

From: s22(1)(a)(ii)
Sent: Monday, 14 October 2019 6:38 PM
To: s22(1)(a)(ii)
Cc: Macdonald, Alison <s22(1)(a)(ii)>; Jerga, Stefan <s22(1)(a)(ii)> Black, Christopher <s22(1)(a)(ii)> Ryan, Nigel <s22(1)(a)(ii)>
Subject: FW: High Value Spending Proposal - John Lawler Consulting [DLM=Sensitive:Legal]
Importance: High

Sensitive:Legal

Hi s22(1)(a)(ii)

I hope you're well.

Stefan indicated that he would mention this to you, so I hope I have not leap-frogged his phone call.

The Commissioner wishes to bring former Deputy Commissioner John Lawler on-board as a consultant until 21 January 2020, with an option to extend to 21 March 2020. The intention is for Mr Lawler to be given an AFP laptop and access to ICT systems as early as Friday this week, so we obviously need to progress this as quickly as possible.

I have forwarded the attached HVSP to s22(1)(a)(ii) at NPC for progression, but wanted to provide this to you now so that work can commence on an appropriate contract. I have also provided the Terms of Reference below.

Please note that the nature of this consultancy is to be closely held for now.

Thank you – please let me know if you require anything further at this stage.

Kind regards,

s22(1)(a)(ii)

Terms of Reference for the Independent Review of the Conduct of Sensitive Investigations in the AFP.

The Australian Federal Police, as the Australian Government's only policing agency, receives a range of referrals that have levels and/or aspects of sensitivity beyond those normally received. Such referrals typically have a political imperative, higher than normal levels of classification and media scrutiny, and require some form of senior management oversight. At present, sensitive investigations include matters relating to unauthorised disclosures; the application of Parliamentary privilege; espionage and foreign interference; and war crimes. In light of my public commitment to review the processes around the recent investigations involving News and the Australian Broadcasting Commission, I require a process review into the handling of sensitive investigations with a view to ensuring all aspects of their conduct (from point of referral through the authorisation and their ongoing management) are as efficient and effective as possible and to determine whether the existing investigative policy and guidelines are fit for purpose.

Drawing, as appropriate, on case studies and consultations this review of sensitive investigations will provide my Office with options around opportunities for interventions and strategies to ensure the AFP is best placed to address sensitive investigations in the future, including the:

- a. Baseline of what constitutes a sensitive investigation
- b. Articulation of the human (resources, skills, training, technology and facilities required
- c. Reformation of governance and business processes (including alternative mechanisms for referring entities beyond the AFP)

d. Organisational structures

In the conduct of this review I require you to draw upon a small review team that I will provide to you, to consult appropriately with relevant internal and external stakeholders within the Australian Government. I expect you to work, given time constraints with reference to the work being undertaken by Ernst and Young on the AFP's future operating model and, given the public interest aspects of this review, I require an annexure to be produced with the express intent for public release should I see fit. This review is to be completed no later than 20 January 2020 and I reserve the right to request an interim report if circumstances arise whereby the full report has not been finalised. Similarly, should you in the course of your review find an issue or issues of concern I require you to bring these to my immediate attention.

s22(1)(a)(ii)

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Sensitive:Legal

From: s22(1)(a)(ii)

Sent: Monday, 14 October 2019 6:32 PM

To: s22(1)(a)(ii)

Cc: Black, Christopher <s22(1)(a)(ii)>; Ryan, Nigel <s22(1)(a)(ii)>

s22(1)(a)(ii)

Subject: High Value Spending Proposal - John Lawler Consulting [DLM=For-Official-Use-Only]

Importance: High

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Hs22(1)(a)(ii)

Please find attached a draft HVSP. I am still completing the RATP and will forward that through asap tomorrow.

Could you please give me a ring tomorrow morning (my mobile s22(1)(a)(ii) is probably best) to discuss the HVSP?

The Commissioner wishes to bring former Deputy Commissioner John Lawler on-board as a consultant until 21 January 2020, with an option to extend to 21 March 2020. The intention is for Mr Lawler to be given an AFP laptop and access to ICT systems as early as Friday this week, so we obviously need to progress this as quickly as possible.

