



Our reference: FOI 348/14/15

[REDACTED]

By Email: [REDACTED]

Dear [REDACTED]

NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST

1. I refer to your email, dated 29 April 2015, in which you requested access, under the Freedom of Information Act 1982 (FOI Act), to:

“...documents under the Freedom of Information Act 1982 that refer to the approval for budgets and/or expenditure costs associated with:

[Item 1]

- a. *Army's plan to recruit more women, "Enhanced Capability through Gender Diversity" of Aug 2012*
- b. *Army's Recruit to Area program*
- c. *Army's Women's Networking Forum*
- d. *Army's outplacement program*
- e. *the Chief Executive Women's leadership Program*
- f. *Great Leaders are Made Program*
- g. *The Chief of Army's Women's Workshop Report of 9 May 2012 (Deloitte).*
- h. *the communication plan for "Enhanced Capability through Gender Diversity" of Aug 2012 – 2014.*

[Item 2]

- i. *the communication plan for pathways to change in 2012-14*
- j. *the communication plan for the CDF's and Secretary's joint message "standing up for gender equality" of Apr 2015 <http://video.defence.gov.au/play/R3dG11czp-rXxbs9jGlbbLNit8Nrv0tx#sort=date&group=Latest>*
- k. *the communications plan for International Women's Day (held on 8 March 2015)*
- l. *the communications plan for NAIDOC Week (5-12 July 2015)*
- m. *the communications plan for White Ribbon Day (25 November 2015)*
- n. *the communications plan for 'Harmony day 2015'”*

Background

2. On 8 May 2015 our office wrote to you to advise of the preliminary assessment of charges associated with your request. The statutory processing time for the request was suspended on this date. Your letter agreeing to pay charges for the processing was received in this office on 9 May 2015. As such, the statutory deadline for processing your request was 7 June 2015.
3. On 28 May 2015, our office wrote to you seeking your agreement to a 14 day extension of the statutory deadline under section 15AA [extension with agreement] of the FOI Act. You responded by email on 28 May 2015 agreeing to the extension of the time. The statutory timeframe was amended to 21 June 2015.
4. I note that the above mentioned due date is a Sunday. In accordance with the FOI Guidelines issued by the Australian Information Commissioner, if the last day for notifying a decision falls on a Saturday, Sunday or a public holiday, the timeframe will expire on the first day following which is none of those days. As such, the due date for you to receive a response is **22 June 2015**.
5. 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

6. COL Mitch Kennedy, Director Personnel Policy – Army, is the accredited decision maker, with regard to Item 1 under the FOI Act, in relation to this request.
7. Ms Marie McKarzel, Director Business Management, Headquarters Defence Force Recruiting, is the accredited decision maker with regard to Item 2 under the FOI Act, in relation to this request.

Documents identified

8. COL Mitch Kennedy identified 3 documents as matching the description of your request. A schedule of documents will be provided with the documents when outstanding charges are paid. For ease of reference and for the purpose of processing this request, the decision maker has added an FOI Item number to each of the documents, which corresponds with the schedule.

Decision

9. COL Kennedy has decided to:
 - a. release in full 3 documents. Irrelevant materiel has been deleted in accordance with subsection 22(1) [Access to edited copies with exempt or irrelevant matter deleted] and;
 - b. refuse access to Item 1 Serials e, g and h under subparagraph 24A(1)(b)(ii)[Requests may be refused if documents cannot be found, do not exist or have not been received] of the FOI Act.

10. Ms McKarzel has decided to refuse access to Item 2 under subparagraph 24A(1)(b)(ii)[Requests may be refused if documents cannot be found, do not exist or have not been received] of the FOI Act

Material taken into account

11. In making his decision COL Kennedy 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 received from Army Headquarters, the Directorate of Personnel and the Office of Career Management – Army.
12. In making her decision Ms McKarzel 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 Defence People Group and Defence Support and Reform Group

Reasons for decision

Section 22 (Irrelevant)

13. Upon examination of the identified documents COL Kennedy found that they contained material regarding matters which do not relate to the request. As such, COL Kennedy considered that the material would disclose information that would reasonably be regarded as irrelevant to the scope of the request. Therefore, in accordance with subparagraph 22(1)(a)(ii) of the FOI Act, COL Kennedy has removed the irrelevant material, and decided to release the document in this form.

Section 24A(1) of the FOI Act

14. Section 24A(1) of the FOI Act states:

24A Requests may be refused if documents cannot be found, do not exist or have not been received

Document lost or non-existent

(1) An agency or Minister may refuse a request for access to a document if:

- (a) all reasonable steps have been taken to find the document; and*
- (b) the agency or Minister is satisfied that the document:*
 - (i) is in the agency's or Minister's possession but cannot be found; or*
 - (ii) does not exist.*

Army Searches

15. COL Kennedy advised that the Directorate of Personnel Management and Army Headquarters conducted searches for documents relating to budget aspects of the '*Gender Communications Plan*.' A web based search was conducted for any documents meeting the scope of this item. A search of the Objective record management system was also conducted of both the DGPERS-A and COFS objective folders. No documents could be located.

16. In relation to item 1 Serials b and c, this information is contained in Item 1, Serial a.

17. In relation to item 1 Serial e, the funding for the Chief Executive Women's Leader's Program was funded in the CM-A financial year 13/14 allocation. There was no separate budget allocation for this program.

DPG Searches

18. Ms McKarzel advised that no documents could be found that refer to the approval for budgets and/or expenditure costs associated with the listed communications plans that match the scope of Item 2 Serial i to n. Ms McKarzel advised that the plans were developed using existing staff resources. Accordingly, access is refused under section 24A of the FOI Act, further details for which are set out below.

19. Ms McKarzel advised the following in relation to the requested documents at Item 2 Serials i-n.

- a. **Serial i.** The Organisational Development Unit, DPG have advised that there is no separate budget for, or any documentation relating to, the costs of developing the Pathways to Change in 2012-14 Communications Plan. All cultural reform activities are supported within existing departmental allocations.
- b. **Serial j.** Communication related to the CDF's and Secretary's joint message '*standing up for gender equality*' of Apr 2015 was delivered in conjunction with the International Women's Day communications using existing internal resources.
- c. **Serial k.** Communication related to the International Women's Day held on 8 March 2015 was delivered using existing internal resources.
- d. **Serial l.** There is no communication plan prepared for NAIDOC Week 2015 at this point in time.
- e. **Serial m.** Planning for White Ribbon Day to be held on 25 November 2015 has not yet commenced.
- f. **Serial n.** Harmony day 2015 was listed for consideration as part of a paper tabled at a Secretary and Chief of the Defence Force Advisory Committee meeting but was not celebrated formally in 2015.

Payment of Charges

20. In our letter, dated 8 May 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 on 9 May 2015. An invoice for the preliminary assessment deposit of [REDACTED] was subsequently sent directly from Defence Finance.

21. 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.

22. Accordingly you are required to pay the remaining [REDACTED] in order to finalise your request. Please find attached at Enclosure 1 a Payment Authorisation Form for the balance. Once you have completed the form please return it to foi@defence.gov.au.

Rights of review

23. The FOI Act provides for rights of review of decisions. A copy of the fact sheet, "Freedom of Information – Your Review Rights", will be provided with your documents.

FOI Disclosure Log

24. 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

25. The FOI Act may be accessed online at: www.comlaw.gov.au/Details/C2015C00013.

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

Yours sincerely



Nicole Hanna
Case Officer
Freedom of Information

19 June 2015

Enclosure:

1. Freedom of Information Payment Authorisation Form