

INFORMATION ACCESS (FREEDOM OF INFORMATION)

GPO Box 401 Canberra City ACT 2601 Telephone 02 6131 6131 Facsimile 02 6132 6082 Email foi@afp.qov.au

www.afp.gov.au ABN 17 864 931 143

Our ref: CRM2014-18

October 2013

Ms Margo Kingston

Email: foi+request-294-c495d9df@righttoknow.org

Dear Ms Kingston,

Freedom of Information request

I refer to your application dated 10 July 2013, under the *Freedom of Information Act 1982* (the Act) seeking the following:

"I request documents which disclose or refer to the identity of the person or persons who referred the 2010 matters to the AFP which resulted in the summons against him [Peter Slipper]."

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 27 July 2013 and in accordance with section 11C of the Act, it has been decided not publish the documents in respect of your request.

Yours sincerely,

Superintendent Allan J Spencer

Coprdinator

Information Access (Freedom of Information)

Government Relations

STATEMENT OF REASONS RELATING TO AN FOI REQUEST BY MARGO KINGSTON

I, Superintendent Allan J Spencer, Coordinator, Information Access, 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 10 July 2013, this office received your application in which you requested:

"I request documents which disclose or refer to the identity of the person or persons who referred the 2010 matters to the AFP which resulted in the summons against him [Peter Slipper]."

On 5 August 2013, the AFP sought an extension of time pursuant to section 15AA of the Act, however, you did not agree to this request.

On 13 August 2013, an extension of time was granted by the Office of the Australian Information Commissioner (OAIC) pursuant to section 15AB of the Act to notify you of a decision by 29 August 2013.

On 22 August 2013, you were notified of the requirement to consult a third party pursuant to subsection 15(6) of the Act.

SEARCHES

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

- a) a "text" search of the AFP's investigation case management system PROMIS for records relating to "Slipper Summons";
- b) a search of all records held by the relevant line areas within the AFP.

DECISION

I have identified two 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 one of the documents itemised at Annexure B is released to you in its entirety. One of the documents that relates to your request is released with deletions pursuant to subsection 47F of the Act.

My reasons for this decision are set out below.

REASONS FOR DECISION

I find that one of the documents relevant to your request is partially exempt under the provisions of the Act, as set out in the Schedule, for the reasons outlined below.

Folios to which section 47F apply:

Section 47F of the Act provides that:

"(1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person)."

The parts of the document identified in the Schedule as exempt under this section of the Act contain personal information of third parties. Personal information is information or an opinion about an individual whose identity is known or easily ascertainable. I find that these documents contain personal information.

I have considered the public interest factors both in favour and against disclosure of the information in these folios.

In relation to the factors favouring disclosure, I believe the following are relevant:

- (a) the general public interest in access to documents as expressed in sections 3 and 11 of the FOI Act;
- (b) the extent to which the information is well known;
- (c) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the documents;
- (d) the availability of the information from publicly accessible sources;
- (e) the current relevance of the information; and
- (f) the circumstances in which the information was obtained and any expectation of confidentiality.

In relation to the factors against disclosure, I believe that the following are relevant:

- (g) prejudice the protection of an individual's right to privacy;
- (h) impede the flow of information to the police;
- (i) the need for the agency to maintain the confidentiality with regard to the subject matter and the circumstances in which the information was obtained; and
- (j) if such information was disclosed, it may discourage public cooperation in AFP investigations.

While there is a public interest in providing access to documents held by the AFP, I have given greater weight to factors (g) to (j) above and conclude that on balance, disclosure is not in the public interest. The AFP has not received consent regarding the release of some personal information regarding this request, disclosure of that information would be contrary to an individuals' right to the protection of their personal privacy. I find that the release of these

documents or parts of documents would be an unreasonable disclosure of personal information and are therefore exempt under section 47F 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 third parties;
- Freedom of Information Act 1982;
- Guidelines issued by the Department of Prime Minister and Cabinet; and
- Guidelines issued by the Office of the Australian Information Commissioner.

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.

Internal Review by the AFP

Section 53A of the Act gives you the right to apply for an internal review in writing to this Department within 30 days of being notified of this decision.

No particular form is required but it would assist the decision-maker were you to set out in the application, the grounds on which you consider that the decision should be reviewed.

Applications for a review of the decision should be addressed to:

Government Relations Information Access (FOI) Australian Federal Police GPO Box 401 Canberra ACT 2601

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 with this Agency. In making your application you need to provide:

- an address for notices to be sent (this can be an email address).
- A copy of this decision.

