

		<ul style="list-style-type: none"> • The matter has been listed for hearing on 12 and 13 November 2019.

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AFP
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Executive Brief

MEDEVAC/ASIO

<p>Key Messages</p>	<p>ASIO referral – ‘Medevac leak’</p> <ul style="list-style-type: none"> • The matter was referred to the AFP on 7 February 2019 from the Department of Home Affairs. • During the assessment of the referral it was identified 11 email addresses received the final PROTECTED version of the document containing the disclosure information. However, more than 200 people were identified as having received either of the documents (PROTECTED and/or UNCLASS) leading up to the final versions and could have accessed the information subject to the disclosure. • Due to the significant number of people with access to this information and the limited prospects of identifying a suspect, the AFP did not accept this referral for investigation.
<p>Key Facts</p>	<ul style="list-style-type: none"> • The AFP assessed this referral in accordance with the Case Categorisation and prioritisation Model (the CCPM). • This matter was assessed and not accepted for investigation.
<p>Background</p>	<p>Why didn't the AFP investigate the medevac/ASIO leak?</p> <ul style="list-style-type: none"> • The AFP assessed this referral in accordance with the Case Categorisation and prioritisation Model (the CCPM). • The final PROTECTED version was sent to 11 individual email addresses. It should be noted that multiple staff may have had access to those inboxes as it is common for the executive assistants and project officers, or similar, of SES staff to have access to their SES' inbox. The final UNCLASSIFIED version was sent to four email addresses, three of which were group inboxes. Throughout the production of the document, from first draft to final version, over 200 people had access to the email addresses that the document was sent to. The details that appeared in the media could have been obtained from either the final versions of the document (both PROTECTED and UNCLASSIFIED) or from any of the draft versions. This matter was assessed and not accepted for investigation. <p><u>Why do FOI documents say only 11 people received the information?</u></p> <ul style="list-style-type: none"> • The final version of the PROTECTED document was sent to 11 email addresses. • But the AFP's inquiries revealed over 200 people received either the PROTECTED or the UNCLASSIFIED version of the documents before they were finalised. <p><u>Background</u></p>

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	<ul style="list-style-type: none"> • The AFP received the referral from the Department of Home Affairs (HA) on 7 February 2019 after two articles containing PROTECTED information appeared in The Australian (on the same day). <ul style="list-style-type: none"> ◦ The PROTECTED information had been contained in two Ministerial Submissions. • The referral was assessed in accordance with the AFP's CCPM protocols. • During the assessment of the referral it was determined that two documents contained the information that appeared in The Australian on 7 February 2019 in an article titled Medivac Plan 'Compromises Border Protection; - Phelps bill a security risk: ASIO. • Both documents were Ministerial submissions. Either of these documents, or both, may have been disclosed to the journalist or another unauthorised person. <p>Communication between the Secretary of the Department and the AFP</p> <ul style="list-style-type: none"> • There was no communications between the AFP and the Secretary of the Department of Home Affairs or his office in relation to this matter. • The AFP investigators made contact with the Department of Home Affairs Integrity Unit during the investigation.
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Au Pair Investigation

Key Messages	<ul style="list-style-type: none">• The matter was referred to the AFP on 30 August 2018 from the Department of Home Affairs, and the investigation has subsequently been finalised.• This referral can be distinguished from other referrals that did not result in an investigation.• Additional information was provided from the Department of Home Affairs that indicated that there were investigational leads for this case.• Consistent with long standing practice of the AFP across all sides of government, the Minister's Office was notified of the warrant activity the day before its execution.• Parliamentary privilege was claimed by Senator Pratt on material seized by the AFP during a search warrant on the Department of Home Affairs on 11 October 2018.• The Committee of Privileges concluded that this material was subject to parliamentary privilege and should be provided to Senator Pratt.
Key Facts	<ul style="list-style-type: none">• On 11 October 2018, the AFP executed warrants at the Department of Home Affairs premises.• This investigation has been finalised.
Background	<p>INVESTIGATION</p> <ul style="list-style-type: none">• On Thursday 30 August 2018, the Australian Federal Police (AFP) received a referral from the Department of Home Affairs regarding unauthorised access and disclosure of information.• The AFP subsequently undertook enquiries and conducted a number of activities in relation to this investigation.• On Thursday 11 October 2018, the AFP executed warrants on the Department of Home Affairs in relation to this investigation.• A claim of parliamentary privilege was made by Senator Pratt and in accordance with established search warrant protocol, the seized material was lodged with the Clerk of the Senate pending determination of the status of the material.• On 22 October 2018, the Committee of Privileges (the Committee) invited the AFP to provide a submission on the claim of parliamentary privilege and the application of the law of parliamentary privilege. The AFP's submission was presented on 9 November 2018.• On 26 November 2018, the Committee's 172nd Report was tabled. It concluded that the material seized during the warrant was subject to parliamentary privilege

and should be provided to Senator Pratt (the AFP have not been advised of the date when this occurred).

