



DEFENCE FOI 655/22/23

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

1. I refer to the request by [REDACTED], dated and received on 5 April 2023 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

"I am trying to determine RANs use of Point Perpendicular Jervis Bay Territory live firing range. I do not need details of armaments or ship, just the number of days the range was closed to the public due to live firing - NOT small arms training. The years required are 1990 - 2000 - 2010 - 2020/21/22 - 6 years in total."

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.

Documents identified

3. One document has been generated under Section 17 of the FOI Act matching the description of the request. In accordance with section 17 of the FOI Act:
 - documents were produced containing the information requested by using 'a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information' (section 17(1)(c)(i)); and
 - producing the document did not 'substantially and unreasonably divert resources of the agency from its other operations' (section 17(2))

Decision

4. I have decided to:
 - a. release the document created under section 17 [requests involving use of computers] of the FOI Act in full.
 - b. refuse part of the request under section 24A [requests may be refused if documents cannot be found, do not exist or have not been received] of the FOI Act;

Material taken into account

5. In making my decision, I have had regard to:
 - a. the terms of the request;
 - b. the content of the identified documents in issue;
 - c. relevant provisions of 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. guidance from the Directorate of Training Area Management as the current operators of the range and Navy as the previous operators of the range.

REASONS FOR DECISION

Section 24A – Requests may be refused if documents cannot be found, do not exist or have not been received

6. Section 24A(1) of the FOI Act states:

- (1) *An agency or Minister may refuse a request for access to a document if:*
 - (a) *all reasonable steps have been taken to find the document; and*
 - (b) *the agency or Minister is satisfied that the document:*
 - (i) *is in the agency's or Minister's possession but cannot be found; or*
 - (ii) *does not exist.*

7. In relation to the number of days the range was closed to the public due to live firing in 1990, 2000 and 2010, the booking system for Beecroft Air Weapons Range only contains records from 2017. As a result, Defence have been unable to find any records that provide information regarding the closure of the Range in 1990, 2000 and 2010.
8. I am satisfied that all reasonable steps have been taken to locate the documents sought by the applicant. I am satisfied that the documents cannot be found or do not exist, and refuse the request under section 24A(1) of the FOI Act.

FURTHER INFORMATION

9. The document has been generated in the form of a table detailing the number of days that the Beecroft Air Weapons Range was closed for live fire activities from 1 Jan 2020 to 31 Dec 2022.
10. Current operators of the range have noted the years 2020, 2021 and 2022 are not representative of patterns of behaviour due to the bushfires, COVID and flooding, which variously affected personnel movement, collective training and range access.

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Accredited Decision Maker

Security and Estate Group

Department of Defence