



*Objective Reference: AHQ/OUT/2022/BQ48759037*

**DEFENCE FOI 571/22/23 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT**

1. I refer to the request by [REDACTED] (the applicant), dated and received on 8 March 2023 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

*... Land Warfare Publication - General 7-3-0 General range Safety*

*Latest most up to date version of this document.*

**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 falling within the scope of the request.

**Decision**

4. Partially release the document 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 [documents affecting national security, defence or international relations] of the FOI Act.

**Material taken into account**

5. In making my decision, I have had regard to:
- the terms of the request;
  - the content of the identified document in issue;
  - relevant provisions of the FOI Act; and
  - 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) – Documents affecting national security, defence or international relations**

6. Section 33(a) of the FOI Act relevantly states:

*A document is an exempt document if disclosure of the document under this Act:*

*(a) would, or could reasonably be expected to, cause damage to:*

*(ii) the defence of the Commonwealth*

7. In regard to the terms ‘would, or could reasonably be expected to’ and ‘damage’, the Guidelines provide:

*5.16 The test requires the decision maker to assess the likelihood of the predicted or forecast event, effect or damage occurring after disclosure of a document.*

*5.17 The use of the word ‘could’ in this qualification is less stringent than ‘would’, and requires analysis of the reasonable expectation rather than certainty of an event, effect or damage occurring. It may be a reasonable expectation that an effect has occurred, is presently occurring, or could occur in the future.*

...

*5.31 The meaning of ‘damage’ has three aspects:*

- i. that of safety, protection or defence from something that is regarded as a danger. The AAT has given financial difficulty, attack, theft and political or military takeover as examples.*
- ii. the means that may be employed either to bring about or to protect against danger of that sort. Examples of those means are espionage, theft, infiltration and sabotage.*
- iii. the organisations or personnel providing safety or protection from the relevant danger are the focus of the third aspect.*

8. In regard to ‘defence of the Commonwealth’, the Guidelines, at paragraph 5.34, refer to previous Administrative Appeals Tribunal (AAT) decisions which provide that the term includes:

- a. meeting Australia’s international obligations;*
- b. ensuring the proper conduct of international defence relations;*
- c. deterring and preventing foreign incursions into Australian territory; and*
- d. protecting the Defence Force from hindrance or activities which would prejudice its effectiveness.*

9. I have identified material in the document which, upon release, could reasonably be expected to cause damage to the security of the Commonwealth by releasing information concerning the operational capabilities of the Army.

10. I find that disclosure of the information exempt under section 33(a)(ii) would cause, or could reasonably be expected to cause, damage to the security and defence of the Commonwealth by identifying operational tactics, techniques, procedures and capabilities. By releasing this information, an adversary may be able to assemble a more detailed picture of the operational capability of the Army, thereby reducing its effectiveness to secure and defend the Commonwealth.

11. Accordingly, I am satisfied that parts of the documents are exempt under section and 33(a)(ii) of the FOI Act.

joanne

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**Mrs Joanne**

Accredited Decision Maker

Army Headquarters

Department of Defence