



**Australian Government**  
**Department of Defence**

Reference: [R30909892]

**FOI 036/17/18 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT**

1. I refer to the application by [REDACTED] under the *Freedom of Information Act 1982* (FOI Act), for access to:

*“...I write seeking information under the Freedom of Information Act, specifically all documents, including correspondence with ministerial offices, regarding the (possible) provision of ADF assets and personnel for a press conference by Prime Minister Malcolm Turnbull and Air Chief Marshal Mark Binskin on 17 July.*

*Excluding personal email addresses, signatures, personnel (PMKeyS) numbers and mobile telephone numbers contained in documents that fall within the scope of the FOI request.”*

**FOI decision maker**

2. I am the accredited officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

**Documents identified**

3. I identified two documents as matching the description of the request.

**Decision**

4. I have decided to:

- a. release one document in full;
- b. partially release one document in accordance with section 22 [access to edited copies with exempt or irrelevant matter deleted] of the FOI Act, on the grounds that the deleted material is considered exempt under section 33(a)(i) [Documents affecting national security] and/or section 47B [public interest conditional exemptions-Commonwealth-State relations] of the FOI Act; and
- c. remove irrelevant material as referred to in the scope of the request in accordance with section 22(1)(b)(ii) of the FOI Act.

**Material taken into account**

5. In making my decision, I had regard to:

- a. the terms of the request;
- b. the content of the identified documents 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); and
- e. advice from Strategic Policy & Intelligence Group.

## Reasons for decision

### Section 33(a)(i) – documents affecting national security

6. Section 33 exempts material from release if its disclosure would, or could reasonably be expected to, cause damage to the security of the Commonwealth.
7. The document contains details of a member who has Protected Identity Status. I am of the view that if the details of this member were to be disclosed it could expose them to unnecessary risk and provide an adversary with a tactical advantage.
8. Taking the above into account I am therefore satisfied that the details of a person who has Protected Identity Status is exempt under section 33(a)(i) of the FOI Act.

### Section 47B(a) – Public Interest Conditional Exemptions - Commonwealth-State relations

9. Upon examination of the documents, I identified information, specifically observations on potential reactions to the amendment of legislation, which if it were to be released, could reasonably be expected to cause damage to Commonwealth/State relations.
10. In deciding whether section 47B(a) applied, I considered whether Defence has, and could be expected to maintain, a working relationship with various state governments.
11. Taking into account that the issue at hand may be considered to be continuing I considered that disclosure of some of the material contained in the documents would cause damage to the Commonwealth-State relations if it were released. As a result, I find that the material is conditionally exempt under section 47B of the FOI Act.

### Section 47B - Public interest considerations

12. I note that, in accordance with the FOI Act, information held by the Government is a national resource and release of the conditionally exempt information could promote the objects of the FOI Act.
13. However, I have decided that disclosure of this information would not increase public participation in the Defence process, nor would it increase scrutiny or discussion of Defence activities. Instead, it has the potential to cause damage to the relationships between a Commonwealth agency and state or territory governments.
14. I find that the public interest factors against disclosure outweigh the factors for disclosure of the identified information and deem the information exempt under section 47B of the FOI Act.

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Dr Melanie Beacroft  
Accredited Decision Maker  
Associate Secretary Group