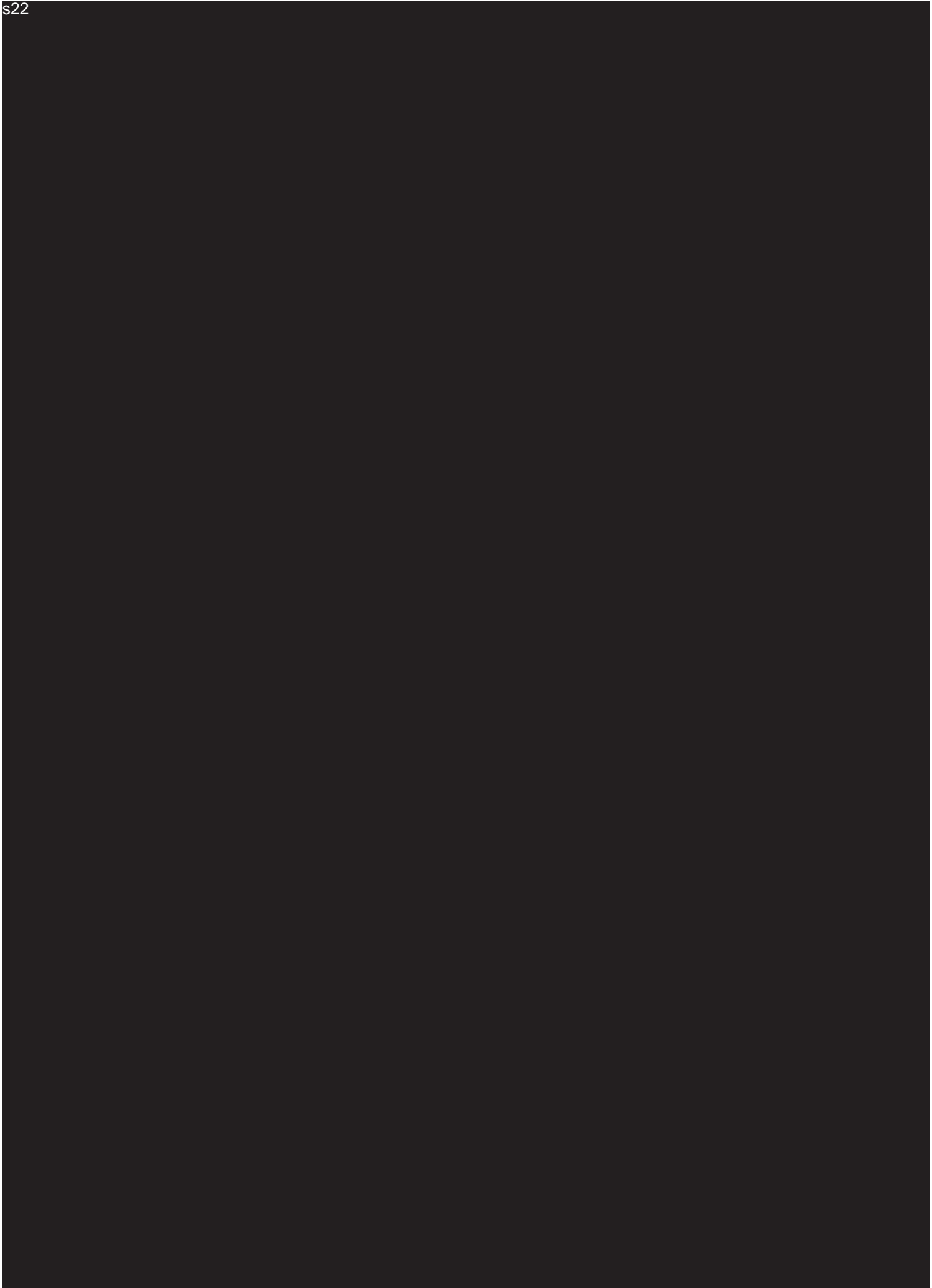
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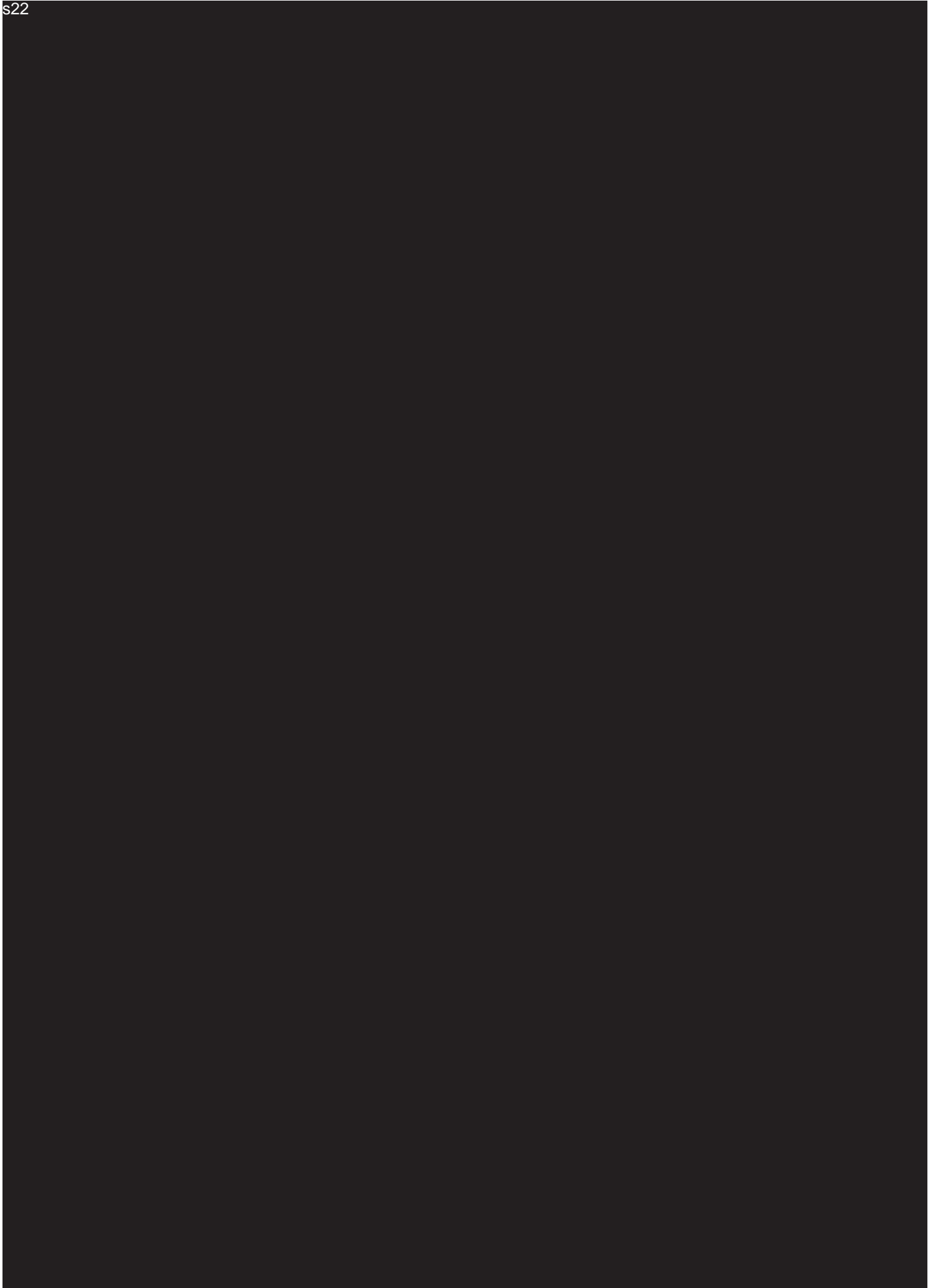