I'm happy to assist however I can; please let me know whatever else you need from me. I have had initial discussions with a/Chief Counsel regarding the procurement and the required contract. I will forward the draft HSVP to Legal now - a/Chief Counsel has indicated that they will be able to provide a contract asap this week (subject of course to NPC's approval for the procurement to progress etc).

Please note that the nature of this consultancy is to be closely held for now, hence my direct approach to you.

Please let me know if you require any further information.

Thank you.

Kind regards,

s22(1)(a)(ii)

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AFP

AUSTRALIAN FEDERAL POLICE

Exemption from AusTender Reporting/Publication ^①

Version Control: v.1.22/08/19

AFP Procurement ID ^①	20200303
Certificate of Public Interest Issued ^①	No

To Chris Black
Chief of Staff

Purpose

To seek an exemption from publishing on AusTender/Publication the details of the contract for the provision of consultancy services awarded to John A Lawler Consulting (ABN: 55 285 009 566) valued at \$47G (GST inclusive).

Background

The Commonwealth Procurement Rules (CPRs) require all contracts and purchases valued at \$10,000 or more to be reported publically on AusTender. AusTender is the Australian Government's procurement publishing and reporting website. In accordance with the CPRs, the Commissioner or his delegate may direct in writing that contract details are not to be reported on AusTender if they would also be subject to an exemption under the Freedom of Information Act 1982.

The Commissioner has delegated responsibility for exempting contracts from reporting to National Managers. This delegation is detailed at Schedule 5 of Annexure A (Schedules of Delegations and Authorisations) of the Commissioner's Financial Instructions.

The delegate may exempt a contract from being reported if the delegate considers the information in or relating to the above contract is sensitive and harm would likely be caused by public disclosure. The primary reasons that AFP contract details are exempt from reporting relate to the:

- enforcement of the law and the protection of public safety;
- protection of national security; and
- protection of personal information.

Issue

The personal information of Mr John Lawler, who operates as a sole trader, would be unreasonably divulged should this contract be reported. The National Procurement and Contracts team have recommended that an exemption from publication on AusTender be sought.

Recommendation ^①

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AFP
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It is recommended that you, as the relevant Delegate, approve the Exemption from AusTender/Publication for this procurement activity's contract details on AusTender.

<p>s22(1)(a)(ii)</p> <hr/> <p>Recommending Officer Name</p> <p>Coordinator, afp12153</p> <hr/> <p>Recommending Officer Title and AFP ID</p>	<p>s22(1)(a)(ii)</p> <hr/> <p>Recommending Officer Signature</p> <p>15.10.19</p> <hr/> <p>Recommendation Date</p>
--	--

Delegate Approval

- Exemption Approved Exemption Not Approved

<p><i>Chris Black</i></p> <hr/> <p>Delegate Name</p> <p>s22(1)(a)(ii)</p> <hr/> <p>AFP 11147 Chief of Staff</p> <hr/> <p>Delegate Title and AFP ID</p>	<hr/> <p>Delegate Signature</p> <hr/> <p>Approval Date</p>
---	---

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s47E(d)
s47F

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s22(1)(a)(ii)

From: s47E(d)
Sent: Friday, 18 October 2019 2:45 PM
To: s22(1)(a)(ii)
Cc:
Subject: 5700012636 - RE: Part C and RATP - J Lawler [DLM=For-Official-Use-Only]
Attachments: 20191018135241445.pdf; 20191018135316137.pdf

For-Official-Use-Only

Thanks s22(1)(a)(ii)
We have processed this, are you ok to raise the shopping cart/PO against it?
Regards

s22(1)(a)(ii)

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CHIEF FINANCIAL OFFICER
Tel - s22(1)(a)(ii)
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From: s22(1)(a)(ii)
Sent: Friday, 18 October 2019 2:03 PM
To: s22(1)(a)(ii)
Subject: Part C and RATP [DLM=For-Official-Use-Only]

For-Official-Use-Only

Hi s22(1)(a)(ii)

Please find the signed documents attached.

Thank you again for all of your help.

