



Australian Government

Defence

DEFENCE FOI 722/23/24

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

1. I refer to the request by [REDACTED] (the applicant), dated and received on 28 February 2024 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

Documents regarding issues/problems/concerns (whether they be technical, financial, supply-orientated, etc.) with regard to the installation of SAFRAN optronics masts on Collins Class submarines as part of the LOTE program, created since 1 January 2023, that were provided to:

- *Chief of Navy, and/or*
- *First Assistant Secretary, Submarines.*

I do not seek access to duplicates of any document captured within the scope of the request. I only seek access to final documents. Where only a draft exists, I seek access to the most recent draft.

I do not seek access to the mobile numbers or full email addresses of government officials, nor the names and contact details of government officials not in the Senior Executive Service or equivalent.



FOI decision maker

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

Documents identified

7. I have identified thirty-three (33) documents falling within the scope of the request.
8. The decision in relation to each document is detailed in the schedule of documents.

Exclusions

9. Signatures contained in documents that fall within the scope of the FOI request are excluded from this request.
10. Defence has only considered final versions of documents. If there was no final version created, Defence has considered draft documents in accordance with the applicant's request.

Decision

11. I have decided to:
 - a. partially release thirteen (13) 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 sections 33 [Documents affecting national security, defence or international relations], 34 [Cabinet documents], 47D [Public interest conditional exemptions – financial or property interests of the Commonwealth], 47E [Public interest conditional exemptions – effective and efficient operations of an agency], 47F [Public interest conditional exemptions – personal privacy] and 47G [Public interest conditional exemptions – business] of the FOI Act;
 - b. refuse access to twenty (20) documents on the grounds that the documents are considered exempt under sections 33 [Documents affecting national security, defence or international relations], 34 [Cabinet documents], 45 [Documents containing material obtained in confidence], 47 [Documents disclosing trade secrets or commercially valuable information], 47D [Public interest conditional exemptions – financial or property interests of the Commonwealth], 47E [Public interest conditional exemptions – effective and efficient operations of an agency], 47F [Public interest conditional exemptions – personal privacy] and 47G [Public interest conditional exemptions – business] of the FOI Act; and
 - c. remove irrelevant material in accordance with section 22 of the FOI Act.

Material taken into account

12. In making my decision, I have had regard to:
 - a. the terms of the request;
 - b. the content of the identified documents in issue;

- c. relevant provisions of the FOI Act;
- d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines);
- e. advice received from third party consultation; and
- f. advice received from the Department of the Prime Minister & Cabinet (PM&C) on Cabinet-related material.

REASONS FOR DECISION

Section 22 – Access to edited copies with exempt or irrelevant matter deleted

13. Section 22 of the FOI Act permits an agency to prepare and provide an edited copy of a document where the agency has decided to refuse access to an exempt document or that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access.
14. The documents being partially released contain exempt material and information that do not relate to the request.
15. I am satisfied that it is reasonably practicable to remove the exempt and irrelevant material and release the documents to you in an edited form.
16. Additionally, where a decision maker denies access in full to a document, section 22(1) of the FOI Act requires that they consider releasing the document with exempt matter deleted, if possible.
17. Paragraph 3.98 of the Guidelines provides that:

...an agency or minister should take a common sense approach in considering whether the number of deletions would be so many that the remaining document would be of little or no value to the applicant.
18. I have considered disclosing these documents to you with deletions, but have decided to refuse access as they would be meaningless and of little or no value once the exempt material is removed.

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

19. Section 33(a)(i) of the FOI Act 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:

- (i) the security of the Commonwealth*
- (ii) the defence of the Commonwealth*
- (iii) the international relations of the Commonwealth*

20. 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.*

...

Security of the Commonwealth: [Damages]

5.32 *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.*

Defence of the Commonwealth: [Damages]

5.37 *Damage to the defence of the Commonwealth is not necessarily confined to monetary damage ...However, in all cases, there must be evidence that the release of the information in question will be likely to cause the damage claimed.*

International Relations: [Damages]

5.40 *... The expectation of damage to international relations must be reasonable in all the circumstances, having regard to the nature of the information; the circumstances in which it was communicated; and the nature and extent of the relationship. There must also be real and substantial grounds for the exemption that are supported by evidence. These grounds are not fixed in advance, but vary according to the circumstances of each case.*

21. Additionally, the Guidelines provide:

Security of the Commonwealth

5.30 *The term ‘security of the Commonwealth’ broadly refers to:*

- (a) *the protection of Australia and its population from activities that are hostile to, or subversive of, the Commonwealth’s interests*
- (b) *the security of any communications system or cryptographic system of any country used for defence or the conduct of the Commonwealth’s international relations (see definition in s 4(5)).*

Defence of the Commonwealth

5.36 *The FOI Act does not define ‘defence of the Commonwealth’. Previous Administrative Appeals Tribunal (AAT) decisions indicate that the terms includes:*

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

International relations

5.39 *The phrase ‘international relations’ has been interpreted as meaning the ability of the Australian Government to maintain good working relations with other governments and international organisations and to protect the flow of confidential information between them. The*

exemption is not confined to relations at the formal diplomatic or ministerial level. It also covers relations between Australian Government agencies and agencies of other countries.

