



Objective Reference: AHQ/OUT/2024/BQ57466575

DEFENCE FOI 406/23/24

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

1. I refer to the request by James Smith (the applicant), dated and received on 2 November 2023 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

...the fitness standards to be met and tests to be passed as required of full time and reserve Army personnel for those over 50 years of age and holding the rank of Lieutenant Colonel or higher. [Item 1]

Please could you provide a table by age, rank, full time or reserve employment showing whether the relevant demographic passed, failed or did not complete the relevant fitness test, from 1 January 2021 to date. [Item 2]

Background

2. On 24 November 2023, with the applicant's written agreement Defence extended the period for dealing with the request from 2 December 2023 until 23 December 2023 in accordance with section 15AA [extension of time with agreement] of the FOI Act.
3. On 5 February 2024, the Office of the Australian Information Commissioner (OAIC) issued a direction to make a revised decision under section 55G [revocation or variation of access refusal decision] of the FOI Act by 26 February 2024.

Scope of external review

4. Noting the OAIC's correspondence of 5 February 2024, three documents matching the scope of the applicant's request are the subject of the external review.
5. The purpose of this correspondence is to provide the applicant with a revised decision under section 55G [procedure in IC review – revocation or variation of access refusal decision] of the FOI Act.

FOI decision maker

6. I am the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

7. I have identified two documents as matching the description of Item 1 of the request.
8. To satisfy Item 2 of the request a document has been created in accordance with section 17 of the FOI Act. The document was created on the basis that:

- A document was produced containing the information by using a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information s17(1)(i), and
- Producing the document did not substantially and unreasonably divert resources of the agency from its other operations s17(2).

Exclusions

9. Duplicates of documents, and documents sent to or from the applicant are excluded from this request. Defence has only considered final versions of documents.

Revised Decision

10. I have decided to:
- partially release two documents 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 irrelevant;
 - release one document in full; and
 - remove irrelevant material in accordance with section 22 of the FOI Act.

Material taken into account

11. In making my decision, I have had regard to:
- the terms of the request;
 - the content of the identified documents in issue;
 - relevant provisions of the FOI Act; and
 - 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

12. 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.
13. The documents contain exempt material and information does not relate to the request.
14. I am satisfied that it is reasonably practicable to remove the exempt and irrelevant material and release the documents to you in an edited form.
15. Where a decision maker denies access to a document, section 22(1) of the FOI Act requires that they consider releasing the document with exempt matter deleted, if possible.

16. Paragraph 3.98 of the Guidelines provides that:

...an agency or minister should take a common sense approach in considering whether the number of deletions would be so many that the remaining document would be of little or no value to the applicant.

17. I have considered disclosing the documents to you with deletions, but have decided to refuse access to the document as it would be meaningless and of little or no value once the exempt material is removed.

FURTHER INFORMATION

18. 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.

Mrs Joanne Groves
Accredited Decision Maker
Army Headquarters
Department of Defence