



Our reference: CRM 2019/23

25 September 2018

Mr Phillip Sweeney

By email: Foi+request-4635-ef2394b1@righttoknow.org.au

Dear Mr Sweeney,

Your Freedom of Information Request:

I refer to your request dated 8 June 2018 for documents held by the Australian Federal Police pursuant to the *Freedom of Information Act 1982* (the Act) in relation to:

"The document I seek is a copy of the covering letter from The Treasurer to the Australian Federal Police providing copies of these Deeds of Variation and any other information to the Australian Federal Police.

If the Treasurer has complied with his statutory duty, then this would indicate that a maximum penalty of two years imprisonment is sufficient to ensure "compulsory whistleblowing" with respect to serious white-collar crimes"

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 AFP's Ministerial & Parliamentary Liaison, Fraud & Anti-Corruption, and Finance teams for documents within their scope.

As a result of the above searches, apart from the file made up for your FOI request, no documents relating to your request have been located in the possession of the Australian Federal Police.

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

REVIEW RIGHTS

If you are dissatisfied with this decision you can apply for internal or Information Commissioner (IC) Review. You do not have to apply for Internal Review before seeking IC review.

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 5218
Sydney NSW 2001

Right to Complain

Section 70 of the Act provides that a person may complain to the IC about action taken by this Department 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.

Yours sincerely



Jacqueline Ellery
Principal FOI Officer/Team Leader
Freedom of Information
Chief Counsel Portfolio