



FOI 228/17/18 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 "...the report arising from the ADF Service Police Review."

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.

Document identified

3. I identified the document matching the description of the request.

Decision

4. I have decided to partially release the document with deletions made 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 37(2)(b) [documents affecting enforcement of law and protection of public safety] of the FOI Act.

Material taken into account

5. In making my decision, I had regard to:
- the terms of the request;
 - the content of the identified document in issue;
 - relevant provisions in the FOI Act;
 - the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
 - outcome of third party consultation.

Reasons for decision

Section 37 - Documents affecting enforcement of law and protection of public safety

6. Section 37(2)(b) of the FOI Act provides

"A document is an exempt document if its disclosure under this Act would, or could reasonably be expected to disclose lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures."

7. Disclosure of this information would have a substantial adverse effect on the lawful methods and procedures of the ADF Police . Therefore, I consider the material is conditionally exempt under subsection 37(2)(b) of the FOI Act.

8. Section 11A(5) of the FOI Act allows access to conditionally exempt documents unless, in the circumstances, access to the document would be contrary to the public interest.

Public interest considerations

9. In assessing whether disclosure of the conditionally exempt material is, on balance, contrary to the public interest, I considered the range of relevant factors that favour access to a document set out in section 11B(3) [public interest exemptions – factors favouring access] of the FOI Act. While disclosure may promote some of the objects of the FOI Act, I do not consider it would increase public participation in government processes, nor would it increase scrutiny or discussion of government activities.

10. In coming to the above decision, I considered subsection 11 B(4) [irrelevant factors] of the Act. None of these factors were taken into account.

11. I therefore decided that it would be contrary to the public interest to release the identified information under section 37(2)(b) of the FOI Act.

Further Information

12. The document matching the scope of this request contains a dissemination limiting marker, as the document is approved for public release the marker has been struck through.

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WGCDR T. Lewis
Accredited Decision Maker
HQ JSPG

February 2018