

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 46

Senator Birmingham asked the following question at the hearing on 24 May 2012:

Senator BIRMINGHAM: ... Commissioner, following up on our last meeting in February, at that stage you indicated that in the previous week, the first week of February, the AFP had written to the Secretary of the Department of the Prime Minister and Cabinet with some interim findings regarding the investigation into the alleged leaks of the Australia Network tender. Have you received a response from the Department of the Prime Minister and Cabinet?

Mr Colvin: I will respond to that. We did receive a response to our follow-up inquiries with the Department of the Prime Minister and Cabinet, yes.

Senator BIRMINGHAM: Thank you. What was the nature of that response and where has the matter proceeded to since then?

Mr Colvin: I believe that Prime Minister and Cabinet were able to provide us the information we were looking for. It was subsequent information to help with the investigation. Fortunately, that investigation was finalised on 2 April. I can tell the committee that the investigation did not identify the person or persons responsible for disclosing the material.

Senator BIRMINGHAM: Did you provide further information or briefings to Prime Minister and Cabinet prior to or subsequent to 2 April?

Mr Colvin: I would have to take that on notice. There would have been ongoing discussions and correspondence between us and Prime Minister and Cabinet. They were the complainants.

Mr Negus: We certainly would have advised them of the outcome of the investigation—that the persons responsible were unable to be identified.

Mr Colvin: We wrote back to Prime Minister and Cabinet as the complainant and formally advised them of the outcome of the investigation as well.

...

Senator BIRMINGHAM: Was the AFP provided with a copy of the Auditor-General's report before it was released?

Mr Colvin: I would have to take that on notice and check if we received it before it was released. We were certainly talking to the Auditor-General's office, but our processes were quite separate.

...

Senator BIRMINGHAM: Did your letter to the Prime Minister's department of the first week of February indicate that it was unlikely you would be able to identify a person or persons responsible or the cause of the leaks?

Mr Colvin: I will take on notice the exact content of the letter because there may be some aspects of it that we would not want to put on the public record. What I can say is that from my memory the letter was effectively to the point that we were looking for some further material as our investigation was running its course, and there were not too many lines of inquiry left for us to look at.

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

The AFP wrote to the Department of the Prime Minister and Cabinet (PM&C) on 7 February 2012 and 29 March 2012.

The AFP was provided with an extract of the report by the Australian National Audit Office prior to its release. The extract made reference to the AFP investigation.

On 7 February 2012, AFP wrote to PM&C advising that "The investigation did not identify the person or persons responsible for disclosing the material."

On 29 March 2012, AFP wrote to PM&C providing final advice of the investigation. This response reiterated the earlier advice and clarified that "due to the number of people who had access to the material, investigators are unable to identify the source of the unauthorised disclosure. As such the investigation has been finalised."