



Australian Government
Department of Defence

Reference: R34103568

FOI 261/17/18 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:

“This letter serves as a request for the purposes of the Freedom of Information Act 1982.

I seek access to any documents held by the Army or CASG dated prior to the awarding of the LCMIE contract, discussing whether or not there was a requirement/need for the LCMIE Landing Craft to be able to land M1 Abrams tanks.”

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 two documents as matching the description of the request.

4. I have added an FOI reference number and Item/Serial number to each of the documents.

Decision

5. I have decided to:

- a. partially release two 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 national security] of the FOI Act; and
- b. 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

6. 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 received from Officers within Capability Acquisition and Sustainment Group (CASG) and Navy - Amphibious and Afloat Support; and
- f. advice received following consultation with a third party.

Reasons for decision

Section 33(a)(i) – Documents affecting national security, defence or international relations

7. Section 33 of the FOI Act exempts a document if its disclosure under the Act would, or could reasonably be expected to, cause damage to the security of the Commonwealth.

8. The Guidelines state:

Security of the Commonwealth

5.29 The term ‘security of the Commonwealth’ broadly refers to:

(a) the protection of Australia and its population from activities that are hostile to, or subversive of, the Commonwealth’s interests

(b) the security of any communications system or cryptographic system of any country used for defence or the conduct of the Commonwealth’s international relations (see definition in s 4(5)).

9. Upon examination of the documents, I found that they contained sensitive information on the strategic operating environment and technical requirements, relative to the LCM1E Landing Craft. If this material was to be released, it could be used by an adversary to identify future capability and allow them to attempt to compromise that capability.

10. In deciding that material was exempt under section 33 of the FOI Act, I also considered the mosaic theory. The Guidelines state that:

5.39 When evaluating the potential harmful effects of disclosing documents that affect Australia’s national security, defence or international relations, decision makers may take into account not only the contents of the document but also the intelligence technique known as ‘mosaic theory’. This theory holds that individually harmless pieces of information, when combined with other pieces, can generate a composite – a mosaic – that can damage Australia’s national security, defence or international relations. Therefore, decision makers may need to consider other sources of information when considering this exemption..

5.40 The mosaic theory does not relieve decision makers from evaluating whether there are real and substantial grounds for the expectation that the claimed effects will result from disclosure.

11. I found that a portion of the documents contained information that, if disclosed, may add to what is already known, or is already in the public domain. This could lead to an adversary applying mosaic theory to information relating to this Defence capability and ultimately undermine its effectiveness.

12. Taking the above into account, I consider that disclosure of the material would, or could reasonably be expected to, cause damage to the security of the Commonwealth. Accordingly, I consider the material to be exempt under subsection 33(a)(i) of the FOI Act.

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Nicola Viney
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 Associate Secretary Group