



Australian Government
Department of Defence
Defence Support and Reform Group

Ministerial and Information
Management Branch
Department of Defence

CP1-6-001
PO Box 7910
CANBERRA BC ACT 2610
Tel: 02 626 62200
Fax: 02 626 62112
FOI@defence.gov.au

Our reference: FOI 187/13/14

[REDACTED]

By email: [REDACTED]

Dear [REDACTED]

1. I refer to your email, dated 5 November 2013, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

"information relating to injurries [sic] caused be [sic] capsicum spray and any CDF or Chief of Army directive relating to its use."

2. On 11 November 2013, you were advised by email that your request in its current form would require refining. Following further discussions, on 18 November 2013, you agreed to proceed with the following revised scope:

"A summary report from Defence's WHS Incident/Injury system, showing reported incidents involving capsicum spray, oleoresin spray or OC spray (excluding duplicates)"

3. The purpose of this letter is to provide you with the decision relating to the documents that are the subject of your request.

FOI decision maker

4. Mrs Helen Gouzvaris, Director Honours and Awards, Defence People Group, is the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Identified document

5. Mrs Gouzvaris identified one document, being a four page document titled '*Capsicum spray related incidents*' as matching the description of your request. The document in the form for release is at Enclosure 1.

Decision

6. Mrs Gouzvaris has decided to release the identified document titled '*Capsicum spray related incidents*' intact.

Material taken into account

7. In making her decision Mrs Gouzvaris had regard to:
- a. the terms of the request;
 - b. the content of the identified document in issue;
 - c. relevant provisions in the FOI Act;
 - d. the *Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act* (the Guidelines);
 - e. the Principles on open public sector information issued by the Information Commissioner; and
 - f. Advice from Director, Work Health & Safety Branch.

Rights of review

8. The FOI Act provides for rights of review of decisions. A copy of the fact sheet, "Freedom of Information – Your Review Rights", setting out your rights of review is at Enclosure 2.

FOI Disclosure Log

9. 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.

Further information

10. The FOI Act may be accessed at: <http://www.comlaw.gov.au/Details/C2011C00803>.
11. All departmental action on your request is now complete. Should you have any questions in regard to this matter please contact this office.

Yours sincerely



Sally Philp
Assistant Director
Freedom of Information

2 December 2013

Enclosures:

1. Document in the form for release
2. Fact Sheet: Freedom of Information – Your Review Rights