Kind regards,

s22(1)(a)(ii)

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Low Value Spending Proposal (PART C)

Approval to vary or extend contract

7-01-2020-17:34:00/20/2020

Insert Procurement Title [Contract ID 728375987]

AFP Procurement ID ⓘ	20200303
Exempt from AusTender Reporting ⓘ	Yes: for the protection of personal information.
CPRs s.2.6 Applying Measures ⓘ	Not applicable
Will this procurement involve consultancy services? ⓘ	Yes this procurement involves consultancy services

Chris Black
Chief of Staff

PURPOSE

This Low Value Spending Proposal (Part C) is to:

- Provide an update to the PGPA Delegate of the current business or operational requirements,
- Specify any changes or additional risks associated with varying or extending the existing contractual arrangement; and
- Obtain [PGPA Delegate approval](#), in accordance with the [Public Governance, Performance and Accountability \(PGPA\) Act 2013](#) and the [Commonwealth Procurement Rules \(CPRs\)](#), to vary or extend the existing contractual arrangement while ensuring Value for Money (VFM) is achieved.

BACKGROUND

The contract inadvertently did not align with the High Value Spending Proposal. This amendment will reflect the parties' original intentions.

THE REQUIREMENT

Additional s47G for the potential option to extend, and additional s47G to cover potential travel expenses relating to the contract.

Has a detailed 'Statement of Requirements (SOR)' been completed? Yes No N/A

CONTRACT VALUE

Insert Date

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Page 1 of 4



Low Value Spending Proposal (PART C)

Approval to vary or extend contract

Executed Contract Value	AUD s47G (GST inclusive)
Proposed Contract Value Change	s47G
Revised Total Contract Value	Maximum of AUD: s47G (GST inclusive)

Cost Centre	300250	Internal Order	XCOS
Does this extension/variation involve the purchase of assets?			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does this procurement relate to gifting?			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

CONTRACT TERM

Executed Contract Term	3 months
Proposed Contract Term Change	option to extend for up to 2 months
Revised Total Contract Term	5 months

PROCUREMENT RISK ASSESSMENT

The procuring business area have reviewed the previously completed an [Initial Risk Profile Assessment](#) and reaffirm the overall risk rating for this procurement activity to be MEDIUM.

Where the risk rating has been assessed at [Medium](#) or above a separate [Risk Assessment and Treatment Plan \(RATP\)](#) must be undertaken.

METHOD OF PROCUREMENT

The method of procurement to establish this contract was: limited tender

VALUE FOR MONEY

Insert Date

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Page 2 of 4



Low Value Spending Proposal (PART C)

Approval to vary or extend contract

Version 1.0 (July 2016)

Every AFP procurement must achieve value for money (VFM) ([CPRs section 4 'Value for money'](#)).

Price must not be the sole factor in assessing value for money. AFP Officials must consider the relevant financial and non-financial costs and benefits of their procurement activity i.e. quality, fitness-for-purpose, experience, past performance, flexibility of the proposed solution, environmental sustainability, physical and information security, destruction and disposal, and whole-of-life costs.

- Provide VFM justification to extend or vary this contract: reflects the original intention of the parties
- Has the Contract Manager assessed the supplier's performance: No; performance has not been assessed or documented.
- What is the main reason for this contract to be extended or varied? Other

PROCUREMENT STAKEHOLDERS

In accordance with the [National Guideline on procurement and contracting](#), the following AFP business areas have been consulted where necessary:

- | | |
|--|--|
| <input checked="" type="checkbox"/> AFP Legal Insert LEX ref # | <input type="checkbox"/> Technology & Innovation Insert DAF TA ref # |
| <input type="checkbox"/> National Armoury | <input type="checkbox"/> Portfolio Financial Representative |
| <input checked="" type="checkbox"/> Security | <input type="checkbox"/> National Assets Team |
| <input type="checkbox"/> ICT Assets Team | <input checked="" type="checkbox"/> NPC |

CONFLICT OF INTEREST

All stakeholders who may have influence over this procurement activity have completed a Conflict of Interest Declaration and:

- no perceived or actual conflicts have been identified; or
- the following perceived or actual conflicts have been identified:

- s47F

RECOMMENDATION

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I, as the Recommending Officer, confirm that this procurement activity will be conducted in accordance with the [CPRs](#) and the [AFP National Guideline on procurement and contracting](#). The procurement method detailed above will ensure that value for money will continue to be achieved.

