



Reference: ASA FOI 024/23/24 IR

ASA FOI 024/23/24 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

1. I refer to email correspondence dated 4 May 2024 from [redacted] (the applicant), seeking an internal review under section 54 of the *Freedom of Information Act 1982* (FOI Act), in relation to the Australian Submarine Agency's (ASA) decision of 3 May 2024 (referenced as FOI 024/23/24).

2. The applicant's original request was for access to the following under the FOI Act:

It is understood that contract CN3960520 was entered into to facilitate Mr Grzeskowiak looking into a site on Defence Land for a high level radioactive waste management facility to received spent submarine nuclear fuel and operational nuclear waste.

I seek access to 1) the contract and 2) any written communication between the Defence/ASA and Mr Grzeskowiak that proceeded contract signature that relates to the scope and purpose of the review.

I do NOT seek access to the mobile numbers or full email addresses of government officials, nor the names and contact details of government officials not in the Senior Executive Service or equivalent. I do ask that junior official's position or titles be left unredacted, along with email domains that provide useful information as to the origin and destination of communication e.g. '[redacted]@defence.gov.au'.

Background

3. On 7 March 2024, the applicant submitted the original request for documents under the FOI Act.

4. On 26 March 2024, the period for dealing with the request was extended from 6 April 2024 until 6 May 2024, under section 15(6) [extension of processing period to comply with requirements of section 26A, 27 or 27A] of the FOI Act to enable consultation with third parties in accordance with section 27 of the FOI Act.

5. On 3 May 2024, the original decision was provided to the applicant.

Original Decision

6. The original deciding authority identified one document as falling within the scope of the request, which was partially released to the applicant.

Contentions

7. In the applicant's request for an internal review, it is contended:

... on the face of the documents, some of the 47E(d) redactions do not seem to go to that sort of information.

8. Specifically, the applicant is seeking a review of the section 47E(d) conditional exemptions on page 1 (paragraphs 1 & 2) and page 13 (Table 1) of the document released under FOI 024/23/24 (“*contended material*”).

9. The purpose of this statement of reasons is to provide the applicant with a fresh decision in relation to the *contended material*.

Reviewing officer

10. I am authorised to make this internal review decision in accordance with arrangements approved by the Director-General of Australian Submarine Agency under section 23 of the FOI Act.

Documents subject to internal review

11. In view of the applicant’s contentions, the subject of this internal review is the *contended material* identified above at paragraph 8.

Internal review decision

12. After careful consideration, I have decided to vary the original decision by releasing in full the *contended material* found on page 1 (paragraphs 1 & 2) and page 13 (Table 1) of the document.

13. The ASA maintains the previous exemption claims over the remainder of the document, as per the Statement of Reasons dated 2 May 2024. The findings and reasons in support of those exemption claims are contained in that original Statement of Reasons.

14. As all other material in the document is out-of-scope with regard to this internal review and thus, in the same form as previously provided to the applicant, I have decided not to provide another copy of that material.

Material taken into account

15. In arriving at my decision, I had regard for:

- a. the scope of the applicant’s request and subsequent internal review application;
- b. the original decision;
- c. the content of the documents subject to the internal review;
- d. the relevant provisions in the FOI Act;
- e. the *Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act* (the Guidelines);
- f. the passage of time;
- g. advice received from subject matter experts within the ASA; and
- h. responses received as part of the third party consultation process.



Assistant Director-General, Government and Public Relations
Australian Submarine Agency