



Australian Government
Department of Defence

2016/1067695/1
35/2017

FOI 230/17/18 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

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

"Arraignment and sentencing remarks from Monday's hearing at HMAS Cerberus, It involved three Navy members of the rank of Seaman charged with prejudicial conduct.

Applicant has confirmed she is not seeking any names in the transcript."

excluding personal email addresses, signatures, PMKeys numbers and mobile telephone numbers, contained in documents that fall within the scope of the FOI request. In addition, excluding duplicates of documents.

FOI decision maker

2. In accordance with section 23 of the FOI Act, I am an officer authorised to make a decision in relation to this FOI request.

Documents identified

3. I have identified one document as containing material that I consider falls within the scope of the request, namely, the transcript of the Defence Force magistrate proceedings conducted on Monday 11 December 2017 at HMAS Cerberus.

4. Enclosure 1 is a copy of the relevant portions of this transcript in the form approved for release. Each page has been annotated at its top right hand corner with the relevant FOI request number (FOI 230/17/18).

Decision

5. I have decided to:

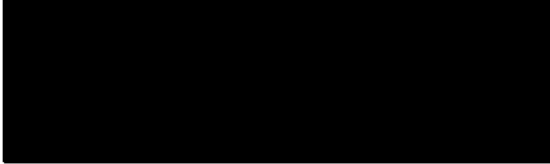
- a. release the document in full; and
- b. remove irrelevant material as referred to in the scope of the request, and material that is outside of the scope of the request in accordance with section 22(1)(b)(ii) of the FOI Act.

Material taken into account

6. In making my decision, I had regard to:

- a. the terms of the request;
- b. the content of the identified document;
- c. the FOI Act;
- d. the *Privacy Act 1988 (Cth)*;

- e. the Guidelines Issued by the Australian Information Commissioner under Section 93A of the FOI Act (the Guidelines);
- f. Department of Defence legal advice and policy guidance in relation to FOI and privacy; and
- g. the *Defence Force Discipline Act 1982 (Cth)* (DFDA).



NL Harvey
GPCAPT
Authorised Decision Maker
Office of the Judge Advocate General

19 Dec 17

Enclosure:

- 1. Document in the form approved for release