- On 29 November 2018, the AFP was invited to appear before the Committee in a closed hearing on 6 December 2018 to provide further evidence and clarification.
- The AFP considers the investigation finalised.

SENATE PRIVILEGES COMMITTEE HEARING

- On 6 December 2018, the AFP appeared before the Committee. On 21 December 2018, the Secretariat of the Committee wrote to the AFP and sought response to six Questions on Notice (QoNs) that had been taken during the Committee's hearing, as well as two supplementary questions.
- On 14 January 2019, the AFP responded to four of these questions.
- On 8 February 2019, the AFP responded to the outstanding questions. The Committee has not yet advised when it will re-sit, or whether it will publish a second report.
- It would be inappropriate to comment further as the matter is in a closed hearing before the Committee.

What made AFP prioritise the Home Affairs au pair leak?

- This investigation has been finalised by the AFP as a result of the findings of the Senate Standing Committee of Privileges 172th Report.
- AFP received a referral from the Department of Home Affairs on 30 August 2018 and assessed this referral in accordance with the Case Categorisation and prioritisation Model (the CCPM).

The Case Categorisation Priority Model (CCPM) assessment recorded against this referral indicates the following assessments were made:

- Categorises - Unauthorised disclosure by Commonwealth Public Officials under the category of Corruption
- Impact on the Client was CRITICAL.
- Investigations Priority was ESSENTIAL
- Impact of the Investigation was HIGH
- Value of the investigation to the AFP was HIGH

Based on this CCPM assessment the AFP decided to commence an investigation.

Background on warrants from FOI & QoNs

- On 10 October 2018, AFP National Manager Crime Operations, Assistant Commissioner Debbie Platz, attempted to call the Minister for Home Affairs' adviser and Chief of Staff. When these phone calls were not answered a text message was sent to the Minister's Chief of Staff at 11:14am on 10 October 2018:

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	<ul style="list-style-type: none"> • "Craig. Hi. Our team are executing some search warrants today that may cause some media attention. These relate to the leak of emails relating to the au pair matter. Pls call if you would like further information. Regards Debbie." • For operational reasons, the AFP decided to conduct the warrant activity the following day (11 October 2018). • On 10 October 2018 at 11:52am, AFP Deputy Commissioner Operations, Neil Gaughan, advised the Minister's Chief of Staff of this update via text message on 10 October 2018 at 11:52am, saying: <ul style="list-style-type: none"> ○ "That warrant activity will now be first thing tomorrow morning – Neil" • A response was received: <ul style="list-style-type: none"> ○ "Thanks mate – this arvo also fine" • During a telephone conversation at 5.51pm on 10 October 2018, Assistant Commissioner Debbie Platz informed the advisor of impending search warrant activity. • On 11 October 2018, there was email correspondence between AFP employees and the Minister for Home Affairs Office in relation to drafting of a question time brief (QTBs) on the referral from the Department of Home Affairs and the subsequent AFP investigation. • Between the 11 October 2018 and 13 February 2019 there were number of updates to QTBs and other ministerial correspondence.
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AWU/ Witness K Investigation