It would also help if you set out the reasons for review in your application.

Applications for a review of the decision should be addressed to:

Office of the Australian Information Commissioner GPO Box 2999 Canberra ACT 2601

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.

SCHEDULE OF DECISION – CRM 2014/18 RELEASE OF DOCUMENTS – MARGO KINGSTON

Document	Folio	Date	Author/Addressee	Description	Exemption/Public	Reason
	N _o	4	a		Interest Claimed	8° 20
	1-2	23.04.2012	Australian Federal	Email correspondence	Released in full	- N
			Police (AFP)	- Michael Turner		
	3-16	26.04.2012	AFP	Statement of James	Released with deletions:	s47F Deletions are made
		53		Ashby	47F	on the grounds that disclosure would involve
						the unreasonable
		3 5		2		provision of personal
						details of people other
						than the FOI applicant.
				0		Access must be given
						unless it would be
		-	1			contrary to the public
		· (R)				interest.

Authorised Decision Maker:

Superintendent Allan J Spencer

Coordinator

Information Access (Freedom of Information) Government Relations Australian Federal Police

Date of Decision:

October 2013

Turner, Michael

From:

Cooper Leanne

Sent:

Monday, 23 April 2012 8 34 AM

To:

Turner, Michael

Subject:

FW Report to Federal Police [SEC - UNCLASSIFIED]

Please see the below email for your attention

Regards Leanne



LEANNE COOPER
CLIENT LIAISON
CANBERRA OFFICE
Tel +61(0) 2 61267763 Ext 157763

From: Brad Buffoni , for the brad that!

Sent: Saturday, 21 April 2012 8:25 AM

To: AOCC-Client-Liaison

Subject: Report to Federal Police

On Friday 20 April 2012. I telephoned the OMC Co-Ordinator to advise of our client's wishes to provide the Australian Federal Police ("AFP") with information relating to alleged improper actions by a member of parliament. I spoke with Phil MCVoy who said he would speak to his sergeant and call me back.

Mr McVoy left a voicemail message for me advising me to call him back or to go to the AFP website and make a report there

I attempted to call Mr McVoy back but was unsuccessful and at 5 55pm spoke with Sergeant Paula Henry

I explained to Sergeant Henry that our client a Commonwealth employee, had that day Friday 20 April 2012, filed an application in the Federal Court regarding sexual harassment and that the application was available on the Federal Court website. I advised the Sergeant that the application included references to the use of Parliamentary entitlements by a senior member of the House of Representatives and that our client wished to provide the AFP with further details relevant to that latter issue.

The Sergeant said she would put in a report and that we could also put it in writing

I again spoke with the Sergeant at 7 20pm and she asked if we had reported the sexual harassment to the state police. I said no and she noted it was a civil matter and said we would have to submit a written report by email or online on the AFP website to client fiaison.

We are therefore submitting this report to you and can further advise that our client is happy to meet with the AFP at a time suitable to them. We wish to make it clear that the issue our client wishes to discuss is the issue of potential abuse of Parliamentary entitlements and not the sexual harassment issue.

Kind regards

Brad Buffoni

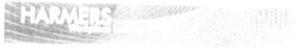
Special Counsel Litigation and Investigations

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W.

A Level 28 St Martins Tower 31 Market Street Sydney NSW 2000









Statement in the matter of: Police V Peter Slipper

Name

James Hunter Ashby

Home

Known to Police

Address Occupation

Advisor to the Speaker of the House of Representatives (The Hon

Peter Slipper MP)

Employer

The Hon Peter Slipper MP

Work Address Electoral Office of The Hon Peter Slipper MP, Buddina QLD

Date

26 April 2012

- This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in court as a witness.
- 2. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.
- 3. My full name is James Hunter Ashby and I am 33 years old. My residential address is known to police. I am currently employed as an adviser to the Speaker of the House of Representatives, The Honourable Mr Peter Slipper MP (Mr Slipper). I commenced in that role on or around 22 December 2011.