22. I have identified material in the documents which, upon release would, or could reasonably be expected to, cause damage to the security of the Commonwealth by making public a Defence capability that is highly classified. The exempt material contains sensitive information about a capability that could potentially allow bad actors with hostile intentions to exploit the Australian Defence Force. This information includes details that may be used by bad actors to deduce the availability of submarines and their capabilities.
23. Furthermore, I find that disclosure of the material would, or could reasonably be expected to, cause damage to the defence of the Commonwealth. In making Defence capability publicly known, Nation States not allied with Australia could take steps or devote resources to counter the capability and exploit weaknesses causing damage to the defence of the Commonwealth.
24. I find that disclosure of the documents exempted under section 33(a)(iii) of the FOI Act would cause, or could reasonably be expected to cause, damage to the international relations of the Commonwealth.
25. The documents within the scope of this request contain information which, if released, would, or could reasonably be expected to, damage the international relations of the Commonwealth. The documents contain information relating to Australia's relationship with foreign governments. The release of such information could harm Australia's international standing and reputation. It would, or could reasonably be expected to, limit the Commonwealth's ability to deal with those countries in relation to similar matters in the future. If divulged, I find that the relevant information would cause a loss of trust and confidence such that foreign officials would be less willing to engage with the Australian Government. Accordingly, the disclosure of such information could impact Australia's good working relations with those foreign governments as well as inhibit the flow of confidential information.
26. In applying section 33 exemptions, I have also taken into account the intelligence technique known as the "mosaic theory", whereby information in a document may not, itself, cause harm but in combination with other known information, it may contribute to a complete picture which results in harm (the 'mosaic theory'). The Guidelines state:

The mosaic theory

5.43 When evaluating the potential harmful effects of disclosing documents that affect Australia's national security, defence or international relations, decision makers may take into account not only the contents of the document but also the intelligence technique known as the 'mosaic theory'. 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. Therefore, decision makers may need to consider other sources of information when considering this exemption.

27. Accordingly, I assert further that the release of the identified material, when combined with information already in the public domain, could allow adversaries to undermine Defence's capability and effectiveness.

28. Based on the above reasoning, I am satisfied that the identified information is exempt under section 33(a) of the FOI Act.

Section 34 – Cabinet documents

29. Upon examination of the documents, I identified information that relates to a draft Cabinet submission and associated Ministerial briefing documents.

30. Section 34 of the FOI Act states:

- (1) *A document is an exempt document if:*
- (a) *both of the following are satisfied:*
- (i) *it has been submitted to the Cabinet for its consideration, or is or was proposed by a Minister to be so submitted;*
- (ii) *it was brought into existence for the dominant purpose of submission for consideration by the Cabinet; or*
- ...
- (c) *it is a draft of a document to which paragraph (a), (b), or (c) applies.*

31. In regards to section 34 of the FOI Act, the Guidelines state:

Cabinet documents (s 34)

5.63 The Cabinet documents exemption in s 34 of the FOI Act is designed to protect the confidentiality of Cabinet process and to ensure that the principle of collective ministerial responsibility (fundamental to the Cabinet system) is not undermined.

32. The Guidelines further state:

Documents included in exemption

5.68 The Cabinet exemption applies to the following classes of documents:

- (a) *Cabinet submissions that:*
- (i) *have been submitted to Cabinet; or*
- (ii) *are proposed for submission to Cabinet; or*
- (iii) *were proposed to be submitted but were in fact never submitted and were brought into existence for the dominant purpose of submission for the consideration of Cabinet (s 34(1)(a))*
- (b) *official records of the Cabinet (s 34(1)(b))*
- (c) *documents prepared for the dominant purpose of briefing a minister on a Cabinet submission (s 34(1)(c))*
- (d) *drafts of a Cabinet submission, official records of the Cabinet or a briefing prepared for a minister on a Cabinet submission (s 34(1)(d)).*

33. I have identified material in the documents that was brought into existence for the dominant purpose of briefing a Minister on a document which:

- was proposed to be submitted by a Minister to Cabinet for its consideration, and
- was brought into existence for the dominant purpose of submission for consideration by the Cabinet.

