



AFP

Our Ref: LEX 2763

19 June 2024

Mr Alex Pentland

Email: foi+request-11454-4316cc63@righttoknow.org.au

Dear Mr Pentland

Freedom of Information request

I refer to your request dated 27 May 2024 for documents held by the Australian Federal Police (AFP) pursuant to the *Freedom of Information Act 1982* (the Act) in relation to the below:

This is a Freedom of Information Request for the purposes of the Freedom of Information Act.

I seek access to any AFP briefings or statements of facts made between 1 January 2019 and today which contain the any of the following:

- (a) the name "Lyndon LaRouche"*
- (b) the "LaRouche" movement*
- (c) the Citizens Electoral Council/Australian Citizens Party (noting the name change of the organisation)*

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

SEARCHES

Searches for documents were undertaken by relevant operational areas within AFP's Specialist Protective Command, as the relevant Command for documents to which you seek access.

All variations of the relevant organisation and people's names and several combinations of different key words likely to be used in the titling of files (based on the description of events in the scope) were searched. As a result, no documents relating to your request have been located in the possession of the Australian Federal Police.

I consider all places where documents might be held were searched and the search terms were comprehensive enough to locate any relevant documents.

Freedom of Information

/ GPO Box 401 Canberra City ACT 2601

/ Email: foi@afp.gov.au

In accordance with section 37(1)(a) of the Act, the AFP does not disclose documents which would prejudice the conduct of an investigation of a breach, or possible breach, of the law. In accordance with section 25(2) of the Act, the AFP will not inform you whether such documents exist in relation to your request. If such documents did exist, they would be exempt under the Act.

On that basis, apart from:

- a) the file made up for your FOI request; and
- b) documents which, if they existed, could reveal the existence of an investigation of a breach, or possible breach of the law, which is not otherwise public knowledge

I understand no documents relating to your request have been located in the possession of the AFP.

Accordingly, I am satisfied all reasonable searches have been conducted and the AFP does not have any documents to produce in response to your request.

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 AND COMPLAINT RIGHTS

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

For complaints about the AFP's actions in processing your request, you do not need to seek review by either the AFP or the IC in making your complaint.

Internal review by the AFP

Section 54 of the FOI Act gives you the right to apply for internal review of this decision. No particular form is required to make an application for internal review, however, an application needs to be made in writing within 30 days of this decision. It would assist the independent AFP decision-maker responsible for reviewing the file if you set out in the application, the grounds on which you consider the decision should be reviewed.

Section 54B of the FOI Act provides that the internal review submission must be made within 30 days. Applications may be sent by email (foi@afp.gov.au) or addressed to:

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

Review by the Information Commissioner

Alternatively, section 54L of the FOI Act gives you the right to apply directly to the IC for review of this decision. 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.

Section 54S of the FOI Act provides the timeframes for an IC review submission. For an *access refusal decision* covered by section 54L(2), the application must be made within 60 days. For an *access grant decision* covered by section 54M(2), the application must be made within 30 days.

Applications for IC review may be lodged by email (foidr@oaic.gov.au), using the OAIC's online application form (available at www.oaic.gov.au) or addressed to:

Office of the Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001

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

Complaint

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the IC. A complaint may be lodged using the same methods identified above. It would assist if you set out the action you consider should be investigation and your reasons or grounds.

More information about IC reviews and complaints is available on the OAIC's website at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

Yours sincerely

C.A

Casey Auld
A/FOI Team Leader - Corporate
Freedom of Information
Chief Counsel Portfolio