



**AFP**  
AUSTRALIAN FEDERAL POLICE

Our ref: CRM 2018/102

18 June 2018

Mr Asher Hirsch

By email: [foi+request-4024-c71f2feb@righttoknow.org.au](mailto:foi+request-4024-c71f2feb@righttoknow.org.au)

Dear Mr Hirsch,

**Freedom of Information request**

I refer to your application dated 14 August 2017, under *the Freedom of Information Act 1982* (the Act) seeking the following:

"Please provide reports and Ministerial briefings concerning the Jakarta Centre for Law Enforcement Cooperation's activities relating to people smuggling and irregular migration. Please limit this request to between 2004 and 2013."

Attached at Annexure A to this letter is my decision and statement of reasons for that decision. A "Schedule of Documents" identified as falling into the scope of your request is at Annexure B.

**Information Publication Scheme (IPS)**

As notified to you on 14 August 2017, it has been decided to publish the in respect of your request. Publication of the documents and any relevant documents will be made on the AFP website at <http://www.afp.gov.au/about-the-afp/information-publication-scheme/routinely-requested-information.aspx> in accordance with timeframes stipulated in section 11C of the Act.

Yours sincerely,

Helen Drew  
Coordinator  
Freedom of Information Team  
Chief Counsel Portfolio

**STATEMENT OF REASONS RELATING TO AN FOI REQUEST BY  
ASHER HIRSCH**

I, Helen Drew, Coordinator, Freedom of Information Team, am an officer authorised under section 23 of the Act to make decisions in relation to the Australian Federal Police.

What follows is my decision and reasons for the decision in relation to your application.

**BACKGROUND**

On 14 August 2017, this office received your request for access to documents under the Act.

On 2 October 2017, you agreed to an extension of time pursuant to section 15AA of the Act.

I note that the statutory timeframe for this request has expired. I apologise for the delay in finalising your request and any inconvenience the extended delay may have caused.

**SEARCHES**

In relation to this request, the following searches for documents have been undertaken:

- a) a search of all records held by AFP case officers with responsibility for matters relating to the documents to which you sought access;
- b) a search of the AFP's Parliamentary Document Management System (PDMS); and
- c) a search of all records held by the relevant line areas within the AFP including,
  - o The International Operations Portfolio;
  - o The AFP's Learning and Development Branch;
  - o The AFP's Ministerial and Parliamentary Liaison Team;
  - o The Workforce and Development Portfolio; and
  - o The AFP's Victim Based Crime Branch.

I have identified three documents relevant to your request.

By way of further background in relation to the results of these searches, the Jakarta Centre for Law Enforcement Cooperation Foundation (JCLEC) is an Indonesian not-for-profit social enterprise. The founding members of JCLEC are the Governments of the Republic of Indonesia and Australia, as represented by the Indonesian National Police and Australian Federal Police (AFP). However, the JCLEC is a separate and distinct, Indonesian, legal entity, it is not a Commonwealth Government or Australian legal entity.

All premises from which JCLEC operates are owned by the Indonesian National Police. Electronic and hard copy documents held at JCLEC premises or on JCLEC information and communication technology systems are in JCLEC not AFP possession. Accordingly, the documents located and disclosed as part of this FOI decision are the documents that were located in the possession of the AFP as a result of the searches undertaken.

## WAIVER OF CHARGES

Given that the request has exceeded all statutory timeframes as outlined at Section 15 of the Act, the AFP is not able to impose any fees or charges as outlined at Regulation 5(2)&(3) of the *Freedom of Information (Charges) Regulations 1982*.

## DECISION

As noted above, I have identified three documents relevant to your request. A schedule of each document and details of my decision in relation to each document is at Annexure B.

I have decided that the documents itemised at Annexure B are released to with deletions pursuant to subsection 22(1)(a)(ii) of the Act.

My reasons for this decision are set out below.

