



AFP
AUSTRALIAN FEDERAL POLICE

Our ref: CRM 2018/606

18 July 2018

Mr Asher HIRSCH

Via email: foi+request-4544-a1598fb5@righttoknow.org.au

Dear Mr Hirsch,

Freedom of Information request

I refer to your application dated 28 April 2018, under *the Freedom of Information Act 1982* (the Act) seeking the following:

“Under Freedom of Information please provide reports and/or briefing papers prepared for senior officials and/or the Minister on people smuggling. I am seeking the final copies of these reports and only those that are high level summaries of activities or operations. For example, I am looking for reports that refer to the number of people smuggling interceptions taken place in a given year, and the number of potential illegal maritime arrivals intercepted. Please limit this request to reports produced from 2000 to 2017.”

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 28 April 2018 it has been decided to publish the documents (in full) in respect of your request as they contain personal information. 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

POLICING FOR A SAFER AUSTRALIA

**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 28 April 2018, this office received your application in which you requested:

“Under Freedom of Information please provide reports and/or briefing papers prepared for senior officials and/or the Minister on people smuggling. I am seeking the final copies of these reports and only those that are high level summaries of activities or operations. For example, I am looking for reports that refer to the number of people smuggling interceptions taken place in a given year, and the number of potential illegal maritime arrivals intercepted. Please limit this request to reports produced from 2000 to 2017.”

On 17 May 2018, the scope of this request was revised to the following:

“Please further limit the request to the years 2012 to 2017, and only in relation to people smuggling in Indonesia. Please also limit the documents to Ministerial briefings and other similar documents provided to the Minister”

SEARCHES

In relation to this request, a search of all records held by the relevant line areas within the AFP including Ministerial team within Chief of Staff Portfolio, Crime Operations Portfolio and International Operations Portfolios has been 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

I have identified one document relevant to your request. A schedule of that document and details of my decision in relation to that document is at Annexure B.

I have decided that some of the document that relate to your request are released with deletions pursuant to subsection 22(1)(a)(ii) of the Act.

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 document 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 parts of the document 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;
- ❖ *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 – CRM2018/606
 RELEASE OF DOCUMENTS – Asher HIRSCH

Document No	Folio No	Date	Author	Description	Exemption	Reason
1	1	30 April 2018	Australian Federal Police (AFP)	Monthly Stats as at April 2018	s 22(1)(a)(ii)	Exempted material would disclose information that would reasonably be regarded as irrelevant to the request.

Authorised Decision Maker:



Helen Drew
 Coordinator
 Freedom of Information
 Australian Federal Police

Date of Decision:

18 July 2018

FLEA DISRUPTIONS

From the 18 September 2013 to 30 April 2018:

Boats & IMAs arrived	Not required from AFP
IMAs removed/returned	Not required from AFP
Assisted Voluntary Returns from RPCs	Not required from AFP
Total RSDs on Nauru and Manus	Not required from AFP
PIIs Disrupted	s 22(1)(a)(ii)
Arrests	s 22(1)(a)(ii)
Returns at sea	Not required from AFP

* The above table does not include IMAs that are not linked to maritime people smuggling (e.g.: cruise ship arrivals without valid documents and other non-people smuggling irregular movement in the Torres Strait).

^^ Includes positive and negative Refugee Status Determinations/Final Determinations. Figures as at 31 August 2017.

Disruption and Deterrence activity in the fortnightly reporting period (18 September 2013 to 30 April 2018)

	Disruptions	PIIs Disrupted	Arrest Warrants	Arrests
Country	Since 18 Sep 2013	Since 18 Sep 2013	Since 18 Sep 2013	Since 18 Sep 2013
Indonesia	51	1757	13	66

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.