

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE

**Question No. 45**

**Senator Xenophon asked the following question at the hearing on 18 October 2011:**

**Senator XENOPHON:** Can I just go to a letter from the region again—I am happy for you to provide this on notice. The regional director of Customs for New South Wales on 13 May 2005 sent an email to Mr Kessing's supervisor, Ms Catarina Magni, which in summary says, 'What do you know about reports that have been prepared about security at Sydney airport?'—regarding the security issues, presumably they are the reports that Mr Kessing prepared back in 2003-04. There was a response from Ms Magni on 16 May 2011 saying, words to the effect, that, 'Yes, we are aware of these reports and these issues are still pertinent, or the concerns are still valid in terms of the security concerns.' When did the regional director become aware of the reports referred to in his email of 13 May 2005? What was the nature of the regional director's understanding of those reports? How many people within Customs were aware of the reports that Mr Kessing was charged with and later convicted of leaking to the media? And I note that Mr Kessing continues to deny this vehemently. Could you take that on notice as well?

**Mr Carmody:** I will take that on notice.

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

As the then Regional Director NSW resigned from Customs and Border Protection in October 2006, Customs and Border Protection is unable to ascertain when he first became aware of the reports referred to in his email of 13 May 2005 or the nature of the Regional Director's understanding of those reports.

During the course of the investigation, the AFP established that 31 Customs and Border Protection officers, including Mr Kessing, were recorded as having access to the source material.