



Australian Government
Department of Defence

Objective Reference: BN17965630

FOI 501/19/20 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:

“Ministerial submissions and any other briefings provided by the Department of Defence between 1 January 2020 and 29 February 2020 to the Minister for Defence, the Minister for Defence Industry, the Minister for Defence Personnel and/or the Assistant Defence Minister concerning the coronavirus (COVID-19) outbreak in China (including briefing relating to planning, preparations and actions to deal with the virus in Australia)”

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 four documents as matching the description of the request.

Decision

4. I have decided to:

- a. release three documents 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 section 33(a)(iii) [Documents affecting international relations] of the FOI Act;
- c. remove irrelevant material removed 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 third parties and subject matter experts within Defence.

Reasons for decision

Section 33 – National security, defence or international relations

6. Section 33(a)(iii) of the FOI Act states that a document is exempt if disclosure would, or could reasonably be expected to, cause damage to the international relations of the Commonwealth. In regard to international relations the Guidelines state:

International Relations

5.36 The phrase 'international relations' has been interpreted as meaning the ability of the Australian Government to maintain good working relations with other governments and international organisations and to protect the flow of confidential information between them. The exemption is not confined to relations at the formal diplomatic or ministerial level. It also covers relations between Australian Government agencies and agencies of other countries.

7. In relation to damage reasonably expected, the Guidelines state:

5.28 The relevant damage may be intangible, such as inhibiting future negotiations between the Australian Government and foreign government, or the future flow of confidential information from a foreign government or agency.

8. Upon examination of the material in one document in scope of the request, I identified information pertaining to the work of the Department of Defence and the Government of the Republic of Fiji. While I am releasing the vast majority of that material, disclosure of some information could impinge on Defence's relationship with that government.

9. After considering the above, I am satisfied that the information discussed above meets the requirements of section 33(a)(iii) of the FOI Act and is therefore exempt.

Further Information

10. Some of the documents matching the scope of this request contained a dissemination limiting marker (DLM). Where documents have been approved for public release, the DLM has been struck through.

joanne.groves

Digitally signed by

joanne.groves

Date: 2020.06.25 14:39:53

+10'00'

Joanne Groves
Accredited Decision Maker
Associate Secretary Group