



Our reference: FOI 324/14/15



By email: [Redacted]

Dear [Redacted]

NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST

1. I refer to your email, dated 21 April 2015, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

“...documents sent to the Chief of the Defence Force Chief of the Army, Chief of the Navy, Chief of the Air Force, the Secretary of Defence, and the Vice Chief of the Defence Force such as briefing notes including attachments, executive/ministerial submissions and photos and CCTV, since January 1 2013, relating to:

the extent of any illicit drug use or distribution in the ADF.

If any of the documents are replicated, we would only want the version which went to the most senior officer. Also if there were various briefings on the same topic (eg. updates), we would only want the most recent briefing.”

Background

2. 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

3. Commander GN Fiedler, RAN, Deputy Director Navy Ministerials and Coordination, was the accredited decision maker, under the FOI Act, in relation to your request.

Documents identified

4. Commander Fiedler advised that 11 documents were identified as being within the scope of your request. The identified documents are briefs prepared for the Vice Chief of the Defence Force (VCDF) and the Chief of Navy (CN) to attend Senate Estimates hearings.
5. A schedule of the identified documents is at Enclosure 1.

Decision

6. Commander Fiedler decided to release the identified documents intact.

Material taken into account

7. In making his decision Commander Fiedler had regard to:
 - a. the terms of the request;
 - b. relevant provisions in the FOI Act;
 - c. the *Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act* (the Guidelines);
 - d. the Principles on open public sector information issued by the Information Commissioner; and
 - e. advice received from officers within the department.

Reasons for decision and clarifying information

8. Searches were conducted of the office of the Chief of the Defence Force, the Secretary of the Defence, the VCDF, CN, Chief of Army and Chief of Air Force. Commander Fiedler was satisfied that all reasonable steps were taken to locate the requested documents and that no further documents exist.
9. Individual service chiefs make their own determinations with respect to reporting requirements within their own service and therefore it is not unusual for there to be differing search results across the three services.
10. The Australian Defence Force Investigative Service (ADFIS) collects ADF data related to alleged illicit drug use that has been reported to a Defence Investigative Authority (DIA) and referred to the ADFIS. Prior to 1 July 2014, the ADFIS structurally resided within the VCDF Group and matters of serious illicit drug use by ADF members were provided to VCDF on occurrence. Since 1 July 2014, serious illicit drug use is reported directly to CDF on occurrence. ADFIS advised that they have not produced either ad-hoc or routine reporting on illicit drug use, other than that provided for the Senate Estimates briefs.
11. Commander Fielder stated that it is important to note that the Prohibited Substance Testing Program (PTSP), as reported in the CN briefs, commenced in 2005 and is conducted independently of DIAs by the services and there is no requirement for PTSP results to be advised to ADFIS. As such, the VCDF and CN briefs are reporting different statistical information.
12. Commander Fiedler noted that some of the statistical data contained within the CN briefs, in particular FY 2010/11, is inconsistent between briefs and has resulted from changing reporting mechanisms as the PTSP has developed. The correct data for FY 2010/11 is: 3640 people tested, 24 positive test results equating to a rate of 0.66%.

Payment of Charges

13. In our letter, dated 29 April 2015, 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 and provided the receipt for the payment of the requirement deposit on 5 May 2015.

14. 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.

15. Accordingly you are required to pay the remaining [REDACTED] in order to finalise your request. Please find attached at Enclosure 2 a Payment Authorisation Form for the balance. Once you have completed the form please return it to foi@defence.gov.au.

Rights of review

16. 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 3.

FOI Disclosure Log

17. 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 will publish the identified documents relating to this request within five working days of receipt by the applicant. Defence will also publish this decision notice with privacy deletions.

Further advice

18. The FOI Act can be accessed online at: <http://www.comlaw.gov.au/Details/C2015C00013>.

19. Should you have any questions, please contact this office.

Yours sincerely



Theresa Stinson
Assistant Director – Media Case Management
Freedom of Information

10 June 2015

Enclosures:

1. Schedule of documents
2. Freedom of Information Payment Authorisation Form
3. Fact Sheet: Freedom of Information – Your Review Rights