



**DEFENCE FOI 365/24/25 STATEMENT OF REASONS – REVISED DECISION
UNDER SECTION 55G OF *THE FREEDOM OF INFORMATION ACT 1982***

1. I refer to [REDACTED] (the applicant)’s request for Information Commissioner (IC) Review of the Department of Defence (Defence)’s deemed affirmation decision of 10 January 2025.

Background

2. On 14 November 2024, the applicant made a request to Defence for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

“I seek access to procedures established by the Secretary for the Department, or by any other relevant person, pursuant to the obligation arising under s 59(3) of the Public Interest Disclosure Act 2013 (Cth).”

3. Defence identified one document falling within the scope of the request.

4. On 10 December 2024, Defence decided to partially release one document with deletions made 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 was considered exempt under sections 47E(c) and 47E(d) of the FOI Act [public interest conditional exemptions - certain operations of agencies].





Scope of the external review

12. Taking into account the applicant's contentions, Defence understands that the applicant is seeking review of the application of the following exemptions to the documents which form the subject of the IC review:

- section 47E(d) exemption claims over the document contents; and
- section 47E(c) exemption claim over the author's name and title.

13. I understand that the applicant does not dispute the application of section 47E(c) of the FOI Act to the author's signature.

Document subject to this revised decision

14. The purpose of this statement of reasons is to provide the applicant with a revised decision under section 55G of the FOI Act [Procedure in IC review – revocation or variation of access refusal decision] in relation to their request.

Revised decision

15. After careful consideration, I have decided to **vary** the original decision by:

- a. removing the redactions made at paragraphs 20, 22, 28, 32, 66, 75, 78, 80, 81, 89, 90, 99, 102, 113, 119 – 121, 124, 128 – 129 and 134 of the document under section 47E(d) of the FOI Act;
- b. releasing the author's name and title on page 23 of the document; and
- c. maintaining the removal of the author's signature under section 47E(c) of the FOI Act, which is not in dispute.

16. This has the practical effect of releasing the document with only one exemption claim over the signature of the author on page 23 under section 47E(c) of the FOI Act remaining. I rely on the reasons outlined in the original decision dated 10 December 2024 in maintaining the removal of this signature.

Material taken into account

17. In arriving at my decision, I had regard to:

- a. the scope of the applicant's request and subsequent internal review application;
- b. the applicant's IC review application;
- c. the original decision;
- d. the content of the document under IC review;
- e. relevant provisions in the FOI Act;
- f. the Guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
- g. consultation with the line area, the Investigations and Public Interest Disclosures Branch, Defence Integrity Division.

Findings and Reasoning

18. Following consultation with the line area, it has been determined that, in relation to the information previously exempted under section 47E(d) of the FOI Act, although there is a predicted negative effect on Defence's ability to undertake its investigative processes through

disclosure of this information, there are other mechanisms in place which would allow Defence to conduct investigations effectively and that the predicted effect of disclosure would therefore not be substantial and adverse.

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Special Advisor – Freedom of Information Review
Associate Secretary Group