



Reference: BJ4185784

FOI 356/19/20 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:

“I am a PhD student at UniSA and am seeking the following documents under the Freedom of Information Act 1982 to support my doctoral research.

The documents can be sent electronically to my UniSA e-mail address provided in this form. The documents listed below are part of the RAN's N4 Library and are UNCLASSIFIED.

Document 1: ANP1400-0000 Navy Logistics (NAVLOG)

Document 2: ANP2410-0001 Naval Materiel Seaworthiness

Document 3: ANP2411-0002 Naval Materiel Delivery “Strategic Requirements

Document 4: ANP2412-4000 Naval Materiel Delivery

Document 5: ANP2413-4500 Naval Materiel Optimisation

Document 6: ANP2412-4100 Naval Materiel Upgrade

Document 7: ANP2412-4200 Naval Materiel Upkeep

Document 8: ANP2412-4400 Naval Materiel Update

Document 9: ANP3411-1106 Naval Materiel Performance Management

Document 10: ANP3411-0101 Naval Materiel Assurance

Document 11: ANP3411-0013 Naval Materiel Resource Management

Document 12: ANP3411-0001 Naval Seaworthiness Outcomes

Document 13: ANP3411-0002 Naval Materiel Delivery Strategy, Guidance and Policy

Document 14: ANP3411-0012 Naval Materiel Enterprise Integration

Document 15: ANP3411-2202 Naval Materiel Knowledge Management

Document 16: ANP2413-4500 Naval Materiel Optimisation (NAVMATSEA Volume 4)”

FOI decision maker

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

Documents identified

2. I identified 15 documents as matching the description of the request.

3. The decision in relation to each document is detailed in a schedule of documents.

4. I have added an FOI reference number and document number to each of the documents, which corresponds with the schedule.

Decision

5. I have decided to:

- a. release 11 documents in full; and

- b. deny access to four documents under section 47C [public interest conditional exemptions-deliberative processes].

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); and
 - e. advice received from Directorate Navy Engineering Policy, Publications and Program.

Reasons for decision

Section 47C – Deliberative processes

- 7. Section 47C of the FOI Act conditionally exempts documents containing:

... deliberative matter that is in the nature of an opinion, advice or recommendation that has been obtained, prepared or recorded; or, a consultation or deliberation that has taken place, in the course of, or for the purposes of, a deliberative process of the government, an agency or a minister.
- 8. Upon examination of the documents I have identified that some of the documents matching the scope of the applicant's request contain material that I consider to be deliberative.
- 9. Documents 5, 6 and 8 to which access has been denied in full are draft documents containing advice, recommendations and supporting material gathered through consultation for consideration by the department. The documents have been approved by the Current Document Change Authority (CDCA), but they are not released for publication until they have been presented and endorsed via the Navy Library Configuration Control Board (CCB). The publication of these documents should occur in March 2020. Upon consideration, I find that the documents contain deliberative material and are conditionally exempt under section 47C(1) of the FOI Act.
- 10. Section 11A(5) provides that, if a document is conditionally exempt, it must be disclosed unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.
- 11. My public interest considerations are detailed below.

Public interest considerations – section 47C

- 12. In assessing whether disclosure is on balance, contrary to the public interest, I considered the Guidelines together with a range of factors set out in section 11B(3) of the FOI Act, which favours access to a document:
 - (a) *promote the objects of this Act (including all the matters set out in sections 3 and 3A);*
 - (b) *inform debate on a matter of public importance;*
 - (c) *promote effective oversight of public expenditure;*
 - (d) *allow a person to access his or her own personal information*

13. I note that disclosure of the requested documents may promote some of the objects of the FOI Act, as information held by the Government is a national resource. However, disclosure of the specific conditionally exempt material would not increase public participation in the Defence process, nor would it increase scrutiny or discussion of Defence activities.

14. While I accept there is a public interest in ensuring that Defence undertakes its functions in a transparent and proper manner, there is also a public interest in maintaining the confidentiality of some material contained in the documents while they are still in the deliberative stages. Additionally, I do not consider that disclosure of the material would promote oversight of public expenditure.

15. I consider that there is a strong public interest in preventing an adverse effect on the ability of Defence to both receive and prepare frank advice, the premature release of which could impede the effective completion of the matters under deliberation.

16. None of the factors listed in section 11B(4) of the FOI Act were taken into account when making this decision.

17. After weighing all of the above, I consider that, on balance the public interest factors against disclosure outweigh the factors for disclosure of the conditionally exempt material in the documents. Accordingly, I have decided that the specific material is exempt under section 47C of the FOI Act.

Further Information

18. Document 16 of the applicants request is the same document as requested at Document 5, therefore a duplication of the document has not be included in this request.

19. Document 12 was cancelled by Director General Engineering – Navy prior to its creation, therefore the document was not approved or published.

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NJ Mathews
Captain, Royal Australian Navy
Accredited Decision Maker
Navy Group