



**DEFENCE FOI 356/23/24**

**STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982**

1. I refer to the request by Foifoi Mcgee (the applicant), dated and received on 18 October 2023 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

*...all documents, including reports, meeting minutes and correspondence held by the Department of Defence that either support, contradict or relate to the Ministers statement that Israel is acting within the rules of law.*

**Background**

2. On 14 November 2023, with the applicant's written agreement Defence extended the period for dealing with the request from 17 November 2023 until 1 December 2023.

**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 one document as falling within the scope of the request.

**Exclusions**

5. Duplicates of documents are excluded from this request. Defence has only considered final versions of documents.

**Decision**

6. 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 irrelevant.

**Material taken into account**

7. In making my decision, I have had regard to:
- a. the terms of the request;
  - b. relevant provisions of the FOI Act;
  - c. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines);
  - d. advice received on document searches conducted by Defence Legal; Joint Operations Command; Strategy, Policy, and Industry Group and Vice Chief of the Defence Force Group; and
  - e. advice received from a relevant Commonwealth agency by way of courtesy consultation.

**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 contains and information that does not relate to the request.
10. I am satisfied that it is reasonably practicable to remove the irrelevant material and release the document to you in an edited form.



Nicole Dever  
Accredited Decision Maker  
Associate Secretary Group  
Department of Defence