Dear [Name],

1. I refer to your email of 23 March 2012 in which you requested access, under the Freedom of Information Act 1982 (FOI Act), to:

   "a de-identified summary report, [of] incidents occurring between 1 January 2011 to the date of receipt of this letter which were recorded by the Australian Defence Force OHS department under the categories of Fatality, Serious illness or injury and Exposure (please do not include minor injury). The report must include but not be limited to, the date of the incident, the location of the incident, the rank of the member, a description of the incident and the injury. Where the documents contain names of individuals involved including medical sources I consent to the identity being withheld."

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. Mr Joel Patterson, People Strategies & Policy Group is the accredited decision maker under the FOI Act, in relation to your request.

Documents identified

4. Mr Patterson noted that the information within the scope of your request is kept by Defence in a database called the Work Health and Safety Compensation Analysis and Reporting (WHSCAR) database.

5. The analysis team within the Work Health & Safety Branch generated a report to extract the information matching the parameters set by your request from WHSCAR. Mr Patterson noted that WHSCAR does not record a person's classification or rank, so this component of your request could not be met.

Defending Australia and its National Interests
Decision

6. Mr Patterson decided to release the information contained in the summary report in full. He noted that the following contextual information, may be of use to you when considering the information in the summary report:

a. WHSCAR holds the basic information about incidents that occur in a range of circumstances, and is key to Defence's legislative compliance with the requirement to notify certain incidents to the regulator (Comcare). Defence also uses the information collected on WHSCAR to prioritise and plan systemic action designed to reduce the number of injuries sustained by Defence personnel.

b. Defence encourages personnel to report cases where an individual thinks they have been exposed to a hazardous substance (such as asbestos). Reporting of a possible exposure does not always equate to a genuine exposure (or injury). Appropriately, Defence would prefer to err on the side of caution in relation to such cases. Asbestos exposures are commonly reported by Defence personnel who conduct aid to the civilian community operations, such as clean up after cyclones and bushfires.

c. The information contained in the "Brief Description of Incident" field is entered at the site of the incident by the injured person or their supervisor. It is raw data that may not properly define the root cause of the incident, or the nature and extent of the injury or illness sustained.

d. The 'Incident ID' field has no relevance to the report, and does not link to a number stored within WHSCAR. This field has been generated in order to provide a unique identifier to allow the running of the report, and has no other purpose or relevance.

Material taken into account

7. In making his decision Mr Patterson had regard to:

- relevant provisions in the FOI Act;
- the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
- Principles on open public sector information issued by the Information Commissioner.

Payment of Charges

8. In our letter dated 2 April 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 preliminary assessment deposit of [Redacted]. The remaining balance is the difference between actual charges [Redacted] and the deposit you have already paid [Redacted].
9. Accordingly you are required to pay [redacted] in order to finalise your request. Please complete and return the form at Enclosure 1 to the FOI Directorate, this form is an agreement to pay charges and enables the FOI Directorate to continue processing your request without delay.

Rights of review


FOI Disclosure Log

11. 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.

Further advice

12. Should you have any questions in regard to this matter please contact me directly on (07) 3332 6359.

Yours sincerely

Theresa Stinson
Assistant Director - Media Case Management
Freedom of Information

8 May 2012

Enclosures:
1. Freedom of Information Payment Agreement form
2. Fact Sheet: Freedom of Information – Your Review Rights