34. If disclosed, the material would reveal a Cabinet deliberation that has not been officially disclosed.
35. Furthermore, the Guidelines state that agencies should consult PM&C on any Cabinet-related material identified as being within the scope of an FOI request. Accordingly, PM&C have advised that they support the use of section 34 of the FOI Act in relation to the specified material.
36. For these reasons, I consider the identified information to be exempt under section 34(1)(c) of the FOI Act.

Section 45 – Documents containing material obtained in confidence

37. Section 45 of the FOI Act states:

(1) A document is an exempt document if its disclosure under this Act would found an action, by a person (other than an agency of the Commonwealth), for breach of confidence.

38. In relation to a breach of confidence, the Guidelines further explain:

Breach of Confidence

5.186 A breach of confidence is the failure of a recipient to keep confidential, information which has been communicated in circumstances giving rise to an obligation of confidence. The FOI Act expressly preserves confidentiality where that confidentiality would be actionable at common law or in equity.

...

5.189 To found an action for breach of confidence (which means s 45 would apply), the following 5 criteria must be satisfied in relation to the information:

- it must be specifically identified*
- it must have the necessary quality of confidentiality*
- it must have been communicated and received on the basis of a mutual understanding of confidence*
- it must have been disclosed or threatened to be disclosed, without authority*
- unauthorised disclosure of the information has or will cause detriment.*

39. Upon examination of the documents, I have formed the view that disclosure of the information would be a basis for an action to be brought against the Commonwealth for breach of confidence and for compensation to be sought for loss or damages arising from the disclosure. The information was obtained on the basis of a mutual understanding of confidence to ensure frank and open conversations. Outside formal reporting obligations, I believe disclosure of this information could have a substantial adverse effect on the future supply of information in similar situations.
40. Australian courts have generally accepted that business information which an entity generates about its activities as being inherently confidential. This can include pricing, sales statistics, order details, customer and supplier lists, negotiation information and customer requirements.
41. In view of the above, I find that the relevant material is exempt pursuant to section 45 of the FOI Act.

Section 47 – Documents disclosing trade secrets of commercially valuable information

42. Section 47 of the FOI Act states:

(1) A document is an exempt document if its disclosure under this Act would disclose:

...

(b) any other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed.

43. The Guidelines state that:

Information having a commercial value

5.234 To be exempt under s471(b) a document must satisfy 2 criteria:

- *the document must contain information that has a commercial value either to an agency or to another person or body, and*
- *the commercial value of the information would be, or could reasonably be expected to be, destroyed or diminished if it were disclosed.*

5.235 It is a question of fact whether information has a commercial value, and whether disclosure would destroy or diminish that value. ... The following factors may assist in deciding in a particular case whether information has a commercial value:

- *whether the information is known only to the agency or person for whom it has value or, if it is known to others, to what extent that detracts from its intrinsic commercial value*
- *whether the information confers a competitive advantage on the agency or person to whom it relates ...*
- *whether a genuine 'arm's length' buyer would be prepared to pay to obtain that information*
- *whether the information is still current ...*
- *whether disclosing the information would reduce the value of a business operation or commercial activity ...*

...

5.237 The second requirement of s47(1)(b) ... must be established separately by satisfactory evidence. ... It must be established that the disclosure would destroy or diminish the commercial value of the information.

44. Upon examination of the documents, I identified information that has a commercial value which would, or could reasonably be expected, to be diminished upon disclosure. I identified information relating to pricing, resourcing, technical solutions and risk assessments. This information is not in the public domain and would, or could reasonably be expected to, impact the Commonwealth's ability to effectively manage existing contracts and engage in future contract negotiations. This is because it is capable of providing competitors of third parties with sensitive information that would otherwise only be known to limited parties, thus conferring an unfair competitive advantage.

45. Accordingly, I consider that the release of the information would, or could reasonably be expected to, diminish commercial value and is exempt under section 47(1)(b) of the FOI Act.

Section 47D – Public interest conditional exemptions – financial or property interests of the Commonwealth

46. Section 47D of the FOI Act states:

A document is conditionally exempt if its disclosure under this Act would have a substantial adverse effect on the financial or property interests of the Commonwealth or of an agency.

47. Paragraph 6.90 of the Guidelines state:

Financial or property interests

6.90 The financial or property interests of the Commonwealth or an agency may relate to assets, expenditure or revenue-generating activities. An agency's property interests may be broader than mere buildings and land, and include intellectual property or the Crown's interest in natural resources.

