



Australian Government
Department of Defence

Reference: AM3128046

FOI 376/16/17 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the application by Ms Kellie Tranter under the *Freedom of Information Act 1982* (FOI Act), for access to:

“...Pursuant to the Freedom of Information Act 1982 (Cth) I request copies of documents, cables or correspondence relating to the use-or knowledge of the use-of white phosphorus munitions in Iraq and Syria by the Department of Defence or the US-led coalition in 2017...”

FOI decision maker

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

Documents identified

3. I identified two documents as matching the description of the request.

Decision

4. I have decided to refuse access to the documents of the request on the grounds that the deleted material is considered exempt under section 7 [exemption of certain persons and bodies] 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 from Headquarters Joint Operations Command Ministerial Liaison Officer.

Reasons for decision

Section 7 – Exemption of certain persons and bodies

6. Section 7(2A) of the FOI Act (supplemented by Schedule 2, Part II) lists agencies that are exempt from the operation of the Act in relation to particular types of documents. The exemption extends to a part of a document that contains an extract from or a summary of an intelligence agency document, or a defence intelligence document.

7. I am satisfied that material contained in both identified documents pertains to intelligence originating from or to an agency exempt from the operations of the Act, as identified in s7(2A)(a), or is associated with the collection, reporting or analysis of

operational intelligence (Schedule 2, Part II). Accordingly, I have decided to refuse access under section 7(2A) of the FOI act.

Additional Information

8. Searches within Headquarters Joint Operations Command (HQJOC) found no other relevant documents matching the scope of the request. HQJOC undertook a search of the Electronic Document Register System (EDMS), additionally staff within the Air Operations Centre (AOC), advised: 'Australia does not have white phosphorous based or incendiary munitions, ... Australia does not keep records of other coalition member strikes.'

N.A. CRAM
Group Captain
Accredited Decision Maker
Joint Operations Command Group

19 July 2017