



Australian Government

Defence

FOI 554/24/25

SC

foi+request-12750-d50195ed@righttoknow.org.au

Dear SC,

NOTIFICATION OF A REQUEST CONSULTATION PROCESS – FOI 554/24/25

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 the broad scope. 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, you sought documents relating to:

...copies of any documents held by the Department of Defence that pertain to artificial intelligence (AI) safety, created or received from 1 November 2024 to the present. This includes, but is not limited to:

- Internal reports, memoranda, or briefing notes discussing AI safety considerations.*
- Correspondence (including emails) between departmental officials regarding AI safety.*
- Minutes or records of meetings where AI safety was discussed.*
- Policy documents or drafts related to the development or implementation of AI safety standards.*

If there are additional documents related to the development, consultation, or implementation of AI safety measures that are not publicly available, I would appreciate access to those as well.

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 diver 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.

Preliminary searches undertaken by one team that could reasonably be expected to hold documents, has identified that a significant amount of resources would have to be diverted to commence initial considerations of your request and to arrange for the required searches to be undertaken. This is because as it is currently written, all Groups and Services within Defence would be required to undertake document searches to locate material relevant to the scope of your request.

As a result of these searches, the Defence line area identified in excess of 600 documents that would need to be reviewed for relevance in the first instance. Using a conservative estimate of three pages per document and two minutes to examine each page, it would take one full time staff member in excess of 62.5 hours to review the material for relevance alone. This estimate does not reflect the time required to conduct additional searches of information holdings for all relevant Defence teams, does not include time to consult with any persons in relation to the request, and does not include the time required to grant, refuse or defer access or redact 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 your request as it is currently framed, constitutes valid practical refusal grounds.

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 more specific information about 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 interested in.

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 **17 February 2025**.

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:

- limiting your request to documents held by a particular Defence line area;
 - Preliminary searches indicate that Data Division, within the Associate Secretary Group, would hold documents relevant to your request.

- limiting your request to be for one type of document (i.e. report/s); and
- limiting your request to be for documents relating to a specific topic or decision.

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

Contact Officer

If you would like to revise your request or have any questions, please contact the Case Manager by email, foi.casemanagement@defence.gov.au.

Yours sincerely,

Simon
JOYCE 3

Digitally signed
by Simon JOYCE 3
Date: 2025.02.03
14:56:13 +11'00'

Simon Joyce
Accredited Decision Maker

Department of Defence
Russell Offices
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Canberra BC ACT 2610
03 February 2025