



## **DEFENCE FOI 331/21/22 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) which was lodged on 14 January 2022 for access to:

*“Correspondence with the Myanmar military junta, armed forces and Ministry of Defence since February 1, 2021, for electronic documents related to Myanmar or involving interaction with Myanmar junta agencies and officials through the ADMM-Plus Expert Working Group on Counter-Terrorism and ADMM's "Our Eyes" since February 1, 2021.”*

### **FOI decision maker**

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

### **Documents identified**

3. I identified 17 documents as matching the description of the request.
4. The decision in relation to each document is detailed in a schedule of documents.
5. I have added an FOI reference number and Item/Serial number to each of the documents, which corresponds with the schedule.

### **Exclusions**

6. Personal email addresses, signatures, PMKeyS numbers and mobile telephone numbers contained in documents that fall within the scope of the FOI request, duplicates of documents (including partial duplicates), and documents sent to or from the applicant are excluded from this request. Defence has only considered final versions of documents.

### **Decision**

7. I have decided to:
  - a. partially release 15 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)(ii) [Documents affecting defence] and/or section 33(a)(iii) [Documents affecting international relations] of the FOI Act;
  - b. deny access to two documents, as they are exempt under section 33(a)(ii) [Documents affecting defence] and/or section 33(a)(iii) [Documents affecting international relations] of the FOI Act; and
  - c. remove irrelevant material from the 15 partially released documents 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

8. 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; and
  - d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines).

## Reasons for decision

### Section 33(a)(ii) – Defence

9. Section 33(a)(ii) of the FOI Act exempts documents where disclosure would, or could reasonably be expected to, cause damage to the defence of Australia.
10. Upon examination of the documents, I identified information in documents 7, 8, and 9, the disclosure of which would have a material possibility of damaging the defence of Australia. I am satisfied that this information meets the requirements of section 33(a)(ii) of the FOI Act, and have decided that this information should be considered exempt.

### Section 33(a)(iii) – International relations

11. Section 33(a)(iii) of the FOI Act exempts documents where disclosure would, or could reasonably be expected to, cause damage to Australia's international relations, or would divulge information communicated in confidence to the Commonwealth by a foreign government, including an agency of a foreign government.
12. Upon examination, I identified information in all documents with the exception of document 15 which either could damage Australia's international relations and/or was communicated in confidence by a foreign government. I am satisfied that this information meets the requirements of section 33(a)(iii) of the FOI Act, and have decided this information should be considered exempt.

### Section 22 (where documents are being denied in full)

13. Subsection 22(1) of the FOI Act requires that where a decision maker denies access to a document they must consider releasing the document with exempt matter deleted.
14. In relation to documents 11 and 17, I have considered disclosing the document with deletions. However, I have decided against this course of action, as the document would be meaningless and of little or no value once the exempt material is removed.

## Further Information

15. Several documents matching the scope of this request were classified. I have declassified the versions of the documents that are approved for release.
16. Prior to making my decision, I consulted with the Department of Foreign Affairs and Trade (DFAT) on several in scope documents, which included material produced by or originating from DFAT.

Adam

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Accredited Decision Maker  
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