



BN2603311

FOI 243/18/19 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 most current inventory status document for Defence 'owned' radioactive waste currently stored within the Woomera Prohibited Area.*
2. *The most current report that deals with the material and/or safety state of Defence 'owned' radioactive waste currently stored within the Woomera Prohibited Area.*
3. *The most current procedural documents Defence have on the operation/storage/safety procedures for personnel who access areas within Defence 'owned' radioactive waste locations within the Woomera Prohibited Area.*

I do not want personal email addresses, signatures, PMKeys numbers and mobile telephone numbers, contained in documents that fall within the scope of the FOI request. In addition, I am excluding duplicates of documents, and documents sent to and from me. I only request final versions of documents.

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 16 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 eight documents in full;
 - b. partially release seven documents 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 the security of the Commonwealth] of the FOI Act;
 - c. deny access to one document in full on the grounds that it is considered exempt under section 33(a)(i); and
 - d. 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

7. In making my decision, I had regard to:
- a. the terms of the request;
 - b. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines);
 - c. specialist advice received from Logistics Assurance Branch; and
 - d. consultation with the Australian Radiation Protection and Nuclear Safety Agency.

Reasons for decision

Section 33 – Documents affecting national security, defence or international relations

8. Subparagraph 33(a)(i) of the FOI Act exempts material from release if its disclosure would, or could reasonably be expected to, cause damage to the security of the Commonwealth.

9. The term ‘security of the Commonwealth’ broadly refers to ‘the protection of Australia and its population from activities that are hostile to, or subversive of, the Commonwealth’s interests’.

10. In order for the exemption to apply, it must be shown that disclosure ‘would, or could reasonably be expected to’ cause damage.

11. The Guidelines provide that the term ‘reasonably expected’ in the context of section 33(a)(i) requires consideration of the likelihood of the predicted or forecast damage. In particular, at paragraph 5.27 the Guidelines indicate that there must be ‘real’ and ‘substantial’ grounds for expecting the damage to occur which can be supported by evidence or reasoning. A mere allegation or mere possibility of damage will be insufficient for the purposes of the exemption.

12. The term ‘Damage’ is not confined to loss or damage in monetary terms and the relevant damage may be of an intangible nature.

13. The material that I have decided to exempt relates to sensitive Defence inventory and I have formed the view that release of this information would pose security implications as it would provide sensitive information to foreign nationals which could be used against the Commonwealth of Australia.

14. In light of this I have decided that the specified material identified in eight documents within scope of this request is exempt pursuant to section 33 of the FOI Act.

Section 22 – Access to edited copies with exempt or irrelevant matter deleted

15. Subsection 22 of the FOI Act requires that where a decision maker denies access to a document they must consider releasing the document with exempt matter deleted, where possible.

16. Paragraph 3.89 of the Guidelines states: *an agency should take a common sense approach in considering whether the number of deletions would be so many that the remaining documents would be of little or no value to the applicant. Similarly, the purpose of providing access to government information under the FOI Act may not be served if extensive editing is required that leaves only a skeleton of the former documents that conveys little of its content or substance.*

17. I have considered disclosing document numbered Item 3/Serial 4b with deletions, but have decided against this course of action, as the document would be meaningless and of little or no value once the material I find exempt under section 33 of the FOI Act is removed.

Further information

18. A number of the documents matching the scope of this request were classified. I have declassified the versions of the documents that are approved for release.



Helen Gouzvaris
Accredited Decision Maker
Joint Capabilities Group

5 February 2019