Reference: Objective ID R25640871

FOI 258/15/16 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the application by [红acted] under the Freedom of Information Act 1982 (FOI Act), for access to:

"I am seeking copies of agenda, any reports and submissions made, notes, minutes, memoranda and any other related documents pertaining to the service of homosexual servicemen and women that were discussed during meetings of the Chiefs of Staff Committee (COSC) in 1992 and 1993.

According to the Senate Estimates Committee B transcript from 27 March, 1992, then-Defence Minister Robert Ray testified there had been two meetings of the COSC just in that month alone on this topic. Elsewhere I have seen a mention that another COSC meeting in June, 1992, dumped a new policy in favour of the old, which was then re-reviewed at Cabinet level in November. Cabinet's decision overturned COSC's, so it is likely there would have been at least one more relevant meeting after late November to determine how best to implement the new policy.

Excludes personal email addresses, signatures, PMKeys numbers, mobile telephone numbers of Defence officials and duplicates of documents"

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 three documents as matching the description of the request. I have added an FOI serial number to each of the documents.

Decision

4. I have decided to release the three documents in full with deletions made under section 22 [edited copies with exempt or irrelevant matter deleted] 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 received from officers within the Office of the Chief of the Defence Force.

Reasons for decision

Section 22 – Edited copies with exempt or irrelevant matter deleted

6. Section 22 of the FOI Act provides that if an agency or Minister decides to:

   (i) refuse access to an exempt document; or

   (ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access;

and it is reasonably practicable to prepare a copy of the document modified by deletions, the agency or Minister must give the applicant access to the edited copy.

7. Considering all of the above, I decided that it was reasonably practicable to remove the irrelevant material, specifically signatures, as stated in the scope of your request and release the document in that form.

Clarification/Context Statement

8. In the applicants request it was stated “Elsewhere I have seen a mention that another COSC meeting in June 1992, dumped a new policy in favour of the old, which was then reviewed at Cabinet level in November. Cabinet’s decision overturned COSC’s, so it is likely there would have been at least one more relevant meeting after late November to determine how best to implement the new policy”. No documents were found within the scope of this request in relation to the June and November COSC meetings. All files relating to the COSC meetings were searched for any documents that fell within the scope of this request and a second examination of the minutes relating to the June and November COSC meeting was undertaken to confirm this.

Yours sincerely

Jan Andrews
Accredited Decision Maker
Associate Secretary Group

21 April 2016