(COMMONWEALTH)

Recommending Officer's comments:



Low Value Spending Proposal (PART C)
Approval to vary or extend contract

Click or tap here to enter text.	
s22(1)(a)(ii) Name	s22(1)(a)(ii) Signature
Coordinator afp12153 Title and AFP No.	18/10/2019 Date reviewed

PGPA DELEGATE APPROVAL

Procurement Title	Consultancy services – Mr John Lawler
AFP Procurement ID	20200303
Revised Total Contract Value	\$ s47G (GST inclusive)
Revised Total Contract Term	Maximum of 5 months

I, as the relevant PGPA Delegate, am satisfied that:

- this procurement activity continues to be compliant with the required Australian Government procurement policies and legislative requirements set out in the [Public Governance Performance and Accountability Act 2013](#), the [Commonwealth Procurement Rules \(CPRs\)](#), the [Commissioner's Financial Instructions](#), and the [AFP National Guideline on procurement and contracting](#).
- I hold the appropriate PGPA delegation and have sufficient funds within my area of delegation to cover any resulting commitment.
- Conflicts of Interest Declarations have been declared, documented and appropriately managed.
- this procurement activity will provide an efficient, effective, economical and ethical use of Government money.

PGPA Delegate approval:

Approved to vary or extend the contractual arrangement

Not approved to vary or extend the contractual arrangement

Chris Black Delegate Name	s22(1)(a)(ii) Delegate Signature
Chief of Staff afp11147 Delegate Title and AFP ID	18/10/2019 Approval Date

BY THE AUSTRALIAN FEDERAL POLICE

s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Friday, 18 October 2019 2:46 PM
To: s47E(d)
Cc: s22(1)(a)(ii)
Subject: RE: 5700012636 - RE: Part C and RATP - J Lawler [DLM=For-Official-Use-Only]

For-Official-Use-Only

Thank you so much s22(1)(a)(ii) really appreciate it.

Yes, hopefully I'll have a team next week and I'll get someone who knows what they're doing to raise it!

Thanks again; have a good weekend.

Kind regards,

s22(1)(a)(ii)

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From: s47E(d)
Sent: Friday, 18 October 2019 2:45 PM
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Cc: s22(1)(a)(ii)
Subject: 5700012636 - RE: Part C and RATP - J Lawler [DLM=For-Official-Use-Only]

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Thanks s22(1)(a)(ii)
We have processed this, are you ok to raise the shopping cart/PO against it?
Regards

s22(1)(a)(ii)
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Sent: Friday, 18 October 2019 2:03 PM
To: s22(1)(a)(ii)
Subject: Part C and RATP [DLM=For-Official-Use-Only]

For-Official-Use-Only

Hjs22(1)(a)(ii)

Please find the signed documents attached.

Thank you again for all of your help.

Kind regards,

s22(1)(a)(ii)

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s22(1)(a)(ii)

From: s47E(d)
Sent: Friday, 18 October 2019 2:55 PM
To: s22(1)(a)(ii)
Subject: RE: 5700012636 - RE: Part C and RATP - J Lawler [DLM=For-Official-Use-Only]

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No problem, you too 😊

s22(1)(a)(ii)
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Sent: Friday, 18 October 2019 2:46 PM
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Cc: s22(1)(a)(ii)
Subject: RE: 5700012636 - RE: Part C and RATP - J Lawler [DLM=For-Official-Use-Only]

For-Official-Use-Only

Thank you so much s22(1)(a)(ii) really appreciate it.

Yes, hopefully I'll have a team next week and I'll get someone who knows what they're doing to raise it!

Thanks again; have a good weekend.