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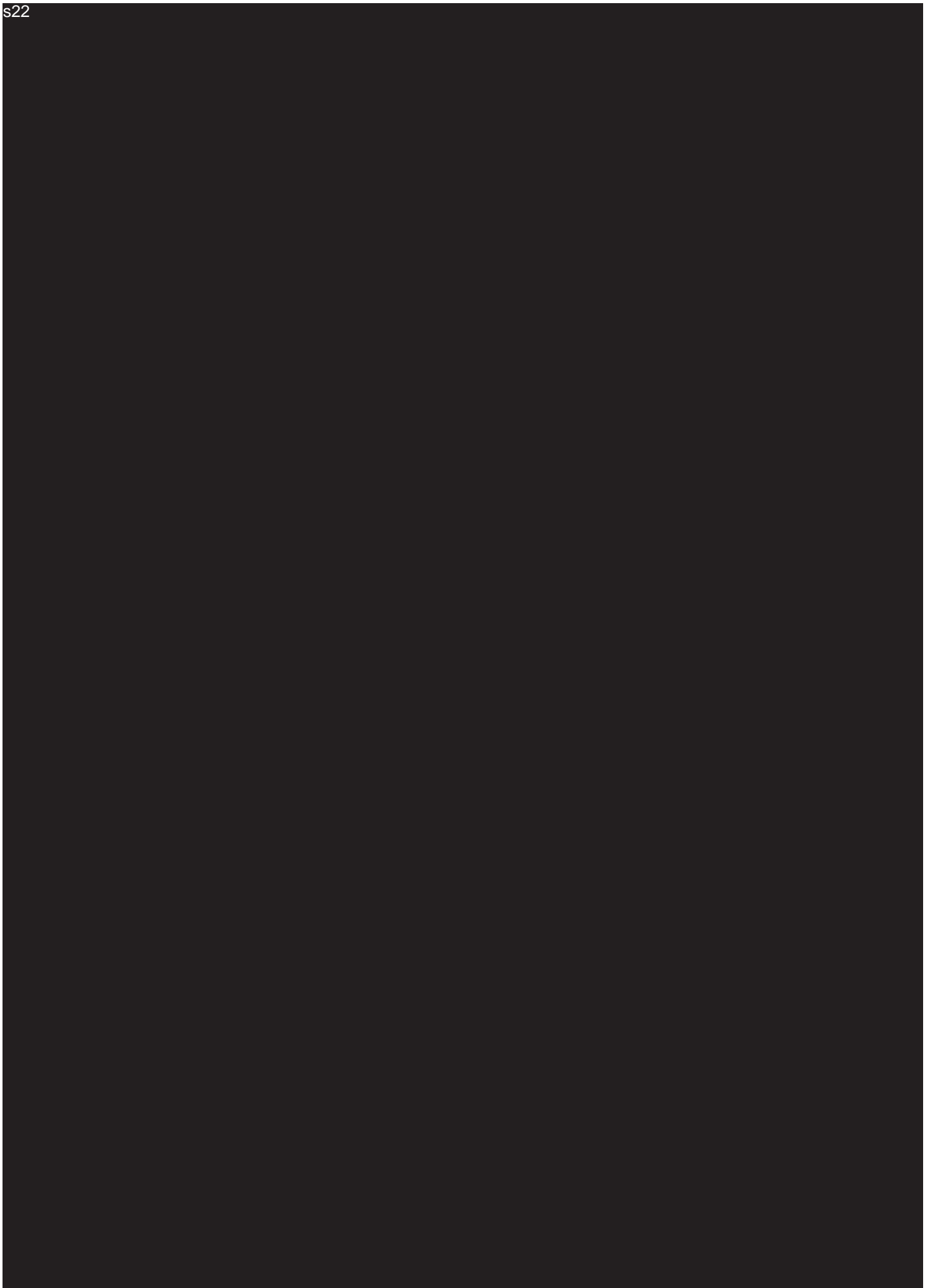
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