



**Australian Government**  
**Department of Defence**

Reference: BN360641

**FOI 046/19/20 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT**

1. I refer to the application by \_\_\_\_\_ under the *Freedom of Information Act 1982* (FOI Act), for access to:

*“The most recent Question Time Brief(s) which relate to plans by China to station personnel and equipment at Ream naval base in Cambodia.*

*Excluding personal email addresses, signatures, PMKeys numbers and mobile telephone numbers, contained in documents that fall within the scope of the FOI request. In addition, excluding duplicates of documents.”*

**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 identified two documents as matching the description of the request.

**Decision**

4. I have decided to:

- a. release one document in full;
- 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)(iii) [Documents affecting international relations] and section 33(b) [Matter communicated in confidence by a foreign government]; and
- c. remove material irrelevant to the scope of the request in accordance with section 22(1)(b)(ii) of the FOI Act.

**Material taken into account**

5. In making my decision, I had regard to:

- a. the terms of the request;
- b. the content of the identified documents in issue;
- c. relevant provisions in 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 received from the Department of Foreign Affairs and Trade.

## Reasons for decision

### Section 33(a)(iii) – the international relations of the Commonwealth

6. Section 33(a)(iii) of the FOI Act exempts information that, if disclosed, would or could reasonably be expected to cause damage to the international relations of the Commonwealth.

7. Paragraph 5.36 of the Guidelines describes international relations as the ability of the Australian Government to maintain good working relations with other governments and international organisations.

8. I have identified information in one of the identified documents that could prejudice Australia's relationships with foreign governments and their officials. Release of this information could reasonably be expected to cause a loss of trust and confidence in the Australian government and, as a result, foreign officials may be less willing to engage with Australian Government officials in the future. I have therefore determined that this material is exempt under section 33(a)(iii) of the FOI Act.

### Section 33(b) – matter communicated in confidence by a foreign government

9. Section 33(b) of the FOI Act exempts material from release if its disclosure 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 organisation 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.

10. I have identified information in one of the identified documents which was communicated in confidence by foreign officials. In paragraph 5.42 the Guidelines state that:

*The test is whether information is communicated in confidence between the communicator and the agency to which the communication is made – it is not a matter of determining whether the information is of itself confidential in nature.*

11. In considering the information, I determined that the material was received under an understanding that it would be kept confidential. As such, I have decided that this material is exempt under section 33(b) of the FOI Act.

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Joanne Groves  
 Accredited Decision Maker  
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