FOI 204/15/16 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:
   “1. The executive summary to the Recruiting Strategic Plan 2013 - 2016;
   2. The executive summary to the Recruiting Strategic Plan 2014 - 2017;
   3. The most recent Senate Estimates Brief - Recruiting and Employment of ADF Women;
   4. The most recent Senate Estimates Brief - Removal of Gender Restrictions on ADF Combat Roles.”

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 four documents as matching the description of the request.

4. The decision in relation to each document is detailed in a schedule of documents.

5. I have added an FOI reference number and Item/Serial number to each of the documents, which corresponds with the schedule.

Decision

6. I have decided to:
   a. release three documents in full; and
   b. partially release one document, on the grounds that the deleted material is considered exempt under section 47E(d) [public interest conditional exemptions-certain operations of agencies] of the FOI Act.

7. Taking into account the department excludes personal email addresses, signatures, PMKeys numbers and mobile telephone numbers contained in documents, that fall within the scope of an FOI request, I have decided to remove irrelevant material from one of the identified documents.

Material taken into account

8. 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);
e. advice from Defence Force Recruiting Branch: and
f. advice from Culture and People Development Branch.

Reasons for decision

Section 47E – certain operations of agencies

9. A document is conditionally exempt under section 47E(d) if its disclosure would have a substantial adverse effect on the proper and efficient conduct of the operations of Defence.

10. The Guidelines at paragraph 6.112 state that:

   The predicted effect must bear on the agency’s ‘proper and efficient’ operations, that is, the agency is undertaking its expected activities in an expected manner. Where disclosure of the documents reveals unlawful activities or inefficiencies, this element of the conditional exemption will not be met and the public interest factors of accountability and transparency are further weighted towards disclosure.

11. Defence’s long standing position is not to spotlight individuals applying for or training in combat role categories. The information redacted under section 47E(d) contains the numbers of women against combat role categories in the Army, Navy and Air Force. A number of the categories have one individual assigned to it therefore enabling that individual to be easily identifiable. Spotlighting or placing undue attention of these individuals may also make other women reluctant to join these categories and thus making it more difficult for the agency to recruit in the future.

12. Accordingly, I consider this material to be conditionally exempt under section 47E(d) of the FOI Act.

Sections 47E - Public interest considerations

13. In reviewing the request, I decided that releasing the requested documents may promote some of the objects of the FOI Act.

14. Regarding the deletions made in accordance with section 47E of the FOI Act, there is a public interest in protecting the operations of the agency. Accordingly, I have decided that the section 47E deletions would not inform debate on a matter of public importance, nor would their release promote effective oversight of public expenditure or prevent the applicant’s access to their personal information.

15. Conversely, the release of this deleted information could reasonably be expected to result in unnecessary individual exposure and a breach of the Department’s duty of care.
16. In deriving my decision, I also considered subsection 11B(4) [public interest exemptions – irrelevant factors] of the FOI Act. I advise that none of the irrelevant factors have been taken into account in making my decision. After assessing of all these factors, I have decided that the harm that could arise from disclosure of the deleted information far outweighs any favourable public interest factors that could be gained from its release.

Yours sincerely

Marie McKärzel
Accredited Decision Maker
Defence People Group

17 May 2016