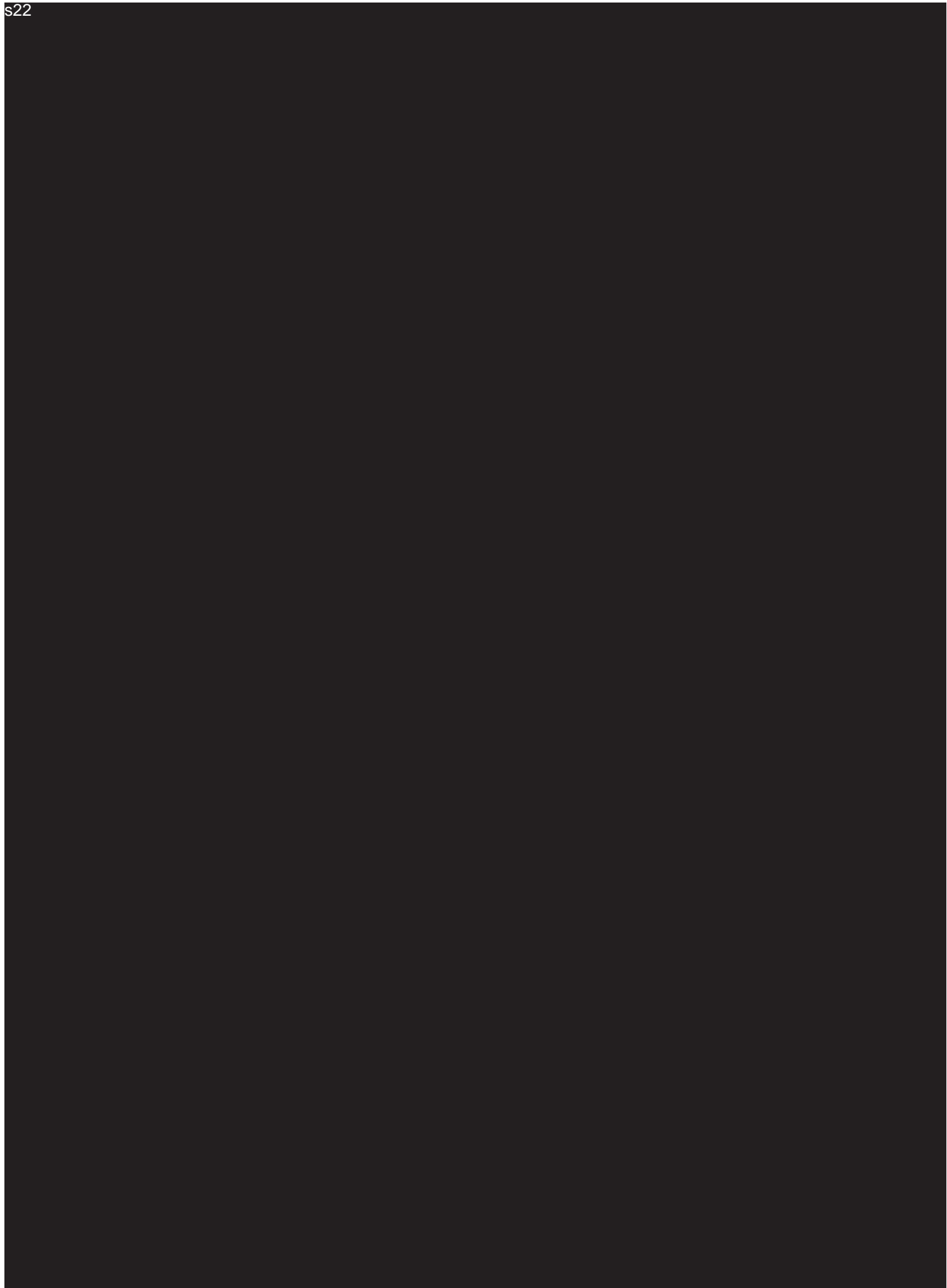
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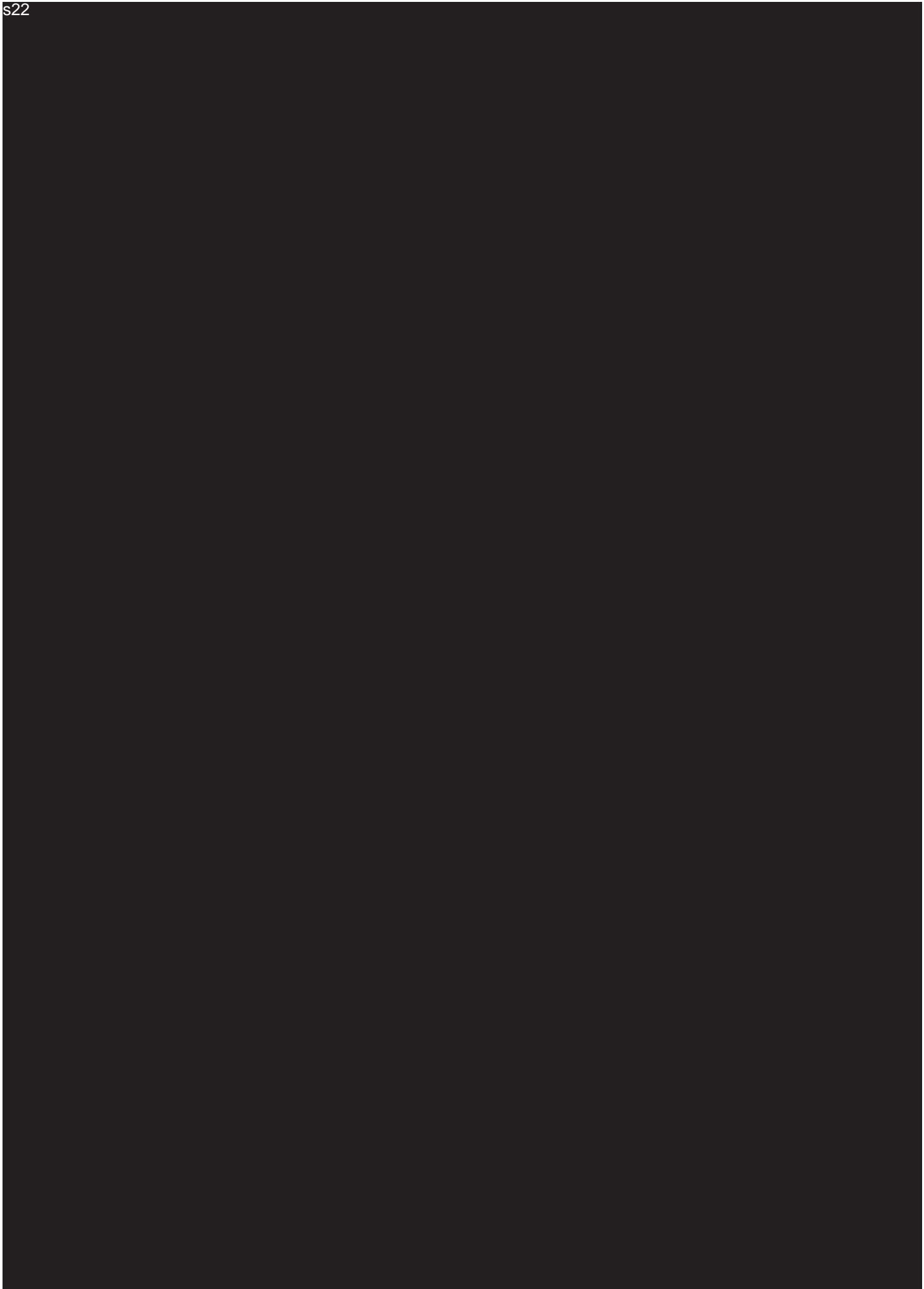














