



DEFENCE FOI 004/24/25

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

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

1. Detailed operational plans and briefing documents for both Operation COVID Shield and Operation COVID Assist:

Specific to the period from 1 March 2020 to 31 December 2020.

*2. Documents outlining the mission objectives and assessments of the outcomes:
For the same period as above.*

3. Information on resource allocation, including personnel, equipment, and financial sources and resources:

Again, focusing on the same timeframe.

*4. Logistics plans and supply chain management details during the operations:
Restricted to the period from 1 March 2020 to 31 December 2020.*

5. Internal communications, including but not limited to electronic communications such as emails, memos, and meeting minutes related to planning and execution:

From 1 March 2020 to 31 December 2020, specifically between high-level officials directly involved in the operations.

Background

2. On 1 July 2024, the applicant submitted a request under the FOI Act to Defence in the following terms:

...I am contacting Your Department to request information and documentation relating to 'Operation Covid Shield' and 'Operation Covid Assist', which were conducted as part of 'Wargames'. <https://www.defence.gov.au/defence-activities/operations>

3. On 29 July 2024, Defence formally consulted with the applicant in accordance with section 24AB of the FOI Act. On the same day, the applicant revised the scope of their request to the terms outlined in paragraph 1.
4. On 30 July 2024, Defence contacted the applicant to seek written agreement for Defence to extend the period for dealing with the request in accordance with section 15AA [extension of time with agreement] of the FOI Act. No record of response was received.

FOI decision maker

5. I am the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Decision

6. I have decided to refuse this request for access under section 24AA(1)(a)(i) of the FOI Act on the basis that the work involved in progressing this request would substantially and unreasonably divert resources of the Department from its other operations.

Material taken into account

7. In making my decision, I have had regard to:
- a. the terms of the request;
 - b. the volume of documents within the scope of the request;
 - 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. advice provided by Headquarters Joint Operations Command (HQJOC).

REASONS FOR DECISION**Section 24AA – When does a practical refusal reason exist?**

8. Section 24AA of the FOI Act outlines when a practical refusal reason exists for the purposes of section 24. Relevantly, section 24AA(1)(a) provides that a practical refusal reason exists if:

- (a) *the work involved in processing the request:*
- i. *in the case of an agency—would substantially and unreasonably divert the resources of the agency from its other operations*

9. Section 24(1) of the FOI Act provides that:

If an agency or Minister is satisfied, when dealing with a request for a document, that a practical refusal reason exists in relation to the request (see section 24AA), the agency or Minister:

- (a) *must undertake a request consultation process (see section 24AB); and*
- (b) *if, after the request consultation process, the agency or Minister is satisfied that the practical refusal reason still exists—the agency or Minister may refuse to give access to the document in accordance with the request.*

10. In considering whether a practical refusal reason exists I had regard to the matters set out in section 24AA(2), namely the resources required to perform the following activities:

- a. identifying, locating or collating documents within the filing system of the agency or minister;
 - b. examining the documents;
 - c. deciding whether to grant, refuse or defer access;
 - d. consulting with other parties;
 - e. redacting exempt material from the documents; and
 - f. notifying a final decision to the applicant.
11. HQJOC undertook searches using keywords such as ‘COVID Assist’ and/or ‘COVID Shield’, in the date range of 1 March 2020 to 31 December 2020.
12. The searches identified 1673 documents (approximately 5000 pages) that potentially fall within the scope of the request, and would be required to be reviewed to confirm their relevance. The types of documents vary from email correspondence to reports. In addition to the 1673 documents located, there will be documents attached to certain email correspondence, such as spreadsheets and reports. Examining these documents adds a considerable amount of hours to this task. Using a conservative estimate of two minutes to examine and determine whether each document is within the scope of your request, it would take an officer of Defence approximately 56 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. Even at a conservative estimate of one minute per page or three minutes per document, the decision making process is estimated to take an excess of 83 hours to process. I note that this does not include the hours spent examining records that may be attached to the initial documents.
13. Taking all the above into consideration, I am satisfied that a practical refusal reason exists in relation to your request and deem that the work required to progress it would substantially and unreasonably divert the resources of the Department. On this basis, I refuse access under section 24AA(1)(a)(i) of the FOI Act.

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Natasha Srbinoski
Accredited Decision Maker
Headquarters Joint Operations Command
Department of Defence