



DEFENCE FOI 467/24/25

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

1. I refer to the request by John Davis (the applicant), dated and received on 12 December 2024 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

I am seeking the ADF Joint Doctrine Hierarchy Chart as a PDF Document. This should be something similar to what the US Department of Defence has made available via their website where they outline where different parts of their Joint Doctrine fits within the various types of Doctrine such as either Capstone, Philosophical, Integration or Application, type of Doctrine, as described per this link here - <https://www.acmc.gov.au/defence-doctrine-documents>

Background

2. On 18 December 2024, with the applicant's written agreement Defence extended the period for dealing with the request from 11 January 2025 until 10 February 2025 in accordance with section 15AA [extension of time with agreement] of the FOI Act.

FOI decision maker

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

Documents identified

4. I have identified two documents as falling within the scope of the request.

Exclusions

5. Duplicates of documents, and documents sent to or from the applicant are excluded from this request. Defence has only considered final versions of documents.

Decision

6. I have decided to:
 - a. release one document in full; and
 - b. partially release one 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(a) [Documents affecting national security, defence or international relations] of the FOI Act.

Material taken into account

7. In making my decision, I have had regard to:
 - c. the terms of the request;
 - d. the content of the identified documents in issue;

- e. relevant provisions of the FOI Act;
- f. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
- g. discussions with Director ADF Doctrine, ADF HQ.

REASONS FOR DECISION

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

- 8. 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.
- 9. The document identified as being released in part contains exempt material.
- 10. I am satisfied that it is reasonably practicable to remove the exempt material and release the documents to you in an edited form.

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

- 11. 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*

- 12. 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.

...

5.32 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.

13. In regard to 'security of the Commonwealth', the Guidelines provide at paragraph 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; and*
(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)).

14. Upon examination of the documents, I have identified material which, upon release, would, or could reasonably be expected to cause damage to the security of the Commonwealth by making public, information relating to the location of classified Defence material.
15. I am of the view that disclosing the location of classified material would pose a direct threat to the security of the Commonwealth by increasing the risk of unauthorised access. Publicly revealing the materials location could enable adversaries with hostile intentions to exploit the information, and use it to plan targeted attacks or build intelligence regarding Defence systems.
16. Accordingly, I consider disclosure contrary to Australia's national interest, and am satisfied the information is exempt under section 33(a)(i) of the FOI Act.

G.F. Downing Digitally signed
 by G.F. Downing
 Date: 2025.02.06
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G.F. Downing
 Accredited Decision Maker
 Vice Chief of the Defence Force Group
 Department of Defence