Elphick, Vanessa MRS

From: Kopec, Joanne MS on behalf of FOIReview
Sent: Tuesday, 4 July 2017 3:27 PM
To: Patterson, Craig MR 4
Cc: Stott, Michelle MRS; Elphick, Vanessa MRS; FOIReview
Subject: FW: URGENT: MR16/00581 - BMV Solutions and Department of Defence (FOI 087/16/17) [SEC=UNCLASSIFIED]

Follow Up Flag: Follow up
Flag Status: Completed

UNCLASSIFIED

Hi Craig

Welcome back! I hope you had a nice break from work.

In relation to my email below, I'd be grateful if could you please advise of the status of your response.

Kind regards

Joanne Kopec
Acting Assistant Director Information Access
FOI Reviews and Guidance
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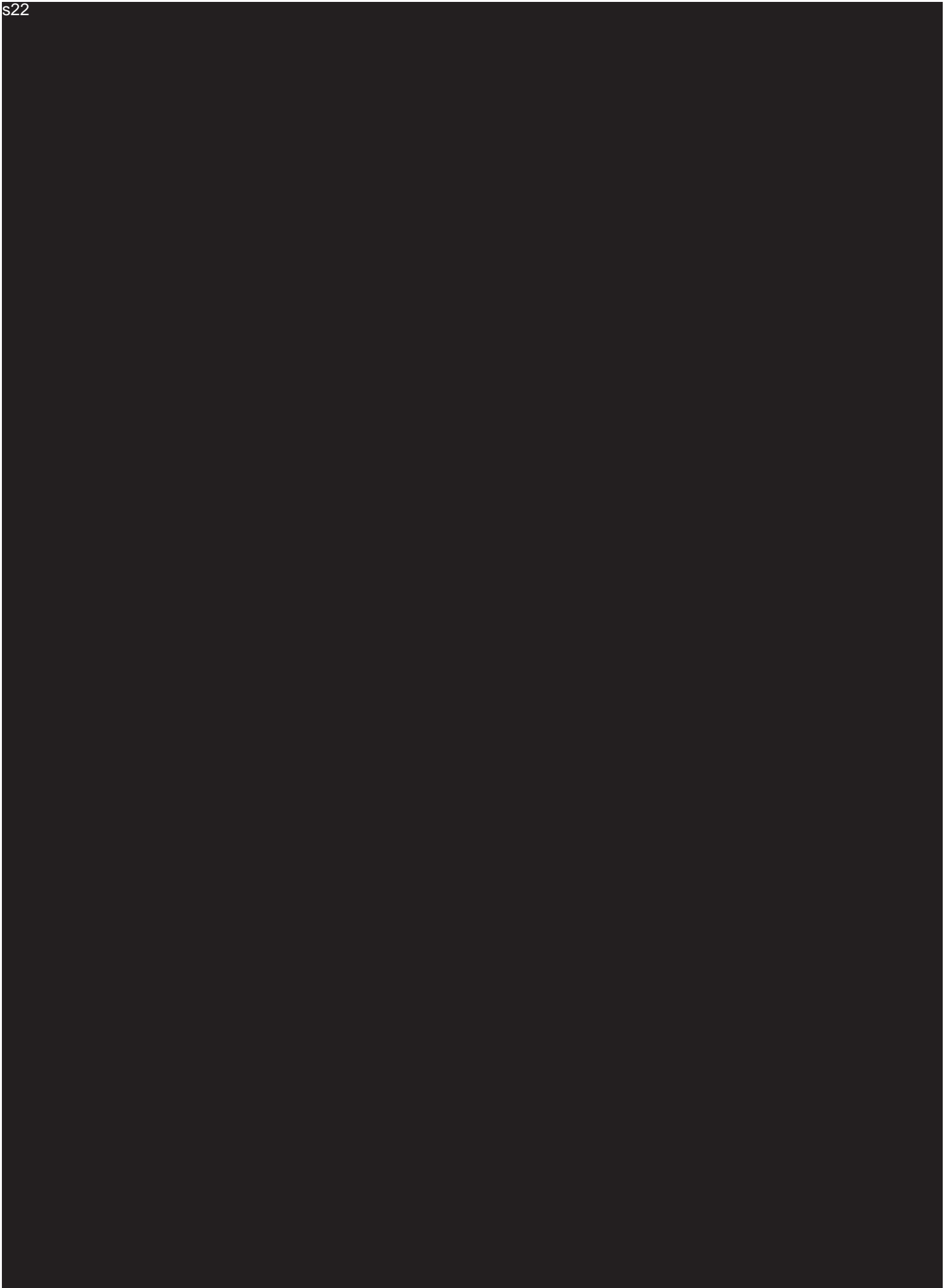














Elphick, Vanessa MRS

From: Patterson, Craig MR 4
Sent: Wednesday, 5 July 2017 10:13 AM
To: FOIReview; Thompson, Greg MR 4
Cc: Stott, Michelle MRS; Elphick, Vanessa MRS
Subject: RE: URGENT: MR16/00581 - BMV Solutions and Department of Defence (FOI 087/16/17) [SEC=UNCLASSIFIED]

Follow Up Flag: Follow up
Flag Status: Completed

UNCLASSIFIED

Good morning Joanne

The evaluation criteria weightings are used to ensure the evaluation is focussed on the risk of the procurement. In the case of the DIP procurement, the evaluation criteria and weightings used are typical for all engagements that will occur for the life of the panel engagement (2017-22), as Defence's risk in this area is fairly constant. The evaluation focuses strongly on the methodology and key personnel being offered by the consultant.

If these weightings are issued publicly, and on the basis that the typical risk profile for PMCA engagements is fairly static, companies will be privy to the evaluation weighting when compiling their tender submissions – akin to knowing what a job interviewer is really interested in hearing before you conduct an interview.

Publishing evaluation weightings that are applied consistently for PMCA tendering would mean that Defence's decision making processes are exposed and allow tenderers to focus more on the criteria that are weighted highly. I consider that this will erode the competitive nature of the tendering process as companies will tailor their responses to focus strongly on the highly weighted areas and not address other areas in the same level of detail. Although thorough tender evaluation will be conducted, this could lead to tender submissions requiring additional work through negotiations, workshops and incur unnecessary time delays and financial costs through additional legal support to address areas of the tender submission requiring further details to be provided prior to contract award. In making my decision, I considered that any dilution of Defence's competitive tender processes would not be in the public interest. The public interest aligns closely with Defence ensuring that its procurement processes result in a competitive process that provides the taxpayers with the best outcome for Defence.

