



Australian Government
Department of Defence

Reference: OCA/OUT/2018/BJ1616587

FOI 098/18/19 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:

A breakdown of WHS Events at the Special Operations Training and Education Centre since it was established on 1 September 2017 until 1 September 2018.

Personal email addresses, signatures, PMKeyS numbers and mobile telephone numbers contained in documents that fall within the scope of the FOI request and duplicates of documents are excluded from this request.

FOI decision maker

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

Documents identified

3. I identified one document, totalling one page, as matching the scope of this request.

Decision

4. I have decided to:

- a. 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 33a(ii) [public interest exemptions – defence of the Commonwealth] of the FOI Act
- b. 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 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. advice provided by Special Operations Command.

Reasons for decision**Exemption Claim – Section 33 – Documents Relating to the Defence of the Commonwealth**

6. The document contains information that details the nature of capabilities that affect the security and defence of the Commonwealth. Section 33(a)(ii) exempts material from release if its disclosure would, or could reasonably be expected to, cause damage to the defence of the Commonwealth.
7. The FOI Act does not define ‘defence of the Commonwealth’, however, previous Administrative Appeals Tribunal decisions indicate that the term can include protecting the Australian Defence Force from hindrance or activities which would prejudice its effectiveness.
8. Disclosure of the information exempted under section 33(a)(ii) could reasonably be expected to cause damage to the security or defence of the Commonwealth. The information contained within the document includes details of the capabilities and personnel within the Defence portfolio, and comment regarding tactical procedures.
9. Particular consideration has been made regarding the mosaic effect of releasing commentary and information that may on its own appear to be insignificant, however, when combined with other publicly available information divulges specific capabilities and activities. If released, this information could reasonably provide an adversary with a tactical advantage thereby diminishing the capability of the ADF to defend the Commonwealth and maintain international relations.
10. Taking the above into account, I find that disclosure of the information exempted under section 33(a)(ii) would, or could reasonably be expected to cause, damage to the defence of the Commonwealth.

griffith.thomas

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GC Thomas
Colonel
Accredited Decision Maker
Army