



**BN53028553**

**DEFENCE FOI 161/22/23 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT**

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

*“The passenger manifests and flight logs of all vip flights operated on the RAAF airbus, falcon 7X and boeing business jets between September 14th 2022 till September 23rd 2022.domestically and internationally.”*

**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.

**Decision**

3. I have decided to defer the access to documents in accordance with section 21(1)(b) and 21(1)(c) of the FOI Act.

**Material taken into account**

4. In making my decision, I had regard to:
- a. the terms of the applicant’s request
  - b. relevant provisions in the FOI Act
  - c. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines).

**Reasons for decision**

**Section 21 – Deferment of access**

5. Section 21 of the FOI Act states:

(1) *An agency which, or a Minister who, receives a request may defer the provision of access to the document concerned:*

....

- (b) *if the document concerned has been prepared for presentation to Parliament or for the purpose of being made available to a particular person or body or with the intention that it should be so made available – until the expiration of a reasonable period after its preparation for it to be so presented or made available; or*
- (c) *if the premature release of the document concerned would be contrary to the public interest – until the occurrence of any event after which or the expiration*

*of any period of time beyond which the release of the document would not be contrary to the public interest;*

.....

- (2) *Where the provision of access to a document is deferred in accordance with subsection (1), the agency or Minister shall, in informing the applicant of the reasons for the decision, indicate, as far as practicable, the period for which the deferment will operate.*

6. Paragraph 3.101 of the Guidelines state:

*Where an agency or Minister decides to grant access to a document, they may defer access:*

- *where the document has been prepared for presentation to Parliament or for the purpose of being made available to a particular person or body, or with the intention that it should be so made available – until the expiration of a reasonable period after its preparation for it to be so presented or made available (s21(1)(b))*
- *where the premature release of the document would be contrary to the public interest – until an event occurs or the period of time expires after which the release of the document would not be contrary to the public interest (s21(1)(c)).*

7. The Minister for Defence is responsible for tabling the *Schedule of Special Purpose Flights* in Parliament twice a year in June (for the six months ending the previous 31 December) and December (for the six months ending the previous 30 June). Accordingly, the *Schedule of Special Purpose Flights* for the period 30 June 2022 to 31 December 2022 will be tabled in Parliament in June 2023.

8. The requirement to table information about Special Purpose Flights in Parliament is so that it can be made available to the general public thereby reducing the need for the public to continually seek formal access. I have therefore decided to defer access to the documents as they are being prepared for presentation to Parliament. Deferment of access will operate for a reasonable period after the documents concerned have been prepared for them to be so presented.

9. Additionally, I consider that the premature release of these documents would be contrary to the public interest at this time. While I acknowledge that there is a public interest in disclosure of official information to inform legitimate public debate, there is a greater public interest in following established procedures for accessing this information.

**PR Davies, CSC**  
 Group Captain  
 Accredited Decision Maker  
 Royal Australian Air Force