



Defence Reference: FOI 618/19/20

FOI 618/19/20 - 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:

“information regarding the date the decision was made by the CDF and the recommendation that was made by the Chiefs of Service Committee”

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.

3. I have interpreted the scope of this request to mean that [REDACTED] is seeking documentation related to the Defence Chiefs of Service Committee consideration of specific aspects of the Clarke Review, which included consideration of service at Rifle Company Butterworth. I have taken this view because the applicant has noted in his email “as the RCB performed its role over a period of 19 years the legislation and policy in force during the period needed to be identified and applied to the circumstances with the Butterworth Airbase during the period.”

Documents identified

4. I identified one document as matching the description of the request; and a search of Defence records identified the relevant dates requested by the applicant.

Decision

5. I have decided to release one document in full; and
6. remove irrelevant information in accordance with section 22(1)(b)(ii) of the FOI Act.

Material taken into account

7. 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; and
- d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines).

Reasons for decision

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

8. Section 22(1) of the FOI Act states:

*(b) It is possible for the agency or Minister to prepare a copy (an **edited** copy) of the document, modified by deletions, ensuring that:*

(ii) *the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request;*

9. In considering the application, I am cognisant that the applicant's request is specific to service at Rifle Company Butterworth and that the Clarke Review recommendation which spanned service in World War II through to East Timor in 2000. I have identified areas of the Chiefs of Service Committee considerations which, while not specific to Rifle Company Butterworth, were focused on the Indonesian Confrontation and released those recommendations.

10. Material redacted in the partially released document has been assessed as irrelevant to the applicant's request.

Specific dates requested

11. The applicant has requested two specific dates as part of this request. The Chiefs of Service Committee considered the Clarke Review during a session held in Canberra on 19 February 2003. The Chief of Defence, in considering the Chiefs of Service Committee recommendations, wrote to the Minister on 4 March 2003, advising that Defence did not agree to all aspects of the Clarke Review, specifically its approach of applying today's standards and values (legislation and policies) to past operations and activities.

Further information

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

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COL Jason Logue
Accredited Decision Maker
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