



AFP

AUSTRALIAN FEDERAL POLICE

FREEDOM OF INFORMATION

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Our Ref: CRM 2018/125

22 September 2017

Asher Hirsch
Right to Know

Email: foi+request-4045-0df25797@righttoknow.org.au

Dear Asher Hirsch,

Freedom of Information Request

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

"In 2002, AFP Commissioner Keelty told the Certain Maritime Incident (CMI) Committee that on the 15th September 2000 a 'specific protocol under the MOU [Memorandum of Understanding] to target people smuggling syndicates operating out of Indonesia' was agreed to by the AFP and their counterparts the Indonesian National Police.

I request under the Freedom of Information Act the MOU referred to above and the related Protocol."

On 23 August 2017 you clarified that:

"I am seeking a specific protocol between the AFP and Indonesian National Police to target people smuggling syndicates operating out of Indonesia. The Protocol was established on 15 September 2000 and is part of a broader Memorandum of Understanding (MOU) between the AFP and INP to cooperate on investigations into transnational crime. That MOU was originally agreed on 27 October 1995 and renewed on 13 June 2002. I am requesting both the MOU and the protocol."

The Commissioner of the Australian Federal Police, being the principal officer of that Agency, has authorised me to make decisions on behalf of that agency in respect of the Act.

SEARCHES

In relation to this request, a search was undertaken by the Commissioner's Office and the AFP's International Operations portfolio for documents within scope.

These searches identified that at some stage, the AFP held copies of the 27 October 1995 memorandum and the 15 September 2000 protocol. The AFP's International Operations portfolio then conducted extensive searches to locate these documents, including searches through:

- Australian-based International Operations offices;
- relevant international offices;
- the AFP's Legal team;
- the AFP's Records Management Unit;

Unfortunately, these searches have been unable to locate the documents.

As a result of the above information, I am satisfied that all reasonable steps have been taken to find the documents relating to your request but the documents cannot be found.

Therefore, on this basis, your request for access is refused under section 24A(b)(i) 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."*

Please refer to the attached documents in relation to your review rights.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Matt Baillie', with a stylized, cursive script.

Matt Baillie
Acting Team Leader
Freedom of Information
Australian Federal Police