KEY MESSAGES	<ul style="list-style-type: none">• The AWU Investigation is in reference to an unauthorised disclosure of information relating to the AFP search warrant the AWU. It did not proceed to prosecution based of advice from CDPP.• CDPP obtained AG consent to prosecute on 11 May 2018 in relation to Op SKOBELOFF.• Witness K indicated that he will plead guilty to Conspiracy to communicate ASIS information (section 11.5 Criminal Code and section 39 of the Intelligence Services Act 2001).• Witness K's matter is next before court on 15 November 2019.
KEY FACTS	<p>AWU Investigation</p> <ul style="list-style-type: none">• On 11 January 2019, the CDPP advised AFP of a decision not to commence a prosecution. <p>Op SKOBELOFF (Witness K)</p> <ul style="list-style-type: none">• On 6 August 2019 in the ACT Magistrate Court, Witness K indicated that he will plead guilty to one charge of conspiracy to communicate ASIS information, contrary to section 11.5 of the Criminal Code and section 39 of the Intelligence Services Act 2001.
BACKGROUND	<p>Why did the AFP not lay charges in the AWU case?</p> <ul style="list-style-type: none">• The AFP prepared a brief of evidence for consideration by the CDPP in accordance with usual procedure.• On 11 January 2019, the CDPP advised AFP of a decision not to commence a prosecution• I'm advised the decision was made on the basis there were no reasonable prospects of conviction. <p>Op SKOBELOFF (Witness K)</p> <ul style="list-style-type: none">• This is an alleged unauthorised disclosure of classified information by former intelligence officer.• On 6 August 2019 in the ACT Magistrate Court, Witness K indicated that he will plead guilty to one charge of conspiracy to communicate ASIS information, contrary to section 11.5 of the Criminal Code and section 39 of the Intelligence Services Act 2001.• Witness K's co-accused, Mr Bernard Collaery pled not guilty and has been committed to stand trial in the ACT Supreme Court for the offence of conspiracy to

communicate ASIS information, contrary to section 11.5 of the Criminal Code and section 39 of the Intelligence Services Act 2001, and with offences relating to communicate ASIS information contrary to section 39 of the Intelligence Services Act 2001.

- A hearing in relation to the orders made under the *National Security Information (Criminal and Civil Proceedings) Act* 2004 is listed for 3 days commencing on 11 December 2019.
- As this matter is before the court, it would not be appropriate to comment further.

Background

- On 3 December 2013, the AFP provided assistance to ASIO in the execution of a National Security warrant on a number of premises.
- The AFP's role was limited to the provision of security
- The matter was referred to AFP by ASIO on 13 December 2013 and an investigation commenced.
- The investigation was concluded on 18 February 2015 and a brief of evidence provided to CDPP.
- CDPP obtained AG consent to prosecute on 11 May 2018.
- This matter was heard in the ACT Supreme Court on 6 August 2019.
- Witness K pleaded guilty to Conspiracy to communicate ASIS information (section 11.5 Criminal Code and section 39 of the Intelligence Services Act 2001).
- His lawyer, Mr Bernard Collaery pleaded not guilty to Communicate ASIS information (section 11.5 Criminal Code, section 39 of the Intelligence Services Act 2001).

Action by departments and agencies

- The AFP only accepts referrals from departments and agencies when there are allegations of criminal conduct.
- Departments and agencies may conduct their own initial inquiries to determine the scope of the allegations as well as the harm involved.
- Departments and agencies do not exercise police powers to investigate.

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Executive Brief

PRIORITISING INVESTIGATIONS

Key Messages	<ul style="list-style-type: none"> • The AFP cannot be directed to investigate a matter by the Minister or a Department. • The CCPM applies objective measures and the assessment is conducted by the Sensitive and Offshore Investigation teams. • The AFP has received in order off 100 referrals since 2013.
Key Facts	<ul style="list-style-type: none"> • There are some circumstances in which the Law Enforcement Integrity Commissioner can direct an investigation. • We are transparent about the objective criteria. The CCPM guidelines are publically available on the AFP website.
Background	<p>Why did the AFP investigate some leak allegations and reject others?</p> <ul style="list-style-type: none"> • When the AFP receives a referral from a government department or a member of the public, it is assessed under the Case Categorisation and Prioritisation Model (the CCPM), which determines whether the case will be investigated and the priority that be given. • (PJCIS Sub21.4 p.3) • For unauthorised disclosures, some of the relevant criteria include: • The impact of the alleged offending on Australian society; • The likelihood of success in an investigation; and • Whether an alternative to criminal investigation is appropriate. <p>Action by departments and agencies</p> <ul style="list-style-type: none"> • The AFP only accepts referrals from departments and agencies when there are allegations of criminal conduct. • Departments and agencies may conduct their own initial inquiries to determine the scope of the allegations as well as the harm involved. • Departments and agencies do not exercise police powers to investigate.