## REASONS FOR DECISION

### ***Folios to which subsection 22(1)(a)(ii) applies:***

Subsection 22(1)(a)(ii) of the Act provides that:

- “(1) Where:
- (a) an agency or Minister decides:
  - (ii) that to grant a request for access to a document would disclose information that would reasonably be regarded as irrelevant to that request;”

The parts of the documents identified in the Schedule under this section of the Act contain information which is considered irrelevant to the request. I have determined that information contained in some of the folios is irrelevant because it does not come within the scope of your application and thus falls outside the ambit of your request. This information refers to other issues which are not mentioned in your FOI application. Further, some of the information is irrelevant to your application as you have agreed to exclude it from the scope of your request. Specifically, in accordance with our acknowledgement letter dated 14 August 2017, you agreed to exclude the names of AFP members, other than the Senior Executive, and direct telephone numbers, signatures and mobile telephone numbers of AFP members.

I therefore have found that those parts of the documents would be reasonably be regarded as irrelevant to the request under subsection 22(1)(a)(ii) of the Act.

## EVIDENCE/MATERIAL ON WHICH MY FINDINGS WERE BASED

In reaching my decision, I have relied on the following documentary evidence:

- ❖ the scope of your application;
- ❖ the contents of the documents listed in the attached schedule;
- ❖ advice from AFP officers with responsibility for matters relating to the documents to which you sought access;

- ❖ consultation with relevant Commonwealth Agencies;
- ❖ consultation with third parties;
- ❖ *Freedom of Information Act 1982*; and
- ❖ Guidelines issued by the Office of the Australian Information Commissioner.

**\*\* YOU SHOULD READ THIS GENERAL ADVICE IN CONJUNCTION WITH THE LEGISLATIVE REQUIREMENTS OF THE FREEDOM OF INFORMATION ACT 1982.**

## **REVIEW AND COMPLAINT RIGHTS**

If you are dissatisfied with a Freedom of Information decision made by the Australian Federal Police, you can apply for an internal or Information Commissioner (IC) Review. You do not have to apply for Internal Review before seeking an IC review.

You do not need to seek a review by either the AFP or the IC should you wish to complain about the AFP's actions in processing your request.

### ***REVIEW RIGHTS under Part VI of the Act***

#### ***Internal Review by the AFP***

Section 53A of the Act gives you the right to apply for an internal review in writing to the Australian Federal Police (AFP) within 30 days of being notified of a decision. No particular form is required. It would assist the independent AFP decision-maker responsible for the internal review if you set out in the application, the grounds on which you consider that the decision should be reviewed.

Section 54B of the Act provides that the internal review submission must be made within 30 days. Applications for a review of the decision should be addressed to:

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

### ***REVIEW RIGHTS under Part VII of the Act***

#### ***Review by the Information Commissioner (IC)***

Alternatively, Section 54L of the 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 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 5128  
Sydney NSW 2001

Further, the OAIC encourages parties to an IC review to resolve their dispute informally, and encourages agencies to consider possible compromises or alternative solutions to the dispute in this matter. The AFP would be pleased to assist you in this regard.

Information about the IC review process can be found in Part 10 of the Guidelines which are available on our website at <http://www.oaic.gov.au/publications/guidelines.html>.

***RIGHT TO COMPLAIN under Part VIIB of the Act***

Section 70 of the Act provides that a person may complain to the IC about action taken by the Australian Federal Police 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 investigated.

