



BP48278672

DEFENCE FOI 754/24/25

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

1. I refer to the request by [REDACTED] (the applicant), dated and received on 12 March 2025 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

...the cover pages of the following RAAF publications:

F-111C Flight Manual

F-18A Hornet Flight Manual

F-18F Super Hornet Flight Manual.

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 two (2) documents as falling within the scope of the request.

Exclusions

4. Signatures contained in documents that fall within the scope of the FOI request, are excluded from this request. Defence has only considered final versions of documents.

Decision

5. I have decided to:
 - a. partially release one (1) 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 47E [Public interest conditional exemption – certain operations of agencies] of the FOI Act;
 - b. refuse access to one (1) document on the grounds that the document is considered exempt under section 33 [Documents affecting national security, defence, international relations and relations] of the FOI Act; and
 - c. remove irrelevant material in accordance with section 22 of the FOI Act.

Material taken into account

6. 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); and
- e. advice from Headquarters Air Combat Group (HQACG).

REASONS FOR DECISION

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

7. 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.
8. Document 1 contains exempt and irrelevant material that does not relate to the request.
9. 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.
10. Where a decision maker denies access to a document, section 22(1) of the FOI Act requires that they consider releasing the document with exempt matter deleted, if possible.
11. 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.
12. In the case of document 2, I have decided to refuse access to the document as it would be meaningless and of little or no value once the exempt material is removed.
13. Where whole pages are considered to be exempt in full or irrelevant to the scope of the request, these pages have been removed from the released document pack.

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

14. Section 33(b) of the FOI Act states:

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

(b) would divulge any information or matter communicated in confidence by or on behalf of a foreign government, an authority of a foreign government or an international organization to the Government of the Commonwealth, to an authority of the Commonwealth or to a person receiving the communication on behalf of the Commonwealth or of an authority of the Commonwealth.
15. I find that disclosure of the document exempt under section 33(b) of the FOI Act would divulge information or matter communicated in confidence by or on behalf of

an authority of a foreign government to a person receiving the communication on behalf of the Commonwealth.

16. In making this decision, I found that the relevant material was received from a foreign government and communicated in confidence to Defence personnel. I am satisfied that the release of this information could reasonably be expected to cause damage to international confidence and close relationships with other countries would seriously affect Defence's ability to deliver on its obligations to protect Australia's interests. Further, this information is not readily available to the public. As such any release of the information would cause a loss of trust and confidence in the Australian Government officials and Australian businesses in the future.
17. Accordingly, I am satisfied that the document is exempt under section 33(b) of the FOI Act.

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

18. Section 47E(d) 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.

19. The Guidelines, at paragraph 6.115, provide that:

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

20. In the case of 'ABK' and *Commonwealth Ombudsman* [2022] AICmr 44, the Information Commissioner (IC) found that where the direct email addresses and phone numbers of agency staff are not publicly known, they should be conditionally exempt under section 47E(d). The IC made this determination due to reasonable expectation that the release of direct contact details would undermine the operation of established channels of communication with the public. Further, the IC accepted that staff who were contacted directly could be subject to excessive and abusive communications, which may give rise to work health and safety concerns.
21. I am satisfied that were the contact details of Defence personnel made publicly available, it would have substantial adverse effects 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 names could, therefore, reasonably be expected to prejudice the operations of Defence.
22. Further, the documents contain internal Defence file numbers that are not otherwise publicly available. I am of the view that disclosure would provide insight into the structure of the Defence Records Management System – Objective, and could reasonably be expected to compromise the security and integrity of Defence by

making public details of a system used by personnel to organise and undertake their work.

23. The Guidelines provide, at paragraph 6.112, 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 the direct contact details within the document are not publicly available and that more appropriate communication channels are already available, I am satisfied that release of the information could reasonably be expected to lead to a change in Defence’s processes that would not lead to any efficiencies.
24. Accordingly, I am satisfied that the information contained within the documents is conditionally exempt under section 47E(d) of the FOI Act.

Public interest considerations - section 47E

25. 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.

26. 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.

27. 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).
28. Paragraph 6.233 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 interests of an individual or a group of individuals; and
 - the personnel management and management function of an agency.
29. It is in the public interest that Defence efficiently and productively operates with regard for the health and wellbeing of its personnel. As I have established above, the release of the names, email addresses and phone numbers of Defence personnel can reasonably be expected to prejudice the management and personnel management functions of Defence. Existing communication channels and processes enable efficient and appropriate liaison with the public. The direct contact details of Defence

personnel should, therefore, not be disclosed, as the public interest against their disclosure outweighs the public interest in their release.

30. Further, 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 strong public interest in maintaining the confidentiality of the material contained in the documents.
31. 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.
32. 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 section 47E of the FOI Act.

FURTHER INFORMATION

33. In regard to the applicants request for the F-111C Flight Manual cover page, advice received from HQACG notes that it is publicly available and can be accessed via the following link: <https://www.flight-manuals-online.com/product/general-dynamics-f-111/>. The first two images of Item 2 display the F-111C cover pages.



Accredited Decision Maker
Royal Australian Air Force