



Australian Government
Department of Defence

BP23644870

DEFENCE FOI 388/21/22 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) for access to:

“Please provide details relating to CN3390541, Jet Air Support to Australian Defence Force Training. In particular:

- 1. Number of hours, by month, flown by Discovery Air Defence Alpha Jets during this period.*
- 2. Hours allocated against training task and location, for example how many hours supporting JTAC training at Williamstown be it C Flight and/or B Flight, 4 Squadron. How many hours supporting Red Air adversary missions for the RAAF.*

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 have identified one document as matching the description of the request.
4. I have added an FOI reference number to the document.
5. One document was generated under section 17 of the FOI Act matching the description of this request. In accordance with section 17 of the FOI Act:
 - a. a written document was produced containing the information by using a ‘computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information’ (section 17(1)(c)(i)); and
 - b. producing the written document did not ‘substantially and unreasonably divert the resources of the agency from its other operations’ (section 17(2)).

Decision

6. I have decided to:
 - a. release one document in full; and
 - b. deny access to one document on the grounds that the document is exempt under section 33 [documents affecting national security, defence or international relations] of the FOI Act.

Material taken into account

7. 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. input provided from Capability Acquisition and Sustainment Group (CASG).

Reason for decision

Section 22

8. Section 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, where possible. I have considered disclosing the documents to you with deletions, but 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.

Section 33 – Documents affecting national security, defence or international relations

9. Section 33(a)(ii) of the FOI Act exempts a document from release if its disclosure would, or could reasonably be expected to, cause damage to the security, defence or international relationships of the Commonwealth.

10. Paragraph 5.34 of the Guidelines state:

Defence of the Commonwealth

The FOI Act does not define 'defence of the Commonwealth'. Previous Administrative Appeals Tribunal (AAT) decisions indicate that the term includes: ...

- *protecting the Defence Force from hindrance or activities which would prejudice its effectiveness .*

11. Having regard to the Guidelines relating to what could reasonably be expected to cause damage to the defence of the Commonwealth, I consider that the task number and location, number of hours, by month, flown by Discovery Air Defence Alpha Jets falls within this category. Specifically, providing intelligence on Australia's preparedness and training battle-rhythm will infer a level of capability when aggregated with other information.

12. In making this decision, I have taken into account the intelligence technique known as the "mosaic theory". Paragraph 5.39 of the Guidelines states:

"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." which could lead to an adversary applying this information and therefore undermining Defence's capability and effectiveness.

13. Having particular regard to the nature of the information within the document, including CASG advice on potentially compromising information related to our capabilities and preparedness, I have decided that the release of the number of hours, by month, flown by Discovery Air Defence Alpha Jets could reasonably be expected to cause damage to the defence of the Commonwealth. It is for those reasons I have decided that the material identified within part 1 of the scope of this request is exempt under section 33(a)(ii) of the FOI Act.

Further information

14. The document created under section 17 of the FOI Act, provides the total number of hours flown in support of Red Air adversary missions, as part of the Discovery Air Defence Alpha Jets contract during the period 09 November 2016 to 10 July 2019.

15. The total number of hours flown as part of the Discovery Air Defence Alpha Jets contract, including Red Air adversary missions is 1,985 during the period 09 November 2016 to 10 July 2019.

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A. Stainton

GPCAPT

Accredited Decision maker

Air Force