SCHEDULE OF DECISION – CRM 2018/102  
RELEASE OF DOCUMENTS – ASHER HIRSCH

Document No	Folio No	Date	Author	Description	Reason
1	1-2	2/12/2009	Australian Federal Police (AFP)	Minister for Home Affairs Visit to Indonesia - Briefing	s22(1)(a)(ii) Material is considered to be information that would reasonably be regarded as irrelevant to the request
2	3-4	11/2009	AFP	Ministerial Brief	s 22(1)(a)(ii)
3	5-263	03/2011	Attorney General's Department	Minister for Home Affairs Visit to Malaysia and Indonesia - Briefing	s 22(1)(a)(ii)

Authorised Decision Maker:

Helen Drew  
Coordinator  
Freedom of Information  
Australian Federal Police

Date of Decision:

June 2018

# PROTECTED

Australian Federal Police

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## MINISTER FOR HOME AFFAIRS – INDONESIA Visit

December 2009

### Briefing

**Meeting:** Jakarta Centre for Law Enforcement Cooperation (JCLEC)

**Position:** Australia appreciates the continued cooperation between INP and the AFP on the continued operation of JCLEC

**Outcomes sought for this meeting are:**

- Gain an overview of the development, operation and future strategic direction of the JCLEC.

**Speaking notes**

- It is very gratifying to note JCLEC has provided training to over 6,250 participants from forty countries since opening in 2004.
- I understand a number of nations have provided direct support to the development of facilities and curriculum, as well as program delivery at JCLEC.
- It is encouraging to note the European Commission will provide €5 million for the development and delivery of law enforcement training at JCLEC between 2010 and 2013, with programmes being delivered by European and Indonesian agencies.
- I congratulate both the AFP and INP on their joint development and delivery of People Smuggling capacity development programs at JCLEC, including, the current hosting of the Inter Regional People Smuggling and Human Trafficking Conference.

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## PROTECTED

Australian Federal Police

### Background

The Jakarta Centre for Law Enforcement Cooperation (JCLEC) is located within the Indonesian National Police Academy (AKPOL) in Semarang, Indonesia. Australia has committed \$36.8million to support its development and operations over the last five years.

This initiative reflects the shared priority given to bilateral and regional cooperation on a variety of contemporary security issues. Since the announcement to establish the centre in Indonesia, various countries have expressed an interest in supporting its training role through the provision of technical assistance and funding.

Governments of Australia, the Netherlands, United Kingdom, Denmark, Sweden, Canada, Germany, Spain, New Zealand, Italy, France, and the European Commission have contributed to the development of facilities and curriculum, as well as program delivery at JCLEC.

The centre is intended as a resource for the South East Asia region to combat transnational crime, with a focus on counter-terrorism and will coordinate and facilitate a range of training programs, including seminars and workshops. The establishment of this training and education institution by Indonesia and Australia has assisted regional governments meet their security interests.

Courses offered at JCLEC cover the following disciplines:

- Investigations Management (including Counter Terrorism investigations management);
- Criminal Intelligence (including Intelligence Analysis);
- Forensic Services (including Disaster Victim Identification);
- Financial Investigations (including Anti-Money Laundering);
- Communications (including Islamic Law and Politics); and
- Research (Strategic Direction - Policy – Legislation).

JCLEC has attained academic accreditation for its Counter Terrorism program from Charles Sturt University. The granting of academic accreditation from recognised tertiary institutions provides credibility for JCLEC training.

JCLEC has also entered into partnerships with other law enforcement training institutions such as the International Law Enforcement Academy (Bangkok), the South East Asia Regional Centre for Counter Terrorism (Kuala Lumpur), the Australian Institute of Police Management (Sydney) and National Police Improvement Agency (Hampshire).

Since the establishment of JCLEC, the refurbishment of existing facilities and the construction of new buildings has occurred using funding from both Australia and the Netherlands. The accommodation construction was designed and built by Australian architects and contractors.

