

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

Group: 3

Program: Other Agency

Question No. BE15/053

Senator Hanson-Young asked the following question at the hearing on 27 and 28 May 2015:

Senator HANSON-YOUNG: I have got some questions in relation to investigations relating to section 70 and 79 of the Crimes Act, which I am sure you are all very familiar with. Firstly