

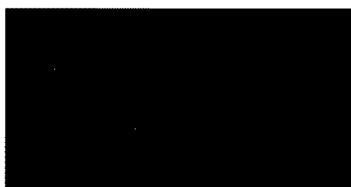


Australian Government
Department of Defence
Defence Support and Reform Group

Ministerial and
Information Management Branch
Department of Defence

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Our reference: FOI 059/13/14



By email: 

Dear 

NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST

1. I refer to your email, dated 12 August 2013, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

"...the latest briefing note or summary report on current and historical rates of mental illness among personnel deployed as part of Operation Resolute."

2. The purpose of this letter is to provide you with the decision relating to the document that is the subject of your request.

FOI decision maker

3. Ms Judy Swann, Director Strategic & Corporate Governance, Vice Chief of the Defence Force Group is the accredited decision maker, under the FOI Act, in relation to your request.

Identified document

4. Ms Swann identified one document, titled *Research Report 14/2013 – Operation RESOLUTE Mental Health and Wellbeing Questionnaire: Surveillance Report for Jun 11 – Nov 12*, as being relevant to your request.

Clarifying information

5. Ms Swann advised that it is important to note that the Directorate of Occupational Psychology and Health Analysis Research Report does not present data on the incidence or rates of mental health illness/disorders in the Operation RESOLUTE cohort.

6. The Mental Health and Wellbeing Questionnaire (MHWQ) administered to crews assigned to RESOLUTE measures symptoms associated with psychological distress, post-traumatic stress and alcohol usage. The report therefore presents data on the mental health symptoms reported by the screened RESOLUTE cohort, and not diagnostic rates of mental health disorders such as Post-Traumatic Stress Disorder or Depression.

7. All personnel who are administered a MHWQ are also screened by a Psychologist. The mental health surveillance program is important for the early identification of personnel who may be experiencing a mental health issue. If a screened individual is identified as experiencing certain symptoms or requiring further support, they are referred to a supporting Health Centre and Mental Health and Psychology Section for more detailed assessment and ongoing treatment.

Decision

8. Ms Swann has decided to release the identified document with deletions made in accordance with section 22 [Access to edited copied with exempt or irrelevant matter deleted] of the FOI Act, on the grounds that the deleted material is exempt under section 47E [Public interest conditional exemptions – certain operations of agencies] of the FOI Act.

Material taken into account

9. In making her decision Ms Swann had regard to:
- a. the terms of your request;
 - b. the content of the identified document in issue;
 - c. relevant provisions in the FOI Act; and
 - d. the *Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act* (the Guidelines).

Section 47E – Certain operations of agencies

10. Upon examination of the identified document Ms Swann found that it contained information that she considered would, or could reasonably be expected to have a substantial adverse effect in the management or assessment of personnel by the Commonwealth. Specifically, the material she identified was the breakdown of crews, which she considered satisfied the exemption of subsection 47E(c) of the FOI Act.

11. Ms Swann considered paragraph 6.105 of the Guidelines which states that if documents are to be exempt under section 47E(c) of the FOI Act, they must relate to *the management of personnel – including the broader human resources policies and activities, recruitment, promotion, compensation, discipline, harassments and occupational health and safety*. Ms Swann considered that the specific information meets these criteria.

12. Ms Swann noted that personnel would have a reasonable expectation that the source and content contained in this document would remain confidential. She considered that the release of the breakdown of the crews could enable identification of specific personnel when coupled with other information contained in the document. If identification was to occur it could in future result in deterring respondents from providing honest and candid feedback.

Public interest considerations

13. In assessing whether disclosure is, on balance, contrary to the public interest, Ms Swann considered the relevant factors set out in section 11B of the FOI Act, which favours access to a document. Ms Swann noted that disclosure may promote some of the objects of the FOI Act, as information held by the Government is a national resource. However, disclosure of the exempted information would not increase public participation in the Defence process, nor would it increase scrutiny or discussion of Defence activities.

14. Further, while Ms Swann noted that release of this information may be of some interest to you, it would not inform public debate on any matter of public importance in any meaningful way.

15. In coming to her decision, Ms Swann had regard to the Guidelines, specifically paragraph 6.29, in regard to public interest factors against disclosure and found that the identified material, if released:

- (a) could reasonably be expected to prejudice an agency's ability to obtain confidential information.
- (b) could reasonably be expected to prejudice an agency's ability to obtain similar information in the future.
- (c) could reasonably be expected to prejudice the management function of an agency.

16. Accordingly, Ms Swann considered that, on balance, the public interest factors against disclosure outweigh the factors for disclosure of the identified material. Therefore, Ms Swann decided it would be contrary to the public interest to release the specific information considered exempt under subsection 47E(c) of the FOI Act.

17. Notwithstanding the above, Ms Swann found that the document could be release with the specific material removed.

Payment of charges

18. In our letter, dated 16 August 2013, after deducting the free decision making time, the department estimated the cost associated with processing your request to be [REDACTED]. You agreed to pay charges for the administration of your request on 19 August 2013, an invoice for the preliminary assessment deposit of [REDACTED] was subsequently sent directly from Defence Finance.

19. Upon completion of your request, after deducting the free decision making time, the actual amount for processing was calculated to be [REDACTED]. The remaining balance is the difference between actual charges and the deposit you have already paid.

20. Accordingly you are required to pay the remaining [REDACTED] in order to finalise your request. Please find attached at Enclosure 1 agreement to pay final charges. You will be sent an invoice for payment directly from Defence Finance. Once you have completed your payment please provide a copy of the receipt to foi@defence.gov.au and your document will be dispatched as soon as practical.

Rights of review

21. 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 2.

FOI Disclosure Log

22. In accordance with the requirements of section 11C of the FOI Act, Defence is required to publish details of information released under the FOI Act. Defence publishes identified documents relating to requests within five working days of receipt by the applicant. Defence will also publish this decision notice with privacy deletions. I will advise you of the publication date when the documents are dispatched to you.

Further advice

23. The FOI Act may be accessed online at: <http://www.comlaw.gov.au/Details/C2011C00803>.

24. Should you have any queries about this matter please contact me directly on (07) 3332 6359. Alternatively, the FOI team can also be contacted on the details at the top of this letter.

Yours sincerely

[REDACTED]

Theresa Stinson
Assistant Director – Media Case Management
Freedom of Information

13 September 2013

Enclosures:

1. Freedom of Information Payment Authorisation Form /Invoice for balance of charges
2. Fact Sheet: Freedom of Information – Your Review Rights