On whether the effect would be reasonably expected to occur:

Defence offers debriefs to its successful and unsuccessful tenderers. I have been personally involved in excess of 90 debriefs over the last 13 years and can specifically recall questions of the evaluation weightings being requested by the tenderers. I consider it highly likely that if published, the information will circulate very quickly to industry members including those on the DIP.

I'm happy to discuss further if required.

Regards

Craig Patterson
Director Program Performance
Capital Facilities and Infrastructure Branch
BP26-1-B076
PO Box 7925
Canberra ACT 2600

Tel: (02) 6266 8302 | s22 | Fax: (02) 6266 8103

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Joanne Kopec
Acting Assistant Director Information Access
FOI Reviews and Guidance
Information Management and Access Branch
Governance and Reform Division

Department of Defence · CP1-6-009A
PO Box 7910 · Canberra BC ACT 2610
phone +61 2 6266 4434 · fax +61 2 6266 2112 | email joanne.kopec@defence.gov.au

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From: Kopec, Joanne MS **On Behalf Of** FOIReview
Sent: Thursday, 29 June 2017 11:56

To: Patterson, Craig MR 4

Cc: FOIReview

Subject: URGENT: MR16/00581 - BMV Solutions and Department of Defence (FOI 087/16/17) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Craig

I refer to the email below from the OAIC in which they have requested further information.

Could you please provide advice on the following as requested by the OAIC:

- the grounds/basis for the predicted effect – i.e., the reasoning as to how and why the disclosure of the percentage evaluation weightings may affect the evaluation of tenders in the future. For instance, Mr Craig Patterson notes that publishing the criteria may inadvertently impact the effective evaluation of tender submissions for 2017-22. How and why is this the case?
- why the release of the percentage evaluation weightings, at this time, would be contrary to the public interest.

I'd be grateful if you could provide a response by COB 3 July 2017. Apologies for the delay in forwarding this to you and the tight timeframe. If you need further time, please let me know so I can seek whether we can get an extension from the OAIC.

Kind regards

Joanne Kopec

Acting Assistant Director Information Access

FOI Reviews and Guidance

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Department of Defence · CP1-6-009A

