



Objective Reference: AHQ/OUT/2022/BQ43596141

DEFENCE FOI 185/22/23 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the application by Craig Dunlop (the applicant) under the *Freedom of Information Act 1982* (FOI Act) for access to:

Item 1. ... *the document, or documents, detailing how the ADF procured the “child doll” and “sex toy” referred to in this article, as well as any items used in the so-called 'dehumanising' portions of the Conduct After Capture Level C course. I am informed the kind of objects include, but are not limited to child dolls, sex toys, dog collars and dog bowls. My request is limited to objects the ADF owns, or has owned in the five years prior to this request (whether the purchase was made during this period or prior to it).*

My request includes, but is not limited to, requisition forms, purchase orders and receipts relating to the procurement of the abovementioned items, irrespective of how those documents are officially referred to by the ADF.

My request further includes any internal correspondence (whether by email, text message, paperwork such as AC565 or SP020 forms, or other means) in which any ADF member requested approval to purchase the abovementioned items, in which any ADF member has approved the purchase of the abovementioned items, or in which any ADF member has detailed the rationale for the purchase of the abovementioned items.

Item 2. *If the “child doll” is a child sex doll (the type which is commonly seized by law enforcement agencies) and was obtained via, or with the cooperation of a law enforcement agency, I seek any correspondence relating to the ADF’s child doll(s) between any ADF member and any employee of that law enforcement agency (or agencies) relating to any assistance given in obtaining the child doll.*

Item 3. *Finally, I request any images of the abovementioned items the ADF has.*

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 matching the scope of this 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 had regard to:
 - a. the terms of the request
 - b. the content of the identified documents in issue
 - c. relevant provisions in the FOI Act
 - d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines)
 - e. advice provided by the Defence Force School of Intelligence.

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:

Document lost or non-existent

- (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 section 24A(1), paragraph 3.94 of the Guidelines advises:

... 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. To ensure that 'all reasonable steps' have been taken in this request, every reasonable avenue of locating the documents has been exhausted.
9. The Defence Force School of Intelligence (DSI) does not now, nor has DSI ever previously owned or employed a 'child sex doll' on Conduct After Capture (CAC) Level C activities. DSI has not ever purchased any dolls or sex toys through the ADF procurement processes.

10. DSI maintains a 'props box' containing a variety of items used to support simulated 'non-Geneva Convention compliant' interrogation techniques in accordance with Conduct After Capture (CAC) learning outcomes. DSI has never used Commonwealth funds to purchase items within the 'props box' for use on CAC Level C activities. These props have all been donated by Resistance Trainers over time. The use of these props is pre-planned by the Resistance Trainer and briefed to the Shift Senior Trainer who then authorises their use in accordance with the allocated session method and technique. None of these props fit the description of the 'child sex doll' referred to in Item 2 of this request.

11. It is unreasonable to expect to review substantial hours of CCTV footage to obtain images of the props. DSI has since taken images of the individual props, however, this was done in response to this FOI request and is therefore outside the scope of this request.

12. The accumulation of this information could be used to generate intelligence to enhance an adversary's interrogation techniques that would neutralise the positive effects generated by CAC Level C training. This would undermine the ability of the training to meet its stated purpose of preparing ADF personnel to survive capture with dignity. The outcome of such actions would imperil the safety and security of our personnel and cause damage to the defence of the Commonwealth.

13. 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

14. Military operations conducted overseas by members of the ADF carry some risk that personnel may be captured, detained, interrogated and exploited by an adversary, threat group, foreign military force or Foreign Government. To mitigate this risk, the ADF delivers CAC training to members who have been identified as being at an elevated risk of capture. The training seeks to provide ADF members with knowledge and skills not only to survive capture in such circumstances whilst protecting vital information relating to military operations, but also to maintain a degree of mental, emotional and physical health. The course therefore aims to teach ADF personnel strategies that will enable them to survive capture with dignity.

15. The detailed content, training methods and survival strategies exercised on a CAC Level C training activity are sensitive from an operational security perspective. An understanding of ADF CAC techniques and procedures by an enemy would enable our adversaries to alter their interrogation tactics, techniques and procedures to improve their chances of successfully exploiting detained or captured ADF personnel. In a worst case scenario, this could pose a risk to the lives of ADF personnel captured or detained in the future.

16. The release of images of every single item in the CAC Props box to open source media would enable an adversary to understand the types of activities that could conceivably be conducted on an ADF CAC Level C activity. The accumulation of this information could be used to generate intelligence to enhance an adversary's interrogation techniques that would

neutralise the positive effects generated by CAC Level C training. This would undermine the ability of the training to meet its stated purpose of preparing ADF personnel to survive capture with dignity.

N Wilson
COL
Accredited Decision Maker
Army