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Thresholds and Powers

Key Messages	<ul style="list-style-type: none"> I am conscious this is a public forum and there are criminal offences in the <i>Telecommunications (Interception & Access Act) 1979 (section 181A)</i> for disclosing the existence or otherwise of a journalist information warrant. There are limitations on what I can say further in a public forum.
Key Facts	<ul style="list-style-type: none"> There are strict legislative restrictions, including criminal offences for disclosing the existence or otherwise of a journalist information warrant. <ul style="list-style-type: none"> E.g. the <i>Telecommunications (Interception & Access Act) 1979</i>, section 182A. We do have statutory obligations to report to parliament on the use of JIWs. <ul style="list-style-type: none"> As reported recently to the Parliamentary Joint Committee on Intelligence and Security, the AFP has had 2 JIWs issued in the 2017-18 financial year.
Background	<p>Legal mechanisms to obtain metadata</p> <ul style="list-style-type: none"> The <i>Telecommunications Act 1997</i> prohibits telecommunications carriers from providing access to telecommunications data except as "required or authorised under law" (s.280). <ul style="list-style-type: none"> The TIA Act provides one means of authorising carriers to provide data (restricted to 21 agencies). Data can also be provided under subpoena. Some agencies (not AFP) have their own notice to produce powers. It is also possible for AFP to obtain telecommunications data directly from a device under a warrant, for example: <ul style="list-style-type: none"> Computer Access Warrant 3E search warrant <p>If pushed for specific operational information on SD, TI or metadata</p> <ul style="list-style-type: none"> This relates to operationally sensitive information. There are also statutory limits on what I can say publicly. <p>Why does AFP need to "add, copy, delete or alter" data in a search warrant?</p> <ul style="list-style-type: none"> The Crimes Act includes a list of things that are authorised in all 3E search warrants.

	<ul style="list-style-type: none"> ○ This includes authorisation to “add, copy, delete or alter data” for very limited purposes. • There is a very sound best practice digital forensics reason for this. <ul style="list-style-type: none"> ○ Processes for accessing electronic devices necessarily result in technical alterations to the data held in the device. ○ Essentially, just by accessing a phone or computer, our investigators are changing the metadata behind it. ○ In order to preserve the integrity of electronic evidence, digital forensics officers need to be able to delete the data that is added by their own actions. • “Adding” data – E.g. additions to logs on the computer that automatically occur whenever the computer is being used by the investigator or digital forensics officer. • “Copying” data – E.g. replicating data from the internal storage of a computer to a USB to enable it to be seized. • “Deleting” data – E.g. overwriting data in the computer’s memory when installing forensic software to search the computer for relevant data. • “Altering” data – E.g. Any of the above.
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The EFI Amendments

<p>Key Messages</p>	<ul style="list-style-type: none"> • Police may need to use investigation powers to determine whether the journalist defence applies. • This is not a blanket defence for journalists. To be covered by the defence, the journalist must have reasonably believed their conduct was in the public interest. • Police need to collect information in order to determine those facts.
<p>Key Facts</p>	<ul style="list-style-type: none"> • Under the new Criminal Code offences there may still be instances where police need to collect information about journalists, including through police powers.
<p>Background</p>	<p>Would the AFP have investigated the journalists under the new offences?</p> <ul style="list-style-type: none"> • I am not going to comment on the specifics of those investigations. • It may be necessary to conduct an investigation to determine the identity of the Commonwealth official that has made the unauthorised disclosure. <ul style="list-style-type: none"> ○ In some instances, collecting information about a journalist will be the only way for investigators to identify the Commonwealth official. <p>Would the AFP support maintaining records in relation to occupation types?</p> <ul style="list-style-type: none"> • However the AFP acknowledges that some public interests, such as the freedom of the press, are important, and is happy to consider maintaining records - if that would assist in reassuring the public the AFP's conduct is appropriate. • No – the AFP does not support maintaining records of occupation types. • In general occupation types are not a clear indicator of likelihood of engagement in criminal activity. • The community expects the AFP to safeguard the privacy of individuals and the recording of occupation types may be viewed as either profiling or selectively identifying individuals. • This has the potential to undermine the confidence of the Australian community in the AFP. There would also be a significant impost to the AFP to develop a system to accurately record, maintain and retrieve the records. • Criminal offences do not generally distinguish criminality based on a person's occupation. In many cases making this distinction could be inappropriate, and could invite criticism regarding the selective application of the law.

