

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Group: 3

Program: Other Agency

Question: BE14/051

Senator Xenophon asked the following question at the hearing on 26-29 May 2014:

Senator XENOPHON: Was Seven West informed of your decision not to investigate this matter?

Mr Moss: No, I think the notification came direct from the AFP. I am not aware of any direct communication from Network Seven.

Senator XENOPHON: I do not think there would have been. I understand that the communication would have been direct from the AFP.

Mr Moss: My response would have been in due course to notify the AFP Commissioner that I had decided not to investigate.

Senator XENOPHON: So, the AFP has clearly been notified by now?

Mr Moss: Yes.

Senator XENOPHON: To the best of your recollection, would that have been several weeks ago? If you cannot remember, that is fine.

Mr Moss: I would need to check that timing for you.

Senator XENOPHON: If you could let me know when you would have notified the AFP in respect of that.

Mr Moss: Certainly.

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

The Integrity Commissioner informed the AFP Commissioner of his decision not to investigate this corruption issue on 7 March 2014.

The issue covered two aspects: an allegation that Australian Federal Police (AFP) officers had relied on false or misleading information to obtain search warrants relating to the Seven Network and associated parties; and that an article in *The Australian* newspaper on 19 February 2014 appeared to contain information that may have been disclosed inappropriately. The AFP Commissioner notified the Integrity Commissioner of this issue on 19 and 20 February 2014.

In relation to the first aspect, after assessing material relating to the notification, the Integrity Commissioner decided not to take any further action. The Integrity Commissioner took into consideration that there is a plausible alternative explanation of administrative error in the wording of the relevant documents, and that the validity of the warrants and related orders was then a matter before a court of law.

As to the suggestion that an AFP member may have disclosed official records or information, the Integrity Commissioner decided to refer the issue to the AFP for investigation and report back to the Australian Commission for Law Enforcement Integrity.