



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

Reference: File ID qR461467

**FOI 188/16/17 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:

- Item 1. “ - Briefing notes prepared for the Minister regarding Donald Trump and the US election and its outcome (not including briefings only related to Hillary Clinton) between 1 June 2016 – current;” and
- Item 2. “- Correspondence between James Mattis and/or the VCDF and/or Defence Secretary and/or CDF between 1 June 2016 – current.”

**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 at Item 1. I have added an FOI reference number to the documents.

**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)(iii) [Documents affecting national security] of the FOI Act;
  - 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; and
  - d. refuse access to Item 2 of the request under subparagraph 24A(1)(b)(ii) [Requests may be refused if documents cannot be found, do not exist or have not been received] 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 International Policy Division, the Offices of the Chief of the Defence Force (CDF) , the Secretary and the Vice Chief of the Defence Force (VCDF).

### **Section 33 of the FOI Act**

6. I found that Document 2 contained material that, if disclosed, could cause damage to international relations of the Commonwealth. The documents contain details regarding the proposed policies of the United States' possible candidate, and International Policy Division's assessment concerning them. While some of the redactions contain factual material, release would indicate areas in which Australia was selective with frank commentary on the presidential candidate's election platform.

7. Paragraph 5.36 of the Guidelines states that *the phrase 'international relations' has been interpreted as meaning the ability of the Australian Government to maintain good working relations with other governments...* Any damage to international confidence would seriously undermine the long standing relationship that exists between Australia and the United States.

8. I am satisfied that disclosure of some material in Document 2 would cause damage to the international relations of the Commonwealth and is therefore exempt under section 33(a)(iii) of the FOI Act.

### **Section 24A(1) of the FOI Act**

9. Section 24A(1) of the FOI Act states:

*24A Requests may be refused if documents cannot be found, do not exist or have not been received*

*Document lost or non-existent*

*(1) An agency or Minister may refuse a request for access to a document if:*

*(a) all reasonable steps have been taken to find the document; and*

*(b) the agency or Minister is satisfied that the document:*

*(i) is in the agency's or Minister's possession but cannot be found; or*

*(ii) does not exist.*

10. With regard to Item 2, personnel from each of the named offices (at 5.e. above) undertook searches for relevant documents. Each office manages their correspondence slightly differently. As a result the searches undertaken by each office were:

CDF - Key word search 'Mattis' of both the Defence Secret Network and Defence Protected Network in Objective (Defence's records management system)

Secretary - Key word search 'Mattis' in their document tracking schedule which tracks all correspondence in to, and out from, the Secretary.

VCDF – Electronic key word search 'Mattis' in Objective and a manual search of hard copy correspondence .


11. I am satisfied that all reasonable steps have been taken to locate the requested documents. I have, therefore, decided to refuse access to Item 2 of the request under section 24A(1) of the FOI Act.

**Further information**

12. Some of the documents matching the scope of this request contained a dissemination limiting marker, as the documents are approved for public release the marker has been struck through.

13. Further to paragraph 4c above, Document 2 contained a large volume of pages that were irrelevant to the scope of the request. In this instance, pages fully redacted in accordance with section 22(b)(ii) have been removed from the document. A total of 183 pages of Document 2 were removed.

nicola.viney  
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ou=PKI, ou=Personnel,  
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Ms Nicola Viney  
Accredited Decision Maker  
Associate Secretary Group