



AFP
AUSTRALIAN FEDERAL POLICE

Our ref: CRM 2018/577

16 August 2018

Asher Hirsch

By email: foi+request-4520-4b1d2011@righttoknow.org.au

Dear Mr Hirsch,

Freedom of Information request

I refer to your application dated 19 April 2018, under *the Freedom of Information Act 1982* (the Act) seeking the following:

'Under Freedom fo Information I request the following:

"Ministerial briefings concerning the number of illegal or irregular immigrants who have been prevented from boarding boats from Indonesia to Australia."

Please limit this request to 2000 to 2017.

As an example, the 2000/2001 AFP Annual Report says that: "In excess of 3,000 persons suspected of intending to enter Australia illegally have been arrested by the Indonesian authorities since cooperative arrangements were implemented in relation to people smuggling with the INP in February 2000."

The 2008/09 Annual Report says that: "more than 800 people suspected of trying to reach Australia illegally were detained"

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)

It has been decided to publish the documents in part 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 and Information Law
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 19 April 2018, this office received your letter/application in which you requested:

"Under Freedom fo Information I request the following:

"Ministerial briefings concerning the number of illegal or irregular immigrants who have been prevented from boarding boats from Indonesia to Australia."

Please limit this request to 2000 to 2017.

As an example, the 2000/2001 AFP Annual Report says that: "In excess of 3,000 persons suspected of intending to enter Australia illegally have been arrested by the Indonesian authorities since cooperative arrangements were implemented in relation to people smuggling with the INP in February 2000."

The 2008/09 Annual Report says that: "more than 800 people suspected of trying to reach Australia illegally were detained"

SEARCHES

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

- a) a search of all records held by the relevant line areas within the AFP including International Operations, Crime Operations, Ministerial and Victim Based Crime.

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

I have identified six 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 some of the documents that relate to your request are released with deletions pursuant to subsection 22(1)(a)(ii) of the Act. Some of the documents that relate to your request are exempt in full, 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 documents or parts of 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.

I therefore have found that those documents or 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;
- ❖ *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 documents – CRM 2018/577

Document No	Folio #	Description
1	1	s 22(1)(a)(ii): Exempted material would disclose information that would reasonably be regarded as irrelevant to the request.
		s 22(1)(a)(ii)
	2	Folio exempt in full: s 22(1)(a)(ii)
	3	s 22(1)(a)(ii)
2	4	s 22(1)(a)(ii)
	5	Folio exempt in full: s 22(1)(a)(ii)
3	6	Folio exempt in full: s 22(1)(a)(ii)
	7	Folio exempt in full: s 22(1)(a)(ii)
	8	s 22(1)(a)(ii)
4	9	Folio exempt in full: s 22(1)(a)(ii)
	10	Folio exempt in full: s 22(1)(a)(ii)
5	11	Folio exempt in full: s 22(1)(a)(ii)
	12	Folio exempt in full: s 22(1)(a)(ii)
	13	s 22(1)(a)(ii)
6	14	s 22(1)(a)(ii)

**SENATE ESTIMATES BRIEF
BUDGET ESTIMATES HEARING
26 MAY 2014**

ISSUE: DETERRENCE AND DISRUPTIONS

s 22(1)(a)(ii)

THIS DOCUMENT HAS BEEN DECLASSIFIED
AND RELEASED IN ACCORDANCE WITH THE
FREEDOM OF INFORMATION ACT 1982
(COMMONWEALTH)
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INTERNATIONAL

- Since 18 September 2013, the DDTG has supported the following disruption activities in collaboration with foreign law enforcement agencies:
 - 33 disruptions within Indonesia, affecting 1308 potential illegal immigrants (PII) and resulting in 29 arrests;

s 22(1)(a)(ii)

s 22(1)(a)(ii)

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s 22(1)(a)(ii)

