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Our ref: 2017/119

11 November 2016

Mr Phillip Sweeney

Via Email: [foi+request-2217-44a8403f@righttoknow.org.au](mailto:foi+request-2217-44a8403f@righttoknow.org.au)

Dear Mr Sweeney ,

On 5 September 2016 you wrote to the AFP seeking access under the *Freedom of Information Act 1982* (the FOI Act) to:

- *Any correspondence between the Australian Federal Police and the Australian Criminal Intelligence Commission between 15 August 2016 and the [date of your application] concerning Mr Jarrett, the Elders IXL Superannuation Fund or Operation Albert.*

On 5 October 2016 the AFP made a decision refusing your request under section 24A(b)(ii) of the Act as no documents could be identified. On 2 November 2016 you sought internal review of that decision.

This letter sets out my decision on internal review. I am an authorised decision-maker under section 23 of the FOI Act.

## **DECISION**

I have reviewed the searches conducted in relation to this FOI request, and I am satisfied that searches were conducted appropriately and, as such, no documents were identified that fall within the scope of your request.

I have also reviewed your submission that documents that ought to fall within the scope of this request have been released to you through other FOI requests. Having reviewed all of your FOI requests, I can find no documents that meet the criteria in the scope of your request.

On this basis, your request for access is refused under section 24A(b)(ii) of the Act.

Section 24A states:

*"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."*

## **RIGHTS OF REVIEW**

If you are dissatisfied with this decision, you may seek a review by the *Information Commissioner (IC)*

In making your application you need to provide:

- an address for notices to be sent (this can be an email address).
- A copy of this decision.

It would also help if you set out the reasons for review in your application.

Applications for a review of the decision should be addressed to:

Office of the Australian Information Commissioner  
GPO Box 5218  
Sydney NSW 2001

## **Right to Complain**

Section 70 of the Act provides that a person may complain to the IC about action taken by this Department in relation to your application.

A complaint to the IC may be made in writing and identify the agency against which the complaint is made.

The IC may be contacted on 1300 363 992. There is no particular form required to make a complaint, but the complaint should set out the grounds on which you consider the action should be investigation.

Yours sincerely,



Nathan Scudder  
Coordinator  
Freedom of Information  
Chief Counsel Portfolio