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6. Prior to being employed in my current role, my last employment was as 47F

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- 7. Whilst employed at 47F I met Peter Slipper, who at that stage was the Deputy Speaker and Member for Fisher, through my work at the farm (in his electorate), and later through my involvement as a member of the LNP.
- Following Mal Brough's election as FDC Chairman, I assisted Mr Slipper by producing a Youtube video for him on the 3rd of September 2011 and he was very appreciative of what we had done.
- 9. On or about 15 October 2011, Mr Slipper enquired as to whether I would be interested in a role as a media adviser. A short time later, Mr Slipper officially offered me the role. I declined the offer. Mr Slipper was persistent with his offer.
- 10. On or about 27 October 2011, Mr Slipper again offered me the role and I again declined the offer.
- 11. By letter dated 5 December 2011, Mr Slipper offered me employment as an Adviser on his personal staff as an ongoing employee, to be employed as a Personal Employee under Part III of the Members of Parliament (Staff) Act 1984.
- 12. I accepted the position and subsequently recall signing a commencement of employment document relating to the position whilst at Mr Slipper's house in Buderim Queensland. At that time I recall having a conversation with Mr Slipper with regards to a criminal history check and probationary periods relating to the

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term of employment. During the discussion I brought to Mr Slipper's attention a criminal matter I was involved in ten years ago that would most likely be revealled as part of a routine criminal history check. I signed the document which also contained my banking and tax file number details and left it with Mr Slipper to process. I commenced employment on or about 22 December 2011. The role involved work both in the Electorate Office in Queensland and in Canberra. Specifically, I was tasked with assisting the media adviser, particuarly given my background in media and marketing, and liaising with constituants to assist with raising Mr Slipper's profile within the electorate. I was also expected to travel with Mr Slipper where required in the role of adviser in support of his position as Speaker of the House.

- 13. Mr Slipper's staff comprised approximately eight full time staff employed in various roles which can generally be described as speaker staff or electoral office staff. Some employees are based away from the electoral office in Canberra and Brisbane. These employees include 47F - media adviser (no longer works for Mr Slipper), 47F - parliamentary adviser, electoral officer, - receptionist, 47F - data entry and filing, electoral office, 47F - senior adviser to the 47F 47F speaker, - assistant adviser, and 47F - Commonwealth Parliamentary Office Brisbane.
- 14. Since being appointed as Mr Slipper's Adviser, in the performance of my work I have travelled with him on three occasions to Sydney. I was aware that 47F 47F and 47F had the authority to arrange and book travel through the Parliamentary travel agency HRG. These bookings related to primarily air travel and occassionally Commonwealth Car (COMcar) bookings. Accommodation

Signature: 47F Witness:...... 47F

bookings were generally left to the individual although Mr Slipper did have a residence in Canberra where he would usually stay.

First Trip to Sydney

- 15. The first trip to Sydney was on Friday, 27 January 2012.
- 16. The purpose of this trip was for me to attend part of a meeting between Mr Slipper and the Infrastructure Minister for the Federal Government, Anthony Albanese, at his office at Marrickville. Mr Slipper and I were then to travel onto Canberra for further meetings with the Cuban Ambassador.
- 17. My reason for attending the meeting in Sydney was to record a message with Mr Albanese in relation to the Bruce Highway upgrade that was to occur on the Sunshine Coast between the Caloundra turn off and the Sunshine Motorway. We had consulted Mr Albanese regarding the issues that local residents and businesses had raised in relation to the Motorway, and while he could not attend a forum with the residents and businesses that I had organised for Mr Slipper, he was prepared to record a piece to camera which we could play on the night of the forum (that was scheduled that coming Sunday).
- 18. Mr Slipper was already in Sydney and made his own way to the meeting with Mr Albanese. To the best of my recollection, Mr Slipper had flown down to Sydney the day before, that is, 26 January 2012.
- 19. I came to Sydney on a flight that left Brisbane at about 6am that morning.
- 20. When I arrived in Sydney, I caught a cab to the Commonwealth Parliamentary Offices ("CPO") at Phillip Street in Sydney. I was given instructions by Mr Slipper

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to print out all the job applicants for the Assistant Advisers role and bring them with me to the meeting with Mr Albanese.