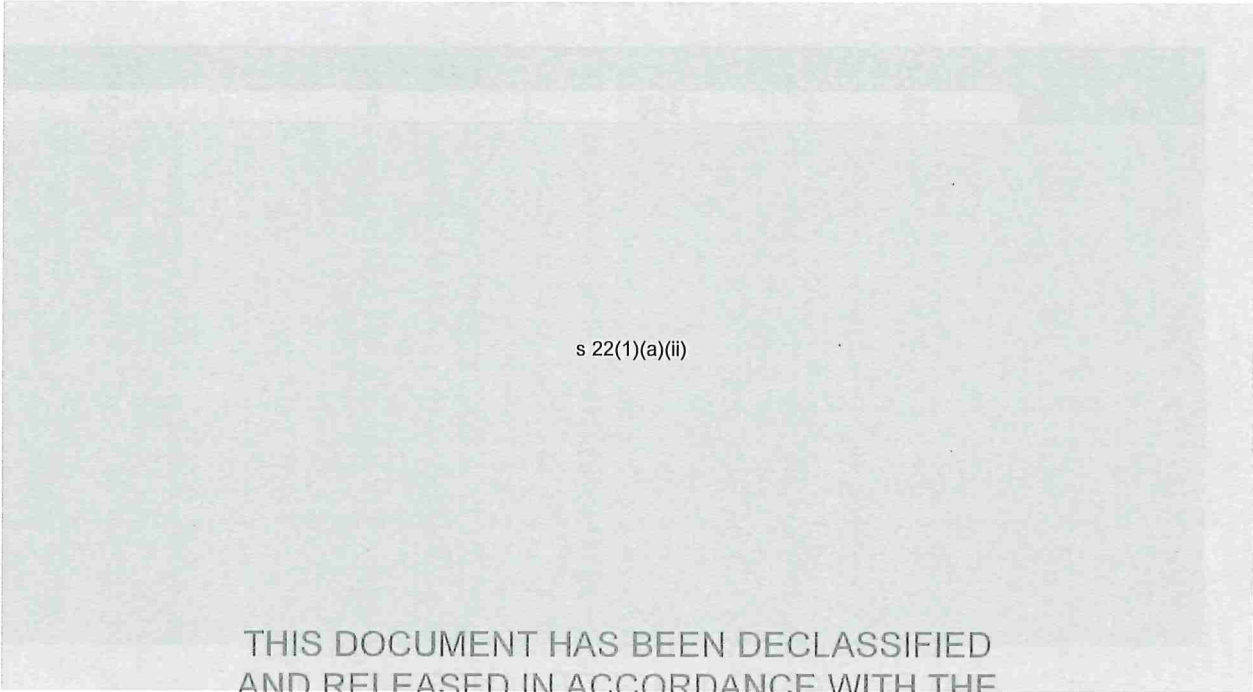
**SUMMARY TABLE OF DISRUPTION & ARREST STATISTICS SINCE
13 SEPTEMBER 2013**

Country	Disruptions	PII's disrupted	Arrest Warrants	Arrests
Indonesia	33	1308	8	29

s 22(1)(a)(ii)

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DISRUPTION AND DETERRENCE



s 22(1)(a)(ii)

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	Disruptions	PIIs Disrupted	Arrest Warrants	Arrests
Country	Since 18 Sep	Since 18 Sep	Since 18 Sep	Since 18 Sep
Indonesia	34	1332	8	<u>3940</u>



s 22(1)(a)(ii)

Pages 5 through 7 redacted for the following reasons:

s 22(1)(a)(ii)

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s 22(1)(a)(ii)

**SUMMARY OF DISRUPTION & ARREST STATISTICS FROM
18 SEPTEMBER 2013 TO 29 April 2015**

Country	Disruptions	PII's disrupted	Arrest Warrants	Arrests
Indonesia	34	1332	8	33

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Pages 9 through 12 redacted for the following reasons:

s 22(1)(a)(ii)