48. In regards to the term 'substantial adverse effect', paragraph 5.20 of the Guidelines provides:

5.20 The term 'substantial adverse effect' broadly means 'an adverse effect which is sufficiently serious or significant to cause concern to a properly concerned reasonable person'. The word 'substantial', taken in the context of substantial loss or damage, has been interpreted as 'loss or damage that is, in the circumstances, real or of substance and not insubstantial or nominal'.

49. Upon examination of the documents, I identified commercially sensitive information which, if disclosed, would place the Commonwealth at a commercial disadvantage. Defence is considering courses of action that require negotiations with third party suppliers. The publication of this material before negotiations are complete, could severely disrupt contract negotiations by limiting the Commonwealth's commercial leverage. The Commonwealth must be able to achieve 'value for money' for the taxpayer during negotiations. I consider that disclosure of this information would, or could reasonably be expected to, have a substantial adverse effect on these contract negotiations.
50. The commercially sensitive information includes pricing information that was provided to Defence in confidence. Public release of this information could reasonably be expected to cause considerable detriment to the relevant industry entities by harming their competitive advantage. Furthermore, release of this information would have a substantial adverse effect on the frank and open future supply of information to the Commonwealth.
51. Upon examination of the documents, I identified information relating to Defence's cost estimates at a level of detail that is not currently in the public domain. Public release of this information could reasonably be expected to have a substantial adverse effect on Defence's ability to minimise expenditure, as Defence does not release its cost estimate when seeking tenders or proposals. Release of such information would prejudice Defence's ability to achieve 'value for money' by giving potential suppliers this inside information.
52. I identified information that is relevant to sensitive commercial matters that are currently being considered in another Defence program. This information is not in the public domain. Public release of this information could reasonably be expected to prejudice Defence's ability to resolve those commercial issues in such a manner that

minimises expenditure and therefore any potential damage to the Commonwealth's financial interests.

53. Taking the above into consideration, I am satisfied that the relevant information is conditionally exempt under section 47D of the FOI Act.

Section 47E – Public interest conditional exemptions – certain operations of agencies

54. Section 47E of the FOI Act states:

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

...

- (d) *have a substantial adverse effect on the proper and efficient conduct of the operations of the agency.*

55. The Guidelines, at paragraph 6.123, provide that:

The predicted effect must bear on the agency's 'proper and efficient' operations, that is, the agency is undertaking its expected activities in an expected manner.

56. Upon examination of the material, I have exempted from disclosure group inboxes of business areas within Defence. I am satisfied that were group inboxes of business areas made publicly available, it would have a substantial adverse effect on the proper and efficient operation of existing public communication channels. Further, I am satisfied of a reasonable expectation that the information could be used inappropriately, in a manner which adversely affects the health, wellbeing and work of Defence personnel. Disclosure of this information would, therefore, have a substantial adverse effect on the operations of Defence.
57. In addition, I have exempted from disclosure material within the scope of this request that would reveal Defence's internal policies and practices with regard to the evaluation of submissions under a 'Request for Tender' process. Revealing this information would impact the ability of the relevant business area to undertake their usual functions, including frank discussions about tender submissions. This could reasonably be expected to prejudice the effectiveness of each area's current operations in relation to undertaking their usual functions.
58. Upon examination of the documents, I identified material that relates to Defence's consideration of potential courses of action. The material included the matters that Defence considered and the process Defence followed. This information is not in the public domain. Public disclosure of this information would impact on the ability of Defence business areas to undertake their usual functions, including frank discussions about potential courses of action and the related benefits, risks and issues. This could reasonably be expected to prejudice the effectiveness of each area's current operations in relation to undertaking their usual functions, including strategies for engaging, negotiating with, and managing potential suppliers.
59. The Guidelines provide, at paragraph 6.120, that I should consider whether disclosure of the information 'would, or could reasonably be expected to lead to a change in the agency's processes that would enable those processes to be more efficient.' Given that there are designated points of contact for the public to use, and the information about

the tender process is not publicly available, I am satisfied that release of this information could reasonably be expected to lead to a change in Defence's processes that would not lead to any efficiencies.

60. Accordingly, I am satisfied that the identified information contained within the documents is conditionally exempt under section 47E(d) of the FOI Act.

Section 47F – Public interest conditional exemptions - personal privacy

61. Section 47F(1) of the FOI Act states:

A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).

62. The FOI Act shares the same definition of 'personal information' as the Privacy Act 1988 (Cth). The Guidelines provide that:

6.128 Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and*
- (b) whether the information or opinion is recorded in a material form or not.*

63. I found that the specified information contains personal information of third parties. This includes their names, email addresses and contact information, which would reasonably identify them.

