



Australian Government
Department of Defence

Reference: Objective ID: R35291699

FOI 478/17/18 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the email of 1 August 2018, in which [REDACTED] on behalf of [REDACTED] sought an internal review under section 54 of the *Freedom of Information Act 1982* (FOI Act) of the Accredited Decision Maker's decision dated 26 July 2018.

2. The applicant's request was for access to the following documents under the FOI Act:

“Item 1: Any decision record to not use ASC as the build partner of DCNS or Naval Group for the future submarine fleet.

Item 2: Any letters written by any of the following Ministers/Officials in 2016 through 2018 to DCNS or Naval Group that makes reference to, notifies an intention to, or makes a commitment to DCNS or Naval Group that they will be the builder of the future submarine fleet (in part or in full).

- o Minister Pyne*
- o Minister Payne*
- o Mr Stephen Johnson*
- o Rear Admiral Greg Sammut*

Item 3: Any sections of the latest draft version of the Strategic Partnering Agreement between the Commonwealth and Naval Group (either the French public law company or its Australian daughter entity) that details responsibilities in relation to the build or details any commitment for the Naval Group to build the future submarine fleet (in part or in full).”

Contentions

3. In his application, the applicant requested that documents matching Item 2 should have been released in their entirety. The applicant specifically stated *“The letters in their entirety should have been released to me (with claimed exemptions, but not s22)”*.

4. The purpose of this statement of reasons is to provide the applicant with a fresh decision relating to the documents.

Reviewing officer

5. I am authorised to make this internal review decision under arrangements approved by the Secretary of Defence under section 23 of the FOI Act.

Documents subject to internal review

6. Taking into account the applicant's contentions, I have interpreted that the material removed under section 22 [Access to edited copies with exempt or irrelevant matter deleted] of the FOI Act, within Item 2 Serials 1 and 2, is the subject of this internal review.

Internal review decision

7. After careful consideration, I have decided to uphold the original decision to release both documents with irrelevant material removed under section 22 of the FOI Act.

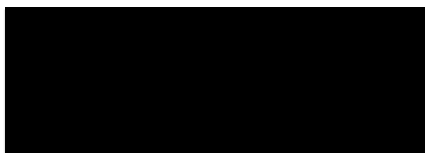
Material taken into account

8. In arriving at my decision, I had regard to:
- a. the scope of the applicant's request and subsequent internal review application;
 - b. the original decision;
 - c. the content of the documents subject to the internal review;
 - d. relevant provisions in the FOI Act;
 - e. the *Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act* (the Guidelines); and
 - f. advice from Future Submarine Program.

Findings and reasons

Section 22

9. Upon review I found that the deleted material does not specifically fall within the terms of Item 2. As such, I am satisfied that the redactions to the documents have been correctly applied.



Dr Tom McGoram
Decision Maker – Internal Review