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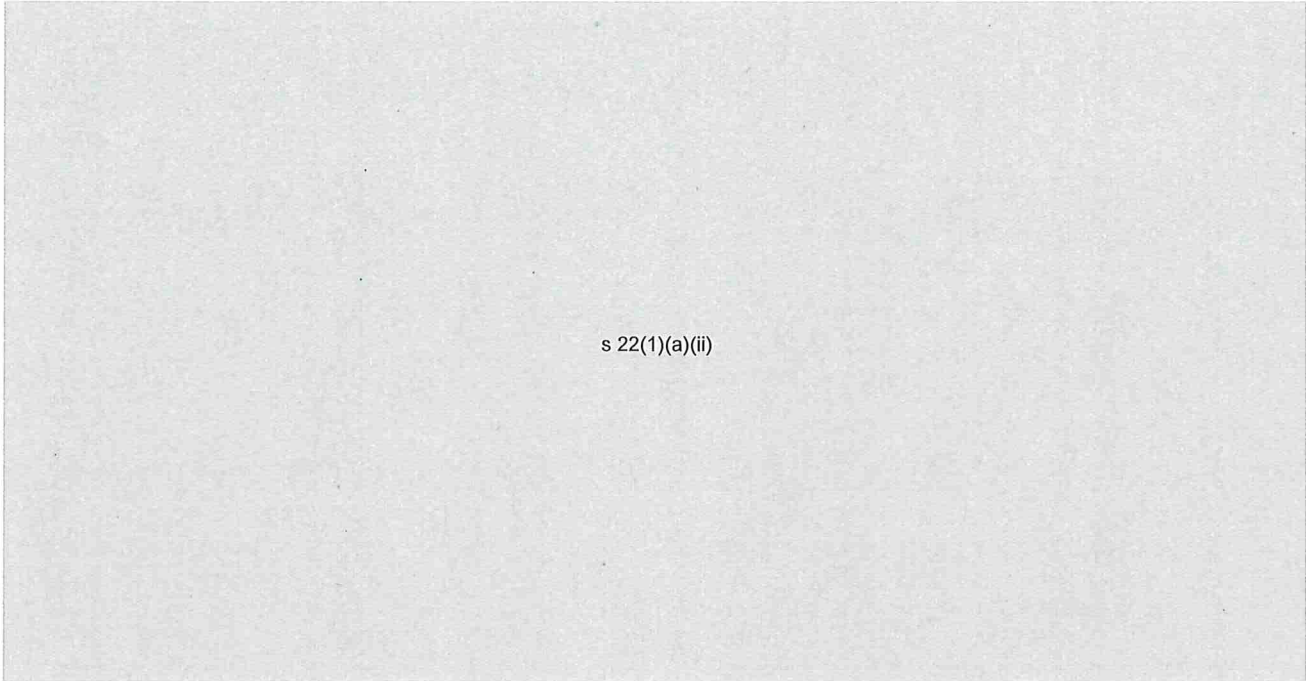
Summary of Disruption and Arrest Statistics from 18 September 2013 to 15 December 2015

Country	Disruptions	PII's disrupted	Arrest Warrants	Arrests
Indonesia	36	1351	9	47

s 22(1)(a)(ii)

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FLEA DISRUPTIONS

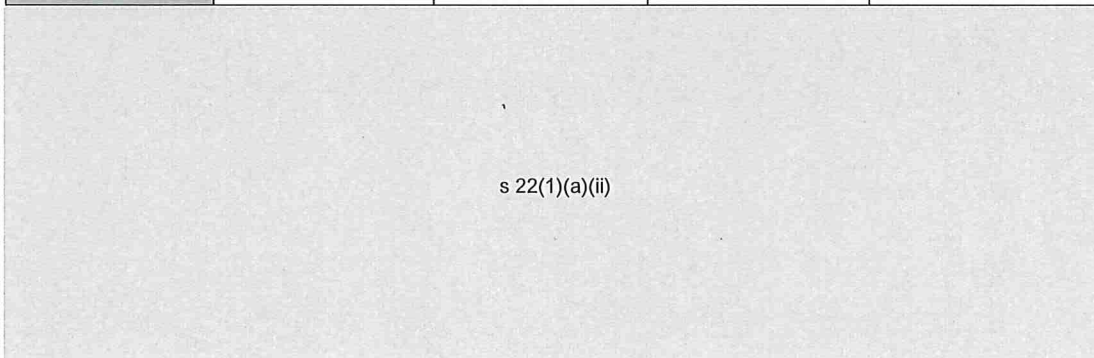


s 22(1)(a)(ii)

Disruption and Deterrence activity in the fortnightly reporting period (18 September 2013 to 30 April 2017)

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	Disruptions	PIIs	Arrest	Arrests
Country	Since 18 Sep	Disrupted Since 18 Sep	Warrants Since 18 Sep	Since 18 Sep
Indonesia	46	1656	13	60



s 22(1)(a)(ii)

Note: Statistics are provided by AFP posts, resulting from advice provided by foreign law enforcement and are indicative only as they are subject to a range of issues in terms of accuracy and quality. Post experience is that results are typically under-reported because arrests in regional locations are occasionally not reported.