



Reference: OCA/OUT/2017/R31845698

FOI 127/17/18 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

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

...documents produced since 1 January, 2016, showing information, assessment, analysis, reports and data about the extent of post-traumatic stress and other combat related issues or injuries among ADF Special Forces

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 1 document totalling 71 pages as matching the scope of this request.

Decision

4. I have decided to:

- a. partially release 1 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] 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. 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. advice provided to me by Office of the Chief of Defence Force (OCDF), Joint Health Command (JHC), Headquarters Joint Operations Command (HQJOC), and Special Operations Command (SOCOMD).

Reasons for decision

Section 22 – Edited copies with exempt or irrelevant matter deleted

6. Section 22 of the FOI Act provides that if an agency or Minister decides to:

- (i) *refuse access to an exempt document; or*
- (ii) *that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access*

and it is reasonably practicable to prepare a copy of the document modified by deletions, the agency or Minister must give the applicant access to the edited copy.

7. The information removed from the document is not relevant to the scope of the request.

8. Considering all of the above, I decided that it was reasonably practicable to remove the material that did not fall within scope of this request and release the documents in that form.

Section 33 – National Security, Defence or International Relations

9. Section 33 exempts documents that affect Australia's national security, defence or international relations. The exemption comprises two distinct categories of documents. A document is exempt if disclosure:

- (a) *would, or could reasonably be expected to, cause damage to the Commonwealth's security, defence or international relations; or*
- (b) *disclosure would divulge information communicated in confidence to the Commonwealth by a foreign government, an agency of a foreign government or an international organisation*

10. The document contains the unit identifiers and vital statistics of the units. Disclosure of SOCOMD's strength status would identify the capability depth of Australia's Special Forces. I am of the view that if the units, or their vital statistics, were disclosed, it could expose them, and the Australian public, to unnecessary risk and provide an adversary with a tactical advantage. Taking the above into account I am therefore satisfied that units and their vital statistics within the documents is exempt under s33(a)(i) of the FOI Act.

Comment

11. Whilst researching this request it was made evident from the sources consulted that no comprehensive research has been undertaken on this topic. The documents provided account for all injuries, not specifically combat, and are captured as part of periodic governance reporting. Detailed monitoring is conducted at an individual member welfare level.

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ou=PKI, ou=Personnel,
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Date: 2017.11.13 09:47:23 +11'00'

GC Thomas

Colonel

Accredited Decision Maker

Army