



BQ3278503

**FOI 318/18/19 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:

*“a copy of reports (or relevant extracts) completed between 2006 and 2008 relating to the findings and recommendations of the testing and recording of the G Force Shock and Vibration readings on the Commando Operational Watercraft Boards.”*

2. You confirmed that this application excluded personal email addresses, signatures, PMKeys numbers and mobile telephone numbers contained in documents that fall within the scope of the FOI request. In addition, it excluded duplicates of documents, and documents sent to and from you. Furthermore, Defence only considers final versions of documents.

**FOI decision maker**

3. I am the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

**Documents identified**

4. I identified three documents as matching the description of the request.

**Decision**

5. I have decided to:

- a. release no documents in full;
- b. partially release three 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; on the grounds that the deleted information is considered exempt under section 47E(d) [information have substantial adverse effect on the efficient conduct of the operations of an agency].
- c. 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 from Defence Science & Technology Group;
- f. advice from Capability Acquisition and Sustainment Group; and

- g. reference to materials relating to this subject that are otherwise publically available.

## **REASONS FOR DECISIONS**

### **Section 33(a)(i) – Documents Affecting National Security**

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

8. The documents contain detailed classified materials pertaining to operational practices, and contain the names of personnel whose identities are protected for operational security reasons. Having regard to the Guidelines relating to what ‘could reasonably be expected’ to ‘damage’ the defence of the Commonwealth, I consider that this is information falls within this category. Specifically, in evaluating the potential harmful effects of disclosing information in the document that would affect Australia’s national security, I have had regard to the content of the materials which includes details accounts of operational events which outlines operational processes, tactics, techniques and procedures which reveal the responses of ADF personnel when in particular combat situations.

9. Information in the document could jeopardise the capability of the Australian Defence Force (ADF), if released. This particular information pertains to the personal details of Defence personnel designated with Protected Identity Status.

10. I am satisfied that the names of Defence personnel with Protected Identity Status , and information relating to their activities meets the requirements of section 33(a)(i) of the FOI Act.

### **Section 47E(d) – Public Interest Conditional Exemptions – certain operations of agencies**

11. Subparagraphs 47E(d) of the FOI Act states:

*‘A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:*

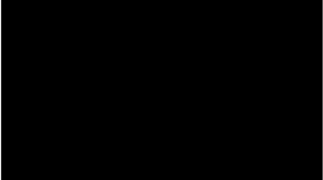
*(d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.’*

12. Upon examination of the documents, I found that they contained information which a claim for exemption under section 47E(d) of the FOI Act is warranted. Release of this information would be reasonably expected to affect the way Defence performs its functions and could reasonably be expected to adversely affect the proper and efficient conduct of the operations of Defence. In particular the documents contain detailed classified information pertaining to operational testing and refinement of standard operation procedures for water based platforms and includes testing locations of current operational capabilities.

13. The release of this information would have a substantial and adverse effect on the efficient and proper conduct of the operations of Defence. I consider this material is therefore conditionally exempt under section 47E(d) of the FOI Act.

**Further Information**

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



~~P Kenny~~  
Accredited Decision Maker  
Army

17 April 2019