

Our Ref: CRM 2018/87

6 October 2017

Mr Phillip Sweeney

Email: foi+request-3740-e6594f88@righttoknow.org.au

Dear Mr Sweeney,

Your Freedom of Information Request: FOI 2018/87

I refer to your request dated 22 July 2017 for documents held by the Australian Federal Police (**AFP**) pursuant to the *Freedom of Information Act 1982* (**the FOI Act**) in relation to:

"A copy of the Trust Deed dated 23 December 1913, then I seek a copy of the Trust Deed dated 26 August 1986 that was provided to APRA attached to an application for fraud registration dated 16 March 2006 signed by Nicholas JD Brookes".

The Commissioner of the AFP, being the principal officer of the Agency, has authorised me to make decisions on behalf of the agency in respect of the FOI Act.

SEARCHES FOR DOCUMENTS

In relation to this request, a search was undertaken by the relevant areas within the AFP portfolio for documents within scope of your request.

As a result of the above information, apart from the file made up for your FOI request, there are no documents relating to your request CRM 2018/87 that have been located in the possession of the AFP.

Therefore, on this basis, your request for access is refused under section 24A(b)(ii) of the FOI 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.*

YOUR REVIEW RIGHTS

If you are dissatisfied with this decision you can apply for Internal Review (IR) under the FOI Act or for a review with the Office of the Australian Information Commissioner (OAIC) known as an Information Commissioner (IC) Review. You do not have to apply for internal review before seeking an IC review.

REVIEW RIGHTS under Part VI of the Act: IR by the AFP

Section 53A of the FOI Act gives you the right to apply for an IR in writing to this Department within 30 days of being notified of this decision.

No particular form is required but it would assist the decision-maker were you to set out in the application, the grounds on which you consider that the decision should be reviewed.

Applications for an internal review of the decision should be addressed to:

Freedom of Information Team
Australian Federal Police
GPO Box 401
Canberra ACT 2601

REVIEW RIGHTS under Part VII of the FOI Act: Review by the IC

Alternatively, Section 54L of the FOI Act gives you the right to apply directly to the IC or following an internal review by the AFP. In making your application you will need to provide an address for notices to be sent (this can be an email address) and a copy of the AFP decision. It would also help if you set out the reasons for review in your application.

Section 54S of the FOI Act provides for the timeframes for an IC review submission. For an *access refusal decision* covered by subsection 54L(2), the application must be made within 60 days. For an *access grant decision* covered by subsection 54M(2), the application must be made within 30 days.

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 FOI Act provides that a person may complain to the OAIC about action taken by the AFP in relation to your application.

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

The OAIC 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 investigated.

QUESTIONS ABOUT THIS DECISION

If you have any questions, please contact the FOI Team by telephone on (02) 6131 6131 or email at foi@afp.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'JL', with a long horizontal line extending to the right.

Jacqueline (AFP12306)
Team Leader
Freedom of Information
Australian Federal Police