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	<p>Would the AFP support expanding the defence to all whistle-blowers acting in the public interest?</p> <ul style="list-style-type: none"> • This is ultimately a matter for Government. • The AFP would have concerns about the impact this would have on AFP operations and the work of our partner agencies, both domestically and offshore. • I will reiterate that the risks in releasing classified information to the public may not be obvious to an individual Commonwealth official or the public. • So a regime that endorsed whistle-blowers taking sensitive material out of secure environments (by going straight to the media or to the public) would be very concerning to security agencies.
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Journalist Information Warrants

<p>Key Messages</p>	<ul style="list-style-type: none"> • The JIW regime is subject to statutory secrecy protections, including a prohibition on stating whether a JIW exists or not, unless there is an appropriate justification e.g. the disclosure is reasonably necessary for the enforcement of the criminal law. • The AFP has publically stated that a JIW was not sought in the course of SMETHURST and ABC investigations. The AFP's view is that this disclosure was appropriate given the high level of public interest in those matters, and the need for public confidence in the enforcement of the criminal law. • All of the AFP JIW warrants were reported to the MHA (via the Department of Home Affairs) and to the Ombudsman in accordance with the legislation. • The AFP retains records in the terms required by law, which do not include a person's occupation. Accordingly, the AFP does not keep specific records for the occupation of the person in relation to search warrants. Therefore, the AFP cannot provide a specific figure in relation to how many search warrants have been obtained 'in relation to a journalist' across all crime types. • The AFP is not able to comment on sensitive aspects of investigations that have been, are being, or are being proposed to be undertaken by the AFP. Such sensitivities include the use of statutory powers and the extent to which such powers may be used, or not used, in relation to those persons under investigation.
<p>Key Facts</p>	<ul style="list-style-type: none"> • The AFP has reviewed its records of unauthorised disclosure investigations since 2013. The AFP has received in order of 100 referrals relating to alleged Commonwealth unauthorised disclosure offences. • The AFP is legally required to obtain a JIW to access data relating to a journalist, in circumstances outlined in s. 180H(2) of the <i>Telecommunications (Interception and Access) Act</i>.
<p>Background</p>	<p>How many Journalist Information Warrants (JIWs) have been used since their enactment?</p> <ul style="list-style-type: none"> • A journalist information warrant only authorises the AFP to obtain certain metadata from a carriage service provider. When investigators are seeking to locate evidence on a person or premises, a JIW would not be appropriate or available.

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- I am conscious this is a public forum and there are criminal offences in the *Telecommunications (Interception & Access Act) 1979* (section 181A) for disclosing the existence or otherwise of a journalist information warrant.
- As the Committee is aware, the AFP has statutory obligations to report to Parliament on the use of JIWs.

○ As reported recently to the Parliamentary Joint Committee on Intelligence and Security, the AFP has had 2 JIWs issued in the 2017-18 financial year.

○ IF ASKED: There are limitations on what I can say further in a public forum.

Would the AFP support a journalist public interest advocate (PIA) being expanded to all police powers?

- This is ultimately a matter for Government.
- The AFP notes this would have the operational impact on investigations:
 - Requirement to use a PIA would delay the issuing of warrants by up to a week.
 - In some instances, a delay will risk evidence being lost, or in the worst case scenario- harm to individuals or continued offending (including where the investigation may be targeting offences other than leaks).
 - Inability for AFP to investigate offences that have been passed by Parliament
 - Including offences by Cth officials.
 - It would be preferable to deal with the issue through the offences themselves, not the investigative powers.

Would AFP support expansion of the definition of journalist in the defence?

- This is ultimately a matter for Government.

Would AFP support expanding the journalist defence to other offences (or all offences)?

- There are many offences that journalists and media organisation need to be cognisant of when going about their work. It is a matter for Government whether these offences should continue to apply, and whether journalists should be exempt. For example:

- Advocating terrorism/genocide/crime etc.
- Offences relating to a breach of suppression or non-publication orders.
- Offences against covert recording of private conversations.
- Criminal defamation offences in state law.
- Offences under the *Broadcasting Services Act*.

- The new abhorrent violent material offences.

- E.g. publication of the Christchurch attack on a public website.

Surveillance warrants

- In relation to those unauthorised disclosure investigations since 2013 the AFP has not located any record of having applied for, or obtaining, any surveillance device warrants in relation to a journalist.
- The AFP retains records in the terms required by law, which do not include a person's occupation. Accordingly, the AFP does not keep specific records for occupation type in relation to surveillance device warrants. Therefore, the AFP cannot provide a specific figure in relation to how many surveillance device warrants have been obtained 'in relation to a journalist' across all crime types.

