



DEFENCE FOI 400/24/25

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

1. I refer to the request by Deborah-May (the applicant), dated and received on 23 November 2024 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

AI usage in Operation COVID Assist:

Documentation, reports, videos, or transcripts regarding the use of AI before, during, and after the operation.

Specific details on how AI systems were utilised in areas such as planning, logistical support, data analysis, or decision-making.

AI governance and oversight in Defence operations:

Records on risk assessments, governance measures, and oversight of AI systems used in Defence operations.

Any documented scenarios or contingency plans addressing potential risks from AI systems, such as failures, adversarial exploitation, or unintended subgoal emergence.

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. I identified no documents as falling within the scope of the request.

Decision

4. I have decided to refuse 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. relevant provisions of the FOI Act;
 - c. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
 - d. advice received from relevant personnel within Joint Operations Command (JOC), Vice Chief of the Defence Force Group (VCDFG), Joint Capabilities Group (JCG), Defence People Group (DPG) Security and Estate Group (SEG) and Defence Science and Technology Group (DSTG).

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. Paragraph 3.94 of the Guidelines advises the detail this statement of reasons should include to refuse a request under section 24A(1):

...the statement of reasons given to the applicant should sufficiently identify the document, explain why it cannot be found or is known not to exist or to be in the agency's possession, describe the steps the agency took to search for the document, and note the limitations of any search...

8. Personnel within JOC, VCDFG, JCG, DPG, SEG and DSTG conducted searches of their respective files held within the Defence Records Management System, Objective, and the Parliamentary Document Management System (PDMS) for documents containing the words 'AI', 'A.I.', 'DAIC', 'artificial intelligence', 'COVID-19', 'Operation COVID assist', 'COVID assist', 'artificial', 'intelligence', 'Operation Covid', 'Artificial Systems', 'Artificial Intelligence usage' and/or 'AI usage'. No records were found matching the applicant's scope.

9. Further, subject matter expert advice indicates that Defence did not use Artificial Intelligence (AI) for any planning or reporting activities in Operation COVID Assist.

10. 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.

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Date: 2024.12.19 13:41:20
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Christopher Austin, ADC
Accredited Decision Maker
Headquarters Joint Operations Command
Department of Defence