



Australian Government
**Australian Commission for
Law Enforcement Integrity**

Our ref: 02/17
Your ref:

15 December 2016

"Damaged Goods"

By e-mail: foi+request-2807-a4c69851@righttoknow.org.au

Dear Sir/Madam

Your Freedom of Information Request – Notice of Receipt and Decision

I refer to your e-mail of 5 December 2017 seeking access under the *Freedom of Information Act 1982* (the FOI Act) to information relating to "accountant Jeffrie Nivens". A copy of your request is attached to this e-mail at **Attachment A**.

I am an authorised decision-maker under section 23 of the FOI Act. This letter is a notice of receipt and also sets out my decision on your request for access.

Decision

Having overseen a search of ACLEI records, I have located 0 documents relevant to your request. If a document with such information exists, I have determined that it has never been in the possession of ACLEI.

Accordingly, your request is refused under subsection 24A(1) of the FOI Act.

If you believe that a member of the Australian Federal Police has acted corruptly, you may wish to report your concerns to contact@aclei.gov.au.

Review rights

You are entitled to seek review of this decision. Your rights are set out at **Attachment B** to this letter.

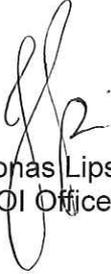
Relevant provisions

I have enclosed copies of the provisions of the FOI Act relevant to your request at **Attachment C** to this letter.

Contacts

If you require clarification of any of the matters discussed in this letter you should contact the ACLEI FOI Co-ordinator by phone on 02 6141 2300, or by e-mail at foi@aclei.gov.au .

Yours faithfully

A handwritten signature in black ink, appearing to be 'JLipsius', written over the printed name.

Jonas Lipsius
FOI Officer

ATTACHMENT A - REQUEST FROM APPLICANT

Lipsius, Jonas

From: Damaged goods <foi+request-2807-a4c69851@righttoknow.org.au>
Sent: Monday, 5 December 2016 8:22 AM
To: ACLEI FOI
Subject: TRIM: Freedom of Information request - Why has it taken police over 6 years to prosecute Jeffrie Nirens for fraud

Dear Australian Commission for Law Enforcement Integrity,

Under FOI I humbly request information into:

Why has the case against accountant Jeffrie Nirens taken over 6years to be tried in court.

Why is the crime squad allowing this man to Rome free and earn over 90k per year while his 150 plus victims wait for justice.

Why is h permitted to apply for dismissal due to mental health issues. What evidence is there to support such a claim?

Where is the 150million he reportedly invested and lost on behalf of his victims?

Why can he owe 4.5million to the ATO and not be held accountable?

Yours faithfully,

Damaged goods

Please use this email address for all replies to this request:

foi+request-2807-a4c69851@righttoknow.org.au

Is foi@aclei.gov.au the wrong address for Freedom of Information requests to Australian Commission for Law Enforcement Integrity? If so, please contact us using this form:

https://www.righttoknow.org.au/change_request/new?body=aclei

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:

<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

ATTACHMENT B - REVIEW RIGHTS

You are entitled to seek review of this decision.

Internal Review

Firstly, under section 54 of the FOI Act, you may apply for an internal review of the decision. Your application must be made by whichever date is the later between:

- 30 days of you receiving this notice; or
- 15 days of you receiving the documents to which you have been granted access.

An internal review will be conducted by a different officer from the original decision-maker. No particular form is required to apply for review although it will assist your case to set out in the application the grounds on which you believe that the original decision should be overturned. An application for a review of the decision should be addressed to:

Executive Director
Australian Commission for Law Enforcement Integrity
GPO Box 305
CANBERRA CITY ACT 2601
foi@aclei.gov.au

If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner for a review of the internal review decision.

External review by the Australian Information Commissioner

Alternatively, under 54L of the FOI Act, you may seek review of this decision by the Australian Information Commissioner without first going to internal review. Your application must be made within 60 days of you receiving this notice.

The Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. More information is available on the Information Commissioner's website www.oaic.gov.au.

You can contact the Information Commissioner to request a review of a decision online or by writing to the Information Commissioner at:

GPO Box 2999
Canberra ACT 2601

Complaints to Ombudsman or Information Commissioner

You may complain to either the Commonwealth Ombudsman or the Information Commissioner about action taken by ACLEI in relation to the application. The Ombudsman will consult with the Information Commissioner before investigating a complaint about the handling of an FOI request.

Your enquiries to the Ombudsman can be directed to:

Phone 1300 362 072 (local call charge)
Email ombudsman@ombudsman.gov.au

Your enquiries to the Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)
Email enquiries@oaic.gov.au

There is no particular form required to make a complaint to the Ombudsman or the Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify ACLEI as the relevant agency.

ATTACHMENT C – RELEVANT FOI ACT PROVISIONS

24A Requests may be refused if documents cannot be found, do not exist or have not been received

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.

Document not received as required by contract

- (2) An agency may refuse a request for access to a document if:
 - (a) in order to comply with section 6C, the agency has taken contractual measures to ensure that it receives the document; and
 - (b) the agency has not received the document; and
 - (c) the agency has taken all reasonable steps to receive the document in accordance with those contractual measures.

54 Internal review—access refusal decision

- (1) This section applies if an access refusal decision is made in relation to a request to an agency for access to a document, other than a decision made personally by the principal officer of the agency or the responsible Minister.
- (2) The applicant in relation to the request may apply under this Part for the review (the *internal review*) of the access refusal decision.

54L IC reviewable decisions—access refusal decisions

- (1) An application may be made to the Information Commissioner for a review of a decision covered by subsection (2).
- (2) This subsection covers the following decisions:
 - (a) an access refusal decision;
 - (b) a decision made by an agency on internal review of an access refusal decision (see section 54C);
 - (c) a decision refusing to allow a further period for making an application for internal review of an access refusal decision (under section 54B).

Note 1: An application for the review of an access refusal decision made for the purposes of paragraph (a) may be made regardless of whether the decision was the subject of internal review.

Note 2: If no decision is made on internal review within 30 days, a decision to affirm the original access refusal decision is taken to have been made (see section 54D).

- (3) The IC review application may be made by, or on behalf of, the person who made the request to which the decision relates.