Self-Reporting to Ombudsman

- In 2017, the AFP self-reported an instance where a JIW was not sought as required. This incident was previously reported to the PJCIS. See their 16/17 Annual Report which states:
- 1.70 The AFP also responded to questions from the Committee about a breach of the Telecommunications (Interception and Access) Act 1979 that was self-reported to the Commonwealth Ombudsman in April 2017. The breach involved an AFP member accessing telecommunications data pertaining to a journalist without a Journalist Information Warrant being issued.¹⁸ former Commissioner Andrew Colvin outlined for the Committee that, in response to the breach, the AFP had put in place additional training, updated forms, and limited the officers authorised to approve access to this type of telecommunications data to members of the Senior Executive Service.

JIW and if we don't comply.

Subsection 180H(2) states as follows:

(2) An authorised officer of the Australian Federal Police must not make an authorisation under Division 4A that would authorise the disclosure of information or documents relating to a particular person if

(a) the authorised officer knows or reasonably believes that particular person to be:

(i) a person who is working in a professional capacity as a journalist; or

(ii) an employer of such a person; and

- (b) a purpose of making the authorisation would be to identify another person whom the authorised officer knows or reasonably believes to be a source.

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Why hasn't the AFP been consistent in its approach to revealing information about the media search warrants?

- The high level of public interest in the SMETHURST and ABC investigations, together with the publicity surrounding the current civil proceedings, mean there is more information in the public domain in respect of those investigations than would typically be revealed. That said, both those investigations are ongoing, are subject to ongoing civil litigation, and with respect to the ABC matter, criminal proceedings. It would not be appropriate to comment further on these two active investigations.
- The AFP has publically stated that a JIW was not sought in relation to those investigations. The AFP's view is that this was appropriate given the high level of public interest in those matters, and the need for public confidence in the enforcement of the criminal law.

In relation to all warrants on any journalist:

- The AFP don't keep records of warrants by occupation.

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Freedom of Information (FOI)

Key Messages	<ul style="list-style-type: none">• I am committed to reviewing the AFP’s processes to ensure it is as transparent as possible without compromising investigations or national security.• Redactions are appropriate and lawful in certain circumstances. They protect national security, ongoing investigations and police methodology.• The AFP has seen a significant improvement in the timeliness of FOI requests.																
Key Facts	<ul style="list-style-type: none">• From September 2018 to September 2019, the AFP has reduced its average run time on significant FOI requests from 98 days to 49 days. <table><tr><th></th><th colspan="3">Statistics on FOI requests received 2018/19 calendar year</th></tr><tr><th>Date</th><th>FOI requests received</th><th>FOI Finalised</th><th>FOI Outstanding</th></tr><tr><td>1 January – 31 December 2018</td><td>680</td><td>680</td><td>Nil</td></tr><tr><td>1 January – 14 November 2019</td><td>703</td><td>598</td><td>105 on data base</td></tr></table>		Statistics on FOI requests received 2018/19 calendar year			Date	FOI requests received	FOI Finalised	FOI Outstanding	1 January – 31 December 2018	680	680	Nil	1 January – 14 November 2019	703	598	105 on data base
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Date	FOI requests received	FOI Finalised	FOI Outstanding														
1 January – 31 December 2018	680	680	Nil														
1 January – 14 November 2019	703	598	105 on data base														
Background	<p>Unauthorised Disclosure FOI’s</p> <ul style="list-style-type: none">• The AFP received 27 requests relating to the search warrants on 4 and 5 June and the ABC investigation, however six of those requests were combined into 2 leaving a total of 23 requests to process.• In addition to the 27 requests the AFP received a number of FOI requests from journalists which also related to ‘unauthorised disclosures’ concerning other Commonwealth agencies including Home Affairs and included topics such Medevac, the expansion of the Australian Signals Directorate powers and Journalist Information Warrants. <p>AFP’S performance under FOI</p> <p><i>If asked: Why does AFP take so long to finalise FOI releases?</i></p> <ul style="list-style-type: none">• The AFP has seen a significant improvement in the timeliness of FOI requests.<ul style="list-style-type: none">◦ From September 2018 to September 2019, the AFP has reduced its average run time on significant requests from 98 days to 49 days on average. <p><i>If asked: Why does AFP redact so much of its FOI releases?</i></p>																

	<ul style="list-style-type: none"> • The AFP is subject to the FOI Act, despite sharing intelligence and national security functions with agencies otherwise exempt from the Act. • The FOI Act provides for exemption of sensitive information where release is not in the public interest. This includes: <ul style="list-style-type: none"> ○ National security ○ Ongoing investigations ○ Law enforcement methodology
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