



Friday, 1 September 2023

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Committee Secretary

Clarification to Hansard - Additional Budget Estimates hearing on 4 August 2023

The Australian Federal Police appeared at the Additional Budget Estimates hearing on 4 August 2023 as part of the Attorney-General's Portfolio.

In my capacity as Deputy Commissioner, Chief Police Officer for the Australian Capital Territory, I gave evidence to the Senate and have reviewed the Hansard record. In relation to my testimony, I have become aware of the need to clarify responses I gave to Senators Paterson and O'Neill.

The first reference for clarification is on page 4 of the Hansard Transcript in response to a question from Senator Paterson regarding when further information on the Nauru briefing was found by the AFP. I said:

Senator PATERSON: Was it in the last week, the last month or the last few days? Give me a ballpark.

Mr Gaughan: Within the last month.

I provide the following clarification of evidence in response to this question:

Senator PATERSON: Was it in the last week, the last month or the last few days? Give me a ballpark.

Mr Gaughan: Within the last week.

I wish to clarify that the further information that was the subject of Senator Paterson's question was discovered within the previous week, that is, the week commencing Monday 31 July 2023. Commissioner Reece Kershaw APM also provided this information on page 5 of the Hansard:

Senator PATERSON: You've just answered my question now, so you're obviously confident it is correct. There's no barrier to answering the question now. Did that really just materialise this morning, before the committee, or have you known for some time, given you've briefed Mr Dutton.

Mr Kershaw: Just this week we were able to establish that.

Chief Police Officer for the ACT
/ GPO Box 401 CANBERRA ACT 2601
/ Telephone: +61 (0)2 5127 4015
/ Email: neil.gaughan@afp.gov.au

Additionally, on pages 23-24 of the Hansard in response to a question from Senator Deborah O'Neill on information related to Operation Regatta, I incorrectly quoted the *Criminal Code Act 1995* (Cth) when I said:

Mr Gaughan: Sorry, I'll slow down. He was charged with two offences that between August 2015 and July 2017 of causing bribes to be paid to foreign public officials, to the Republic of Nauru, contrary to Section 70.21 of the Criminal Code (Commonwealth). On 19 August 2020, Mr Bhojani was sentenced to two years and six months imprisonment. The conviction recorded was causing bribes \$1.29 thousand to be paid to foreign public officials contrary to the previous Criminal Code I just read out, being section 70.21 section of the Criminal Code 1995.

I provide the following clarification of evidence in response to the question, namely to the specific provision of the Criminal Code and the value of the bribery activity:

Mr Gaughan: Sorry, I'll slow down. He was charged with two offences that between August 2015 and July 2017 of causing bribes to be paid to foreign public officials, to the Republic of Nauru, contrary to Section 70.2(1) of the *Criminal Code Act 1995* (Cth). On 19 August 2020, Mr Bhojani was sentenced to two years and six months imprisonment. The conviction recorded was causing bribes in the amount of \$129,500 to be paid to foreign public officials contrary to the previous Criminal Code I just read out, being section 70.2(1) section of the *Criminal Code Act 1995* (Cth).

Lastly on page 25 of the Hansard in response to a question from Senator Deborah O'Neill on briefing about Nauru. I incorrectly referred to *foreign interference* instead of the *foreign bribery* when I said:

Mr Gaughan: We would have told him it was a foreign interference investigation, but we wouldn't have gone into any details, Minister.

I providing the following clarification of evidence in response to the question:

Mr Gaughan: We would have told him it was a foreign bribery investigation, but we wouldn't have gone into any details, Minister.

I appreciate the opportunity to provide these clarifications and trust this further information is of assistance to the Committee.

Yours sincerely

Deputy Commissioner Neil Gaughan APM
Chief Police Officer for the Australian Capital Territory

Chief Police Officer for the ACT
/ GPO Box 401 CANBERRA ACT 2601
/ Telephone: +61 (0)2 51274014
/ Email: CPOACT@afp.gov.au