- 21. I took a cab from the CPO to Mr Albanese's office in Marrickville. I arrived at Mr Albanese's office at around 11am. Mr Slipper was already at the office with Mr Albanese. I filmed the piece and we then had a connecting flight to catch from Sydney to Canberra.
- 22. Mr Slipper told me that he had "a friend picking him up".
- 23. We left Mr Albanese's office at around 3pm, walked down the road and Mr Slipper then called his friend 47F on his mobile phone and arranged a pick up location with 47F Mr Sliiper said to me words to the effect that he had his driver on stand-by to pick us up. The pick up spot was across the road from Mr Albanese's office, down a side street that had a "bottle-o" right beside it. A man driving a black Audi A8 was there waiting.
- 24. I thought that the vehicle was a friend's car because in Queensland we have what we call "L plates", or limo plates, where the number plates start with the letter "L". However, the number plates on this car looked normal. Also, the car did not look to me like a Commonwealth vehicle because all Commonwealth vehicles I have seen were either Toyota Hybrids or top of the range Commodores, not \$250,000 vehicles. There was no meter in the car.
- 25. The driver, 47F was a short man, with a Lebanese appearance. He was bald and wore a pair of slacks, with just an open neck collared shirt, and no tie. He did not wear a uniform like a chauffeur driver.
- 26. During the course of our trip, we had to go back to the CPO to collect my luggage, before going to Sydney Airport to catch our flight to Canberra.

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- 27. When we were in the car, I asked a couple of questions about the car because it was a nice vehicle. I recall that at one point Mr Slipper said words to the effect of: "How many years have you been driving me 47F " to which 47F replied "19 years". I then thought that maybe they do call themselves friends but it started out as a driver client relationship.
- 28. Before we arrived at Sydney Airport, Mr Slipper said to 47F words to the effect of: "How many cabcharges did you need" and 47F said: "Three". I then saw Mr Slipper sign three cabcharge forms. I don't recall seeing where the forms came from but he did not put any other writing on the cabcharge dockets. He then handed the dockets to 47F when we arrived at Sydney Airport. I have not seen cabcharge dockets being used for quite some time and was of the opinion that due to the fact staff were issued with cabcharge cards, the cards were to be used.
- 29. I did not say anything to Mr Slipper or anyone else about this event as at that stage I had only been employed in my job for a few weeks and I didn't know what arrangements were in place. I expected that Mr Slipper would act appropriately. However, I did consider the event to be unusual and so noted it in my diary. I also noted in my diary that Mr Slipper paid 47F with the old style cheque size cabcharge, credit card slip machine style forms. A copy of my diary note is attached.

Second trip to Sydney

30. On Sunday, 5 February 2012, Mr Slipper and I had another trip to Sydney.

Signature:	47F	 Witness:	47

- 31. The purpose of this trip was to attend the Samoan delegation cruise that was being held on Sydney Harbour with the Deputy Prime Minister of Samoa. It was a one day trip and we were returning to Brisbane that night.
- 32. Mr Slipper and I travelled separately to Sydney. I took a flight at approximately 8.30am that morning from Brisbane to Sydney. I then took a cab to Sydney Harbour and waited for Mr Slipper and his wife, Inge, to arrive.
- 33.I was waiting for the arrival of the Samoan delegation and the Slippers with Senior Adviser, 47F and his wife.
- 34. At approximately 3pm, after the cruise had finished, we were picked up by

 47F in the black Audi A8 at Circular Quay. The weather was a bit funny, rainy
 at times and then sunny at other times. 47F pulled in just underneath an
 upper level platform; it looked like a train line. When I loaded my bags into the
 car, I noticed Peter and Inge's luggage was already in the boot. I presume it was
 left in the car when they were dropped off earlier that morning.
- 35. 47F then drove me and Mr and Mrs Slipper to Sydney Airport to fly home. When we arrived at Sydney Airport, Mr Slipper again asked 47F how many cabcharge forms he needed and 47F indicated "three". I saw Mr Slipper sign and then hand to 47F three cabcharge forms. I did not see him fill in any of the details in the forms. I also recorded this event in my diary. A copy of my diary note is attached.

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Third trip to Sydney

- 36. On Saturday, 11 February 2012, Mr Slipper and I had another trip to Sydney.
- 37. The purpose of this trip was to attend another boat cruise, this time with a delegation from Cyprus that included the President of Cyprus.
- 38.I caught a flight at approximately 7.25am from Brisbane to Sydney with Mr Slipper.
- 39. Mr Slipper and I were picked up from Sydney Airport by 47F in a black Audi A8 and driven to Circular Quay or Darling Harbour. I am not familiar with Sydney and am not sure if we were dropped off at Circular Quay or Darling Harbour. I recall that there was a lady with a snake and an animal land of some sort nearby.
- 40. On this trip the car wasn't in pristine condition on the inside. It was a bit dirty and I remember saying words to the effect of "Oh what, did you have a big night in the car or something last night 47F ?"". He said words to the effect of: "I had a wedding last night". These words confirmed for me that the vehicle was some form of hire/chauffeured vehicle.
- 41. After we had completed the cruise, I was told by Mr Slipper that there were gifts that the driver of our car needed to exchange with the driver of the Cyprian delegation's car. However, the drivers could not find each other. Mr Slipper therefore gave me 47F mobile phone number 47F so that I could call him and arrange the meeting spot for the drivers, which I did. The gifts were then exchanged by the drivers. We received a carton of beer. I was also given a paper weight towards the end of the cruise by the President.