64. In my assessment of whether the disclosure of personal information is unreasonable, I considered the following factors in accordance with section 47F(2):

- a. the extent to which the information is well known;*
- b. whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;*
- c. the availability of the information from publicly accessible sources; and*
- d. the effect the release of the personal information could reasonably have on the third party.*

65. I find that the relevant information is not widely known to be associated with the matters dealt with in the document and nor is it readily available from publicly accessible sources. Furthermore, I find that release of the personal information may, or could reasonably be expected to, cause distress to those individuals.

66. Accordingly, I am satisfied that the information is conditionally exempt under section 47F of the FOI Act.

Section 47G – Public interest conditional exemptions – business

67. Section 47G(1)(a) of the FOI Act states:

(1) A document is conditionally exempt if its disclosure under this Act would disclose information concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, in a case in which the disclosure of the information:

- (a) *would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs.*
- (b) *could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency for the purpose of the administration of a law of the Commonwealth or of a Territory or the administration of matters administered by an agency.*

68. I note that the use of the word ‘*could*’ in this provision requires only reasonable consideration of the possibility that disclosure may cause the consequences specified.

69. The Guidelines explain:

6.188 The test of reasonableness applies not to the claim of harm but to the objective assessment of the expected adverse effect....These considerations require a weighing of a public interest against a private interest, preserving the profitability of a business, but at this stage it bears only on the threshold question of whether the disclosure would be unreasonable.

70. The Guidelines also state:

6.184 The operation of the business information exemption depends on the effect of disclosure rather than the precise nature of the information itself. Nevertheless, the information in question must have some relevance to a person in respect of his or her business or professional affairs or to the business, commercial or financial affairs of an organisation or undertaking (s 47G(1)(a)).

71. The Guidelines go on to provide, at paragraph 6.192, ‘[t]he term ‘*business affairs*’ has been interpreted to mean ‘*the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs*’.

72. I identified business information contained in the documents. Outside formal reporting obligations, I believe that the disclosure of the specified information may deter the provision of complete and frank information. Third parties could be more less willing to share sensitive commercial information for fear of damage to their reputation, impact to their ‘*money making affairs*’ and loss of competitive advantage. Furthermore, disclosure of this information could have a substantial adverse effect on the future supply of information to Defence and unreasonably affect Defence’s significant commercial commitments.

73. Accordingly, I am satisfied that the information is conditionally exempt under section 47G(1)(a) of the FOI Act.

Public interest considerations - sections 47D, 47E(d), 47F and 47G

74. Section 11A(5) of the FOI Act states:

The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

75. I have considered the factors favouring disclosure as set out in section 11B(3) [factors favouring access] of the FOI Act. The relevant factors being whether access to the document would:

- (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.*

76. In my view, disclosure of this information would not increase public participation in the Defence process (section 3(2)(a) of the FOI Act), nor would it increase scrutiny or discussion of Defence activities (section 3(2)(b) of the FOI Act).
77. Paragraph 6.22 of the Guidelines specifies a non-exhaustive list of public interest factors against disclosure. The factors I find particularly relevant to this request are that release of this information could reasonably be expected to prejudice:
- the protection of an individual's right to privacy;
 - the interests of an individual or a group of individuals;
 - an agency's ability to obtain confidential information;
 - an agency's ability to obtain similar information in the future; and
 - the management function of an agency.
78. I consider that it is in the public interest to maintain the confidentiality of information relating to contract negotiations in order to ensure that Defence is able to achieve the best 'value for money' outcomes for the taxpayer.
79. In my view, it would be contrary to the public interest to disclose personal information of third parties that would cause unnecessary distress. Furthermore, the public interest is better served in protecting the privacy of individual's personal details from release to the public at large.
80. I consider that releasing third party business information would reduce confidence in Defence's ability to protect third party business information, which could then have an adverse effect on Defence's ability to conduct and manage working relationships with its suppliers in the future.
81. I have not taken any of the factors listed in section 11B(4) [irrelevant factors] of the FOI Act into account when making this decision.
82. I am satisfied, based on the above particulars, the public interest factors against disclosure outweigh the factors for disclosure, and that, on balance, it is against the public interest to release the information to you. Accordingly, I find that the information is exempt under sections 47D, 47E(d), 47F and 47G of the FOI Act.

FURTHER INFORMATION

83. Some of the documents matching the scope of this request contained a dissemination limiting marker (DLM). Where documents have been approved for public release, the DLM has been struck through.

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[REDACTED]
Accredited Decision Maker
Naval Shipbuilding and Sustainment Group
Department of Defence