



OFFICIAL

# Freedom of Information (FOI) request

Notice of Decision

Reference: FOI/2024/375

To Ms Deborah-May Torrens

Via email: [foi+request-12318-31fafc6c@righttoknow.org.au](mailto:foi+request-12318-31fafc6c@righttoknow.org.au)

Dear Ms Torrens

I refer to your request to the Department of the Prime Minister and Cabinet (the Department), under the *Freedom of Information Act 1982* (the FOI Act), received on 13 November 2024.

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

## Scope of request

You set out your request in the following terms:

*I am contacting The Department of the Prime Minister and Cabinet, to request documentation, Reports, videos or transcripts of Operation Covid Assist and Operation Covid Shield Tabletop exercises etc..., showing whether AI was used before, during and after Operation Covid Assist, and in what areas and to what degree, considering the following;*

- 1. Once the AI subgoal of survival has emerged, the change of acting to remove mankind as a threat is around ninety to ninety-five percent.*
- 2. The subgoals of AI being self preservation, resource acquisition, eliminating obstacles, avoiding interference, self improvement, creating backups, expanding influence and attempting to control other systems.*
- 3. With most Australian military hardware either controlled by AI or hackable, AI could very well destroy Australias' remaining weapons in one massive strike.*

## Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

## Material taken into account

In reaching my decision I have had regard to the following:

- the terms of your request
- searches undertaken by the Department
- the FOI Act
- the FOI Guidelines issued by the Information Commissioner under section 93A of the FOI Act (the Guidelines)

## Decision

I have decided to refuse your request under section 24A(1) of the FOI Act, on the grounds the Department has taken all reasonable steps to locate the documents you have requested, and those documents do not exist.

### Reason for decision

My findings of fact and reasons for deciding to refuse your request for access are set out below.

#### 1. Documents cannot be found or do not exist

Section 24A(1) of the FOI Act provides:

*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.*

In determining what the FOI Act means with respect to 'all reasonable steps', I have had regard to the Guidelines which discuss the meaning of 'reasonable' in section 24A(1)(a). It is not designed to go beyond the limit assigned by reason, not to be extravagant or excessive, rather to be moderate and of such an effort to be appropriate or suitable to the circumstances<sup>1</sup>.

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<sup>1</sup> Paragraph 3.88 of the Guidelines

The Department, more specifically, the Health Branch and the Defence Intelligence Branch, has conducted searches for any relevant records which would meet the terms of your request in the Outlook email system, SharePoint file repository system, and the Parliamentary Document Management System. There were no documents found to be in the possession of the Department.

I am satisfied the measures taken by the Department to locate documents in response to your request under the FOI Act, as outlined above, are appropriate and suitable given the circumstances. After taking all reasonable steps to find the documents, no documents relevant to your request have been identified.

Accordingly, I am refusing your request for access under section 24A(1) of the FOI Act as the documents you have requested do not exist.

## Review rights

If you disagree with my decision, you may apply for internal review or Information Commissioner review of the decision.

### Internal review

Under section 54 of the FOI Act, you may apply in writing to the Department for an internal review of my decision. The internal review application must be made within 30 days after the date of this letter, please attach the reasons why you disagree with the decision.

Applications for review should be sent to [foi@pmc.gov.au](mailto:foi@pmc.gov.au).

### Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days after the date of this letter. You can apply using the [OAIC Web Form](#).<sup>2</sup>

## FOI Complaints

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the

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<sup>2</sup> <https://webform.oaic.gov.au/prod?entitytype=ICReview&layoutcode=ICReviewWF>

Information Commissioner must be made in writing. You can make a complaint using the [OAIC Web Form](#).<sup>3</sup>

If you wish to discuss any aspect of your requests, you can contact the FOI Section by email at [foi@pmc.gov.au](mailto:foi@pmc.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'R de Burgh', is centered on a white rectangular background.

Russell de Burgh  
Assistant Secretary  
Health Branch  
Department of the Prime Minister and Cabinet

13 December 2024

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<sup>3</sup> <https://webform.oaic.gov.au/prod?entitytype=Complaint&layoutcode=FOIComplaintWF>