Kind regards,

s22(1)(a)(ii)

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From: [redacted] s47E(d)
Sent: Friday, 18 October 2019 2:45 PM
To: [redacted]
Cc: [redacted] s22(1)(a)(ii)
Subject: 5700012636 - RE: Part C and RATP - J Lawler [DLM=For-Official-Use-Only]

For-Official-Use-Only

Thanks [redacted] s22(1)(a)(ii)
We have processed this, are you ok to raise the shopping cart/PO against it?
Regards

[redacted] s22(1)(a)(ii)
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CHIEF FINANCIAL OFFICER
Tel: [redacted] s22(1)(a)(ii)
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From: [redacted] s22(1)(a)(ii)
Sent: Friday, 18 October 2019 2:03 PM
To: [redacted] s22(1)(a)(ii)
Subject: Part C and RATP [DLM=For-Official-Use-Only]

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Hi [redacted] s22(1)(a)(ii)
Please find the signed documents attached.
Thank you again for all of your help.
Kind regards,

[redacted] s22(1)(a)(ii)

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s22(1)(a)(ii)

From: [REDACTED] s47E(d)
[REDACTED] s47E(d)
Sent: Wednesday, 23 October 2019 4:17 AM
To: [REDACTED] s22(1)(a)(ii)
Subject: Contract 5700012636 Expiration Reminder [SEC=UNCLASIFIED]

Hi,
The Contract with John A Lawler AM APM Consulting for Provision of critical review services Contract Reference Number 5700012636 has been identified as expiring in 090 days.

If the contract is not required to be extended there is no further action required. However, if you propose to extend this contract please ensure that you refer to the "National Guideline on Procurement and Contracting" (<http://afphub.afp.le/GovernanceFramework/NationalGuideline/Pages/FN00002.aspx>) and follow the process outlined.

For assistance with the process to extend the contract please contact; [REDACTED] s47E(d)

NPC

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Low Value Spending Proposal (PART C)
Approval to vary or extend contract

Version Control: v3.1 01/03/19

Insert Procurement Title [Contract ID 728375987]

AFP Procurement ID ⓘ	20200303
Exempt from AusTender Reporting ⓘ	Yes: for the protection of personal information.
CPRs s.2.6 Applying Measures ⓘ	Not applicable
Will this procurement involve consultancy services? ⓘ	Yes this procurement involves consultancy services

Chris Black
Chief of Staff

PURPOSE

This Low Value Spending Proposal (Part C) is to:

- Provide an update to the PGPA Delegate of the current business or operational requirements,
- Specify any changes or additional risks associated with varying or extending the existing contractual arrangement; and
- Obtain [PGPA Delegate approval](#), in accordance with the [Public Governance, Performance and Accountability \(PGPA\) Act 2013](#) and the [Commonwealth Procurement Rules \(CPRs\)](#), to vary or extend the existing contractual arrangement while ensuring Value for Money (VFM) is achieved.

BACKGROUND

The contract inadvertently did not align with the High Value Spending Proposal. This amendment will reflect the parties' original intentions.

THE REQUIREMENT

Additional s47G for the potential option to extend, and additional s47G to cover potential travel expenses relating to the contract.

Has a detailed 'Statement of Requirements (SOR)' been completed? Yes No N/A

CONTRACT VALUE

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 BY THE AUSTRALIAN FEDERAL POLICE



Low Value Spending Proposal (PART C)

Approval to vary or extend contract

Version 1.0 (2019/01/01)

Executed Contract Value	AUD <input type="text" value="s47G"/> (GST inclusive)
Proposed Contract Value Change	<input type="text" value="s47G"/>
Revised Total Contract Value	Maximum of AUD <input type="text" value="s47G"/> (GST inclusive)

Cost Centre	<input type="text" value="300250"/>	Internal Order	<input type="text" value="XCOS"/>
Does this extension/variation involve the purchase of assets?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Does this procurement relate to gifting?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

CONTRACT TERM

Executed Contract Term	<input type="text" value="3 months"/>
Proposed Contract Term Change	<input type="text" value="option to extend for up to 2 months"/>
Revised Total Contract Term	<input type="text" value="5 months"/>

PROCUREMENT RISK ASSESSMENT

The procuring business area have reviewed the previously completed an [Initial Risk Profile Assessment](#) and reaffirm the overall risk rating for this procurement activity to be MEDIUM.

Where the risk rating has been assessed at [Medium](#) or above a separate [Risk Assessment and Treatment Plan \(RATP\)](#) must be undertaken.

METHOD OF PROCUREMENT

The method of procurement to establish this contract was: limited tender

VALUE FOR MONEY

Insert Date

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