



Australian Government

Defence

FOI 074/24/25

Deborah-May Torrens

foi+request-11750-b7569ac7@righttoknow.org.au

Dear Deborah-May,

NOTIFICATION OF A REQUEST CONSULTATION PROCESS – FOI 074/24/25

I refer to your request for access to the following documents, in the possession of the Department of Defence (Defence) under the *Freedom of Information Act 1982* (Cth) (FOI Act).

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

I am writing to tell you that I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this agency from its other operations due to its size. This is called a 'practical refusal reason' (section 24AA).

On this basis, I intend to refuse your request. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act. You have **14 days** to respond to this notice in one of the ways set out below.

Reason for Intending to Refuse Your Request

In your request of 24 July 2024, you sought:

...I request documents and reports under the FOI Act 1982, that relate to experiments and the use of Direct Energy Weapons (DEW) in Australia.

For the purpose of providing this notice, I have considered whether processing your request would be unreasonable. I consider that processing your request, as it currently stands, would be unreasonable because the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the agency from its other operations.

Section 24(1) of the FOI Act provides that an agency may refuse to give access to documents in accordance with an FOI request if:

- a practical refusal reason exists in relation to the request; and
- following a request consultation process under section 24AB of the FOI Act, the agency is satisfied that the practical refusal reason still exists.

Section 24AA(1)(a)(i) of the FOI Act provides that a practical refusal reason exists in relation to an FOI request if the work involved in processing the request would substantially and unreasonably divert the resources of the department from its other operations.

I find that a significant amount of resources would have to be diverted to arrange for the required searches to be undertaken, to then review any documents that were identified as being possibly relevant to your request, and finally, to undertake the decision making process on any documents that did meet the parameters of your request.

Preliminary searches undertaken by one Defence line area who could reasonably be expected to hold documents has identified a minimum of 5000 that may fall within the scope of your request. Searches included the terms “Directed Energy Weapon” AND “Experimentation”. The types of documents vary from email correspondence to reports. Using a conservative estimate of three minutes to examine and determine whether each document it is within scope, it would take an officer of Defence over 250 hours to review the material for relevance alone. This estimate does not include time to consult with any persons in relation to the request, deciding whether to grant, refuse or defer access, redacting any exempt material from the documents, making copies etc. As such, I regard the actual time required to fulfil this request to be considerably higher than the estimate above and am satisfied that a practical refusal reason exists in relation to your request.

Request Consultation Process

You now have an opportunity to revise your request to enable Defence to process it.

Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing information that is more specific and date range of exactly what documents you are interested in, Defence will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not of interest.

Before the end of the consultation period, you must do one of the following, in writing:

- Withdraw your request
- Make a revised request
- Tell us that you do not wish to revise your request.

The consultation period starts on the day after you receive this notice and ends on 18 September 2024.

During this period, you are welcome to seek assistance from the contact person I have listed below to revise your request. If you revise your request in a way that adequately addresses the practical refusal reason outlined above, we will recommence processing it. (Please note that the time taken to consult you regarding the scope of your request is not taken into account for the purposes of the 30 day time limit for processing your request.)

In your consideration of submitting a revised request, you may like to consider:

- providing a targeted date range for documents. For instance, 1 Mar 2020 to 31 Dec 2020;
- being more specific about the type of directed energy technology; and
- being more specific about the type of experimentation or use of the technology.

If you do not do one of the three things listed above during the consultation period or you do not consult the contact person during this period, your request will be taken to have been withdrawn.

Contact Officer

If you would to revise your request or have any questions, the contact officer for your request is:

Ryan
Freedom of Information Case Manager
Email: foi.casemanagement@defence.gov.au

Yours sincerely,

Maggie Woods

Accredited Decision Maker
Defence Science and Technology Organisation
Department of Defence
PO Box 1500
Edinburgh SA 5111
04 September 2024