By email:  

Dear [Redacted]

1. I refer to your correspondence dated 16 December 2011, received in this office on 20 December 2011, in which you request access, under the Freedom of Information Act 1982 (FOI Act), to documents relating to the Army Sun Smart Policy.

Background

2. On 21 December 2011, our office advised you that your request was at risk of being refused under section 24 [unreasonable diversion of resources] of the FOI Act.

3. Accordingly, on 24 January 2012, you refined the scope of your request as seeking access to:

"A copy of the considerations and final report that led to the Army Sun Smart Policy."

4. The purpose of this letter is to provide you with the decision in relation to the document that is the subject of your request.

FOI decision maker

5. Colonel S A Stuart, Deputy Chief of Staff, Army Headquarters, is the authorised decision maker under the FOI Act in relation to your request.

Documents identified

6. Colonel Stuart identified one document which falls within the scope of the request. This document is described as brief to the Chief of Army (CA), with an attachment of the draft Army Sunsmart Policy. This document was located by the office of the Director General Personnel — Army (DGPERS-A). Details of the document appear as follows:
7. Colonel Stuart found that this brief had a penscript amendment from the CA stating "ENDORSED with the penscript amendment at 24.11." Colonel Stuart has not been able to locate the document to which this penscript refers.

Decision

8. Colonel Stuart decided to:

(a) release the one-page brief to the CA and its attachment in full; and

(b) deny access to the annotated brief to CA in accordance with subparagraphs 24A(1)(b)(i) and (ii) [document cannot be found or does not exist] of the FOI Act.

Reasons for decision

Material taken into account

9. In making his decision, Colonel Stuart had regard to:

(a) the extant and results of the searches conducted by DGPERS-A;

(b) the content of the document that could be located;

(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 24 of the FOI Act

10. Following examination of the document, Colonel Stuart found that the original brief that was provided to the CA for approval contained an attachment (draft Army Sunsmart Policy), which the CA annotated on 13 August 2010.

11. It is also noted that while CA had initialled the original brief, he did at subparagraph 3(b) endorse the draft Army Sunsmart Policy with a penscript amendment at section 24.11 of that document as mentioned at paragraph 7 above.
12. In an attempt to identify and locate the document annotated by the CA, the Staff Officer to DGPERS-A, in consultation with staff of the Directorate of Army Health (DAH), conducted thorough Objective searches in the DGPERS-A correspondence folders, all DAH folders and AHQ Registry correspondence files using the keywords “Sunsmart”, “Sun smart” and “sunsmart” without any result. A further manual search of the DGPERS-A Objective folders was undertaken by the Staff Officer – again with no result. Therefore, Colonel Stuart was satisfied that all reasonable steps have been taken to find a copy of the hand annotated draft Army Sunsmart Policy.

13. Based on the above information, Colonel Stuart was satisfied that the hand annotated draft Army Sunsmart Policy cannot be found or does not exist. Accordingly, Colonel Stuart refuse access to the annotated document under section 24A(1)(b)(i) and (ii) of the FOI Act.


Payment of charges

15. In our letter dated 27 January 2012, 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 paid the required deposit of [Redacted] on 27 January 2012.

16. Upon completion of your request the department found that the actual times and costs for processing your request came to [Redacted]. Accordingly, you are required to pay [Redacted], that is the difference between the final assessment of charges [Redacted] and the deposit you have already paid [Redacted], in order to finalise your request. Cheques and Money Orders should be made out to the ‘Receiver of Public Monies’ and forwarded to the address at the top of this letter. Credit card payments can be made by completing the form at Enclosure 2 and returning to the FOI Directorate.

17. Following receipt of your payment of the remaining FOI processing charges, the document in the form approved for release will be promptly sent to you by email.

Disclosure log

18. 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 two working days of receipt by the applicant. Defence will also publish this decision notice with privacy deletions.

Rights of review

Further information

20. If you have any questions, please contact me, either on telephone number (02) 6266 3778 or via email to FOI.Inquiries@defence.gov.au.

Yours sincerely

John Peterson
Case Officer
Freedom of Information

21 February 2012

Enclosures:
1. Section 24A of the FOI Act
2. Credit Card Payment Form