Signature:	47F	*****	Witness:	47

- 42. After leaving the cruise, but before we went to Sydney Airport, Mr Slipper had to meet with a NSW QC (whose first name I think was 47F, but whose last name I cannot now recall) at a hotel in Mr Albanese's electorate. I am aware that the hotel was in that location as when we drove there Mr Slipper said words to the effect of: "Oh, we're in Anthony Albanese's electorate".
- 43. Mr Slipper asked 47F to wait around when he dropped us off at the hotel.
- 44. The hotel was on the rail line and it had a TAB and Keno and a couple of poker machines; and the rest was just a normal pub. I was allowed to stay for about ten minutes of the meeting. The QC and Mr Slipper spoke about religious matters while I was at the table with them.
- 45. Mr Slipper then said to me words to the effect of: "Could you go and just give us some time to talk", which I did. The QC and Mr Slipper then spoke alone for about another 30 to 45 minutes.
- 46. At around 4.00pm, after their meeting had concluded, we were picked up outside the hotel by 47F again. We were then taken to Sydney Airport. When we arrived at the airport Mr Slipper handed 47F multiple cabcharge dockets. On this occasion I do not remember there being any questions asked by Mr Slipper about the number of cabcharge dockets required. Mr Slipper just signed a number of them, and from what I saw didn't fill any further details in, then handed them to 47F I recorded a diary note about this event. A copy of my diary note is attached.
- 47. In my mind I was conscious of the fact that the vehicle we were driving in was a limousine or luxury car and not a taxi. It appeared suspicious to me that Mr Slipper would use three dockets instead of one. There did not appear to be any

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apparent reason as to why we were travelling in the limousine as opposed to utilising taxi's and COMcar's which were readily available at the time.

General

- 48. In reference to the above trips, 47F was pretty much at Mr Slipper's disposal for the duration of the day. He was constantly waiting for us or would arrive shortly after Mr Slipper called for him. We would also use the vehicle for extended periods of time to store our personal belongings or paperwork that was not being used at the time.
- 49. I have made this statement based on my recollection. Where I have set out conversations in this statement, I have set out their effect to the best of my recollection.
- 50. Attached to this statement are three pages of diary notes made by me and referred to above (Annexure A). I now produce those notes.

51.DOCUMENT: ANNEXURE A (THREE A4 PAGES - DIARY NOTES)

52. I have not brought this matter to the attention of police until this point in time due to the fact that I loved the job I was working in and was uncertain as to what the proper procedures were in relation to paying for taxi's and hire cars given that I had only recently started in the role. I had concerns that I would embarrass myself or look like a fool if it was a simple case of me not understanding the correct procedures.

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Justices Act 1886

I acknowledge by virtue of Section 110A (6C)(c) of the Justices Act 1886 that:

This typewritten statement by me dated 26 April 2012 and contained in the pages numbered 1 to 11 inclusive is true to the best of my knowledge and belief, and;

I make it knowing that, if it were to be admitted as evidence, I may be liable to prosecution for stating in it anything that I know to be false.

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Signature

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7.45	WITH ANTHONY ALBANESE.
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9,00	- CPO, 70 PHILIP ST, SYDNEY.
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9.30	- PRINT OUT ALL JOB APPLICANTS FOR ASSISTANT ADVISER ROLE.
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11.00	- 11AM MEETING WITH ANTHONY ALBANESE IN HIS MERICKVILLE OFFICE
11.15	TOOK CAB FROM COO AND FILMED A PIECE TO CAMERA FOR TOMOBROWS
11.45	EDIT SESSION BEFORE SUNDAY'S FORUM DICKED UP BY A NEW PLACK AND
12.00	FIDN I HAVE LIMO PLATES BUT PETER SAID HE'D BEEN USING 47F FOR
12.15	CLOSE TO 19 YEARS, PAID HIM WITH THE OLD SCHOOL CAB CHARGE CLICK
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6.00	GAR. PETER CAUGHT BARLIER FLIGHT BECAUSE I MESSED CHECKING IN
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FEBRUARY 2012