

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
AUSTRALIAN FEDERAL POLICE

**Question No. 64**

**Senator Xenophon asked the following question at the hearing on 19 October 2009:**

- a) With regard to the Allan Kessing investigation, please provide the Committee with further details as to what extent the matter was investigated internally by Customs and recommendations/feedback provided by Customs to the AFP.
- b) Can the Committee be provided with documents pertaining to the transfer of the case from Customs to the AFP?

**The answer to the honourable senator's question is as follows:**

a) On 1 June 2005, the Australian Customs and Border Protection Service (ACBPS) formally referred the matter to the AFP in accordance with provisions of the Commonwealth *Fraud Control Guidelines 2002*, via the then Minister for Justice and Customs, the Hon Chris Ellison. In the referral documentation ACBPS identified those employees who had access to the leaked report. This list included former employee Mr Allan Kessing. At the time of referral ACBPS made no recommendations about the referral or investigation to be undertaken.

As advised in the reply to Question on Notice 78, the ACBPS Internal Affairs Unit did not undertake an independent investigation into Mr Kessing.

b) A copy of the referral letter from the ACBPS to the AFP is attached. The letter contains ten attachments ("flags") in total. Flags one to four of the referral letter are classified documents and cannot be released. The remaining six flags are included as requested.

Attachment No.	Description
A	Referral Letter from ACBPS to the AFP
Flag 5	Unclassified email: Zoe Ayliff to Geoff Lanham
Flag 6	Magazine article: (a) 'Fear of flying' Womens Day, 30 May 2005
Flag 7	Unclassified ACBPS internal document: Aide memoire Matt Wardell conversation with Martin Chulov
Flag 8	Newspaper article (b) 'Airport staff smuggling drugs' The Australian, 31 May 2005.
Flag 9	Unclassified email: Simon Latimer to Geoff Lanham
Flag 10	Unclassified Ministerial Brief from ACBPS to the former Minister for Justice and Customs