



Reference: BJ4144362

**FOI 264/19/20 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT**

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

*“The most substantive document produced in the last 6 months containing information about seaworthiness and the LHDs (Canberra class) capacity to deliver integrated combat capabilities in amphibious warfare, humanitarian assistance, disaster relief and sealift”.*

**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 one document as matching the description of the request.

**Decision**

4. I have decided to partially release the 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 [Documents affecting national security, defence or international relations] 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 Navy Headquarters.

**Reasons for decision**

**Section 33 – Documents affecting defence or international relations**

6. Section 33(a)(ii) of the FOI Act exempts material from release if its disclosure would or could reasonably be expected to, cause damage to the defence of the Commonwealth.

7. In regards to the term, ‘could reasonably be expected to’, the Guidelines specify:

*5.16 the test requires the decision maker to assess the likelihood of the predicated or forecast event, effect or damage occurring after disclosure of a document.*

8. While the FOI Act does not define ‘defence of the Commonwealth’, previous Administrative Appeals Tribunal decisions indicate the term includes protecting the Defence Force from hindrance or activities which could prejudice its effectiveness.

9. The document in scope contains information on the testing of the operational capability of the Landing Helicopter Docks (LHDs) – a fundamental input for a sensitive Defence capability. Disclosure of this information could give insight into the Commonwealth’s ability to manage and apply that capability, such disclosure could reasonably be expected to cause damage to the defence of the Commonwealth by providing adversaries with a military advantage.

10. In evaluating the potential harmful effects of disclosing the information, I have taken into account the ‘mosaic theory’, which refers to individual pieces of information that may not be harmful in isolation, but may cause damage to the defence of the Commonwealth when combined with other publicly available information and material released in the document.

11. 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.

12. 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.

13. I have identified information that could prejudice Australian’s relationship 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.

14. I have therefore determined that the material is exempt under sections 33(a)(ii) and 33(a)(iii) of the FOI Act.

#### **Further Information**

15. The document released as part of this request contained a dissemination limiting marker, as the document is approved for public release the marker has been struck through.

**Nick.Mathews** Digitally signed by Nick.Mathews  
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**NJ Mathews**  
Captain, Royal Australian Navy  
Accredited Decision Maker  
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