Cleared by: Assistant Commissioner Kevin Zuccato, National Manager Border and International, AFP

Phone: s 22(1)(a)(ii)

Action Officer: s 22(1)(a)(ii)

Mobile: s 22(1)(a)(ii)

2 December 2009

2 of 2

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**Minister for Home Affairs**

**PEOPLE SMUGGLING AND HUMAN TRAFFICKING CONFERENCE, JAKARTA  
CENTRE FOR LAW ENFORCEMENT COOPERATION, 7 - 10 DECEMBER 2009**

**Deadline:** Routine

**Purpose:** For information

**Information:**

A People Smuggling and Human Trafficking Conference will be held at the Jakarta Centre for Law Enforcement Cooperation in Semarang, Indonesia between 7 and 10 December 2009. The conference is being organised by the Australian Federal Police (AFP) in conjunction with the Indonesian National Police (INP). The theme of the conference is the "social and economic impact of crime types on source, transit and destination countries and the potential that may exist for law enforcement participants to address those issues".

2. The conference is an outcome of the Senior Officers Meeting held in Bandung, West Java on 2 June 2009, attended by AFP Commissioner Tony Negus and Deputy Chief of the INP, Commissioner General Drs Makbul Padmanagara.
3. AFP Commissioner Negus will attend the conference with members of the AFP Senior Executive and AFP People Smuggling Liaison Officers from Pakistan, Thailand, Malaysia, Sri Lanka, and Jakarta.
4. Confirmed attendees to date include law enforcement officials from China, Vietnam, Iran, Afghanistan, Singapore, Indonesia, Thailand, Pakistan, South Korea and Interpol. Invitations have also been extended to the Department of Foreign Affairs and Trade (DFAT), the Department of Immigration and Citizenship (DIAC) and the Office of National Assessments (ONA) to attend as observers.
7. An opportunity exists for the Minister to attend.

**Consultation:** Interpol, DFAT, ONA, DIAC.

**Future Action:** If you agree to attend the conference, further details will be sought as to whether there will be a requirement to talk to the conference.

**Expected Reaction:**

The outcome of the conference is expected to be highly positive, resulting in greater shared knowledge and cooperation between law enforcement agencies in the region.

**Recommendation:** That you note the contents of this brief and indicate whether you will be attending the conference.

Noted / Will attend / Will not attend

Kevin Zuccato  
National Manager  
Border and International

November 2009

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Minister for Home Affairs  
/ /

Action Officer: s 22(1)(a)(ii)

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**BRIEFING**

*for the visit of*

**THE HON BRENDAN O'CONNOR MP**

**MINISTER FOR HOME AFFAIRS**

*to*

***Malaysia and the Republic of Indonesia***

***Sunday 13 March to Friday 18 March 2011***

Pages 6 through 98 redacted for the following reasons:

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s 22(1)(a)(ii)

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**IN- CONFIDENCE**

**GENERAL TIMUR PRADOPO**

*Chief of the Indonesian Police (KAPOLRI)*

s 22(1)(a)(ii)

**MEETING/ISSUE OVERVIEW**

This meeting is a courtesy call on KAPOLRI to acknowledge the longstanding productive working relationship between the Indonesian National Police (INP) and the Australian Federal Police (AFP).

s 22(1)(a)(ii)

**SPEAKING NOTES**

s 22(1)(a)(ii)

- Acknowledge the significance of the JCLEC, which provides an outstanding venue for training and cooperation between law enforcement agencies and the judiciary across the region, noting the success of JCLEC has been recognised outside of Australia and Indonesia. Note that the United Nations has expressed a desire to establish a new centre based on the JCLEC model in South Asia.

**IN - CONFIDENCE**

Pages 100 through 257 redacted for the following reasons:

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### Cooperation on Counter-Terrorism

s 22(1)(a)(ii)

Building on the links established through these joint investigations, cooperation now involves wide-ranging capacity-building assistance to Indonesian agencies, including in the areas of law enforcement, CT financing, border control, transport security and intelligence. The Jakarta Centre for Law Enforcement Cooperation (JCLEC), a bilateral Australia-Indonesia initiative, has become an important regional centre for law enforcement training. Regional participation in JCLEC courses since 2004 has also helped to strengthen networks and collaboration among law enforcement officials across South-East Asia in addressing transnational crimes, such as terrorism and people smuggling.

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s 22(1)(a)(ii)

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