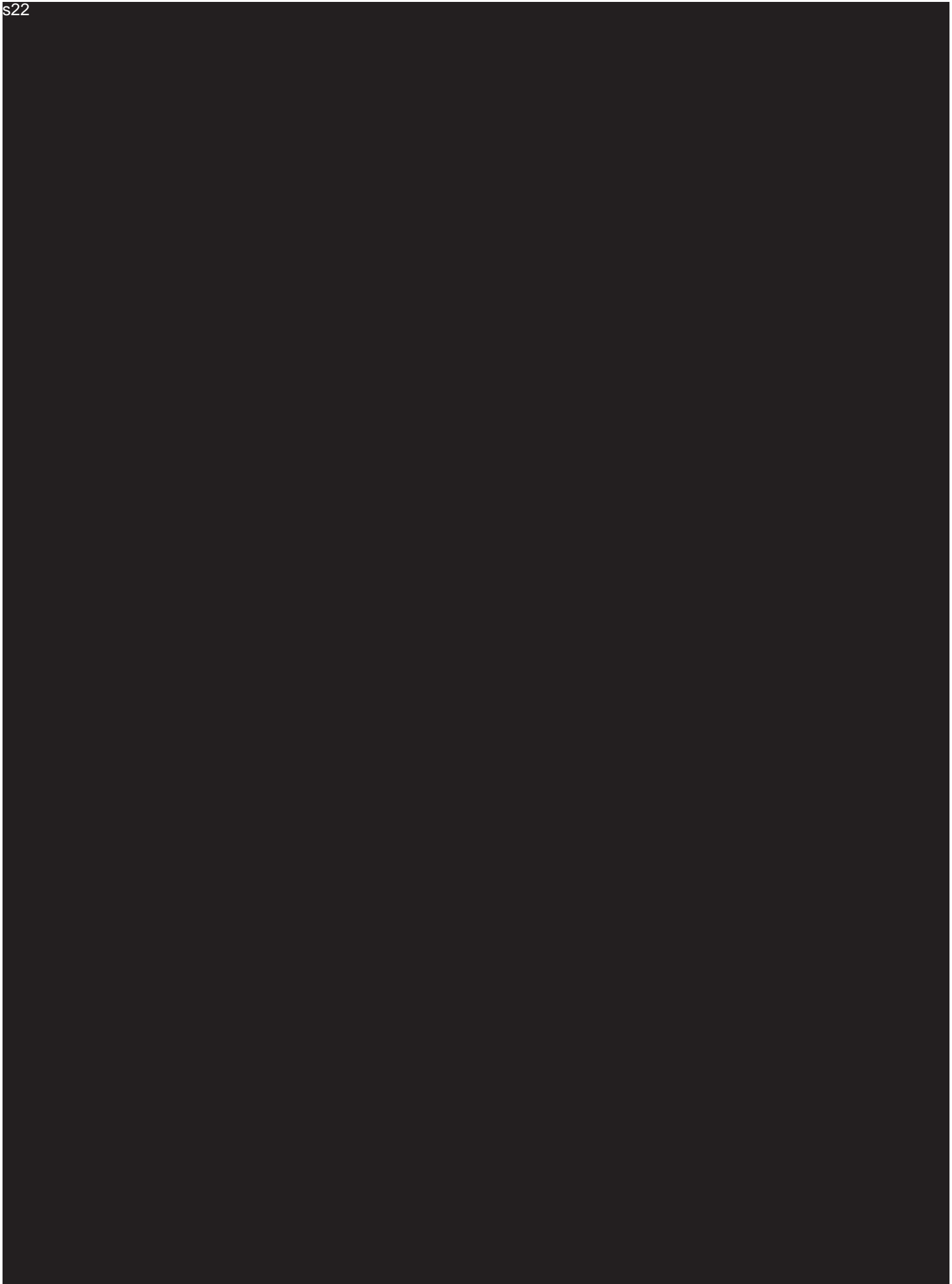
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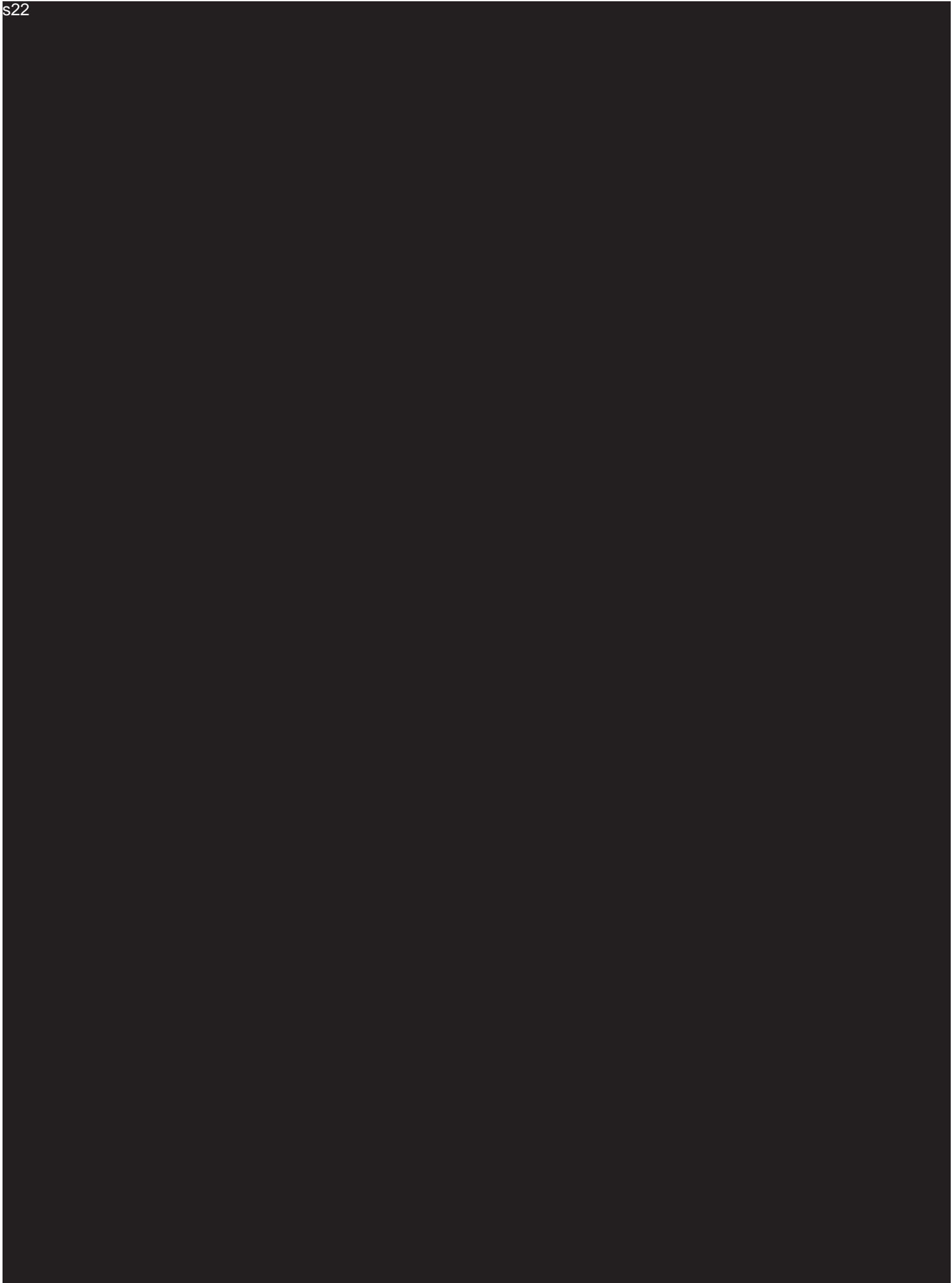














Elphick, Vanessa MRS

From: Patterson, Craig MR 4
Sent: Thursday, 5 October 2017 9:40 AM
To: FOIReview
Cc: Viney, Nicola MS; Elphick, Vanessa MRS
Subject: 171005 0939 - [Patterson, Craig MR 4]-[FOIReview] MR16/00581 - Australian Information Commissioner's decision - BMV Solutions Pty Ltd and Department of Defence

Follow Up Flag: Follow up
Flag Status: Completed

UNCLASSIFIED

Hi Joanne

Thanks for the email.

Do you need me to provide the unredacted page 21 or do you have that on file?

Regards

[Craig Patterson](#)

Director Program Performance
Capital Facilities and Infrastructure Branch
BP26-1-B076
PO Box 7925
Canberra ACT 2600

Tel: (02) 6266 8302 | S22 | Fax: (02) 6266 8103

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From: Kopec, Joanne MS **On Behalf Of** FOIReview
Sent: Wednesday, 4 October 2017 5:30 PM
To: Patterson, Craig MR 4
Cc: Viney, Nicola MS; Elphick, Vanessa MRS; FOIReview
Subject: FW: MR16/00581 - Australian Information Commissioner's decision - BMV Solutions Pty Ltd and Department of Defence [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Craig

Please see the Australian Information Commissioner's decision regarding FOI 087/16/17. The Australian Information Commissioner has decided that the information on page 21 is not exempt under section 47E(d) [operations of agencies] of the FOI Act and therefore Defence must now provide page 21 in full to the applicant.

Please contact me to discuss your thoughts and a way forward.

Kind regards

Joanne Kopec
Acting Assistant Director Information Access
FOI Reviews and Guidance
Information Management and Access Branch
Governance and Reform Division

Department of Defence · CP1-6-009A
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Elphick, Vanessa MRS

From: Elphick, Vanessa MRS on behalf of FOIReview
Sent: Wednesday, 21 March 2018 3:49 PM
To: Thompson, Greg MR 4
Cc: Kopec, Joanne MS
Subject: 180321 1548 - [FOIReview]-[Thompson, Greg MR 4] MR16/00581 - access request - consultation
Attachments: MR16-00581 - Defence submissions dated 5.7.17.docx; RE: URGENT: MR16/00581 - BMV Solutions and Department of Defence (FOI 087/16/17) [SEC=UNCLASSIFIED]
Follow Up Flag: Follow up
Flag Status: Completed
Categories: UNCLASSIFIED

UNCLASSIFIED

Good afternoon Greg

Thank you for talking to me today on the telephone regarding an external review that was with the information Commissioner but was completed on 4 October 2017. The applicant has requested access to an email sent from Defence to the Oaic in regards to our further submissions in relation to the criteria weightings.

Craig Patterson had provided this advice to FOI Review on 5 July 2017. (Attached)

Grateful if you can please review the attached email and provide advice if you agree or object to the release of the email.

Can you please provide a response by **12 noon 22 March 2018**.

Kind Regards

Vanessa Elphick

Case Officer
FOI Review and Guidance
Enterprise Reform
Governance and Reform Division
Telephone: 02 6266 2526
| CP1-6-003 | CAMPBELL PARK |
vanessa.elphick@defence.gov.au

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Elphick, Vanessa MRS

From: Thompson, Greg MR 4
Sent: Thursday, 22 March 2018 8:49 AM
To: FOIReview
Cc: Kopec, Joanne MS
Subject: 180322 0849 - [Thompson, Greg MR 4]-[FOIReview] MR16/00581 - access request - consultation

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Vanessa

UNCLASSIFIED

Good Morning Vanessa,

I have read the request and information, as well as contacted Craig for his thoughts on clearance.

We have no objection.

Kind Regards,

Greg

Greg Thompson

Acting Director – Program Performance
Capital Facilities and Infrastructure
Infrastructure Division

E&IG

BP26-1-B053, Brindabella Circuit,
Brindabella Business Park
PO Box 7925 Canberra BC 2610
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Fax: +61 2 6266 8103

Email: greg.thompson4@defence.gov.au

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From: Elphick, Vanessa MRS **On Behalf Of** FOIReview
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To: Thompson, Greg MR 4
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Subject: FW: MR16/00581 - access request - consultation [SEC=UNCLASSIFIED]

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Vanessa Elphick

Case Officer
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Australian Government
Department of Defence

Governance and Reform Division

Assistant Secretary
Information Management
and Access Branch
CP1-6-14
Campbell Park Offices
Canberra ACT 2600
Tel: 02 626 64080
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Fax: 02 626 62112

ASIMA/OUT/2016/47

5 September 2016

Mr Craig Patterson
Acting Executive Director National Projects
BP3-01-C034
Russell Offices

Dear Mr Patterson

Please find enclosed your certificate authorising you as an FOI Accredited Decision Maker.

You will be contacted by the FOI Directorate when your services as a decision maker are required.

If you have any questions in relation to the program, or need advice or guidance on FOI matters, please do not hesitate to contact Mrs Melissa Davidson, Assistant Director Information Access, on telephone (02) 6266 3678 or myself.

Yours sincerely

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Tony Corcoran PSM



Australian Government
Department of Defence

**Freedom of Information
Accredited Decision Maker
Certificate of Authorisation**

Craig Patterson

Date of Issue: 5 September 2016

Registration Number: 156

Authorised to: 5 September 2018

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Tony Corcoran PSM
Assistant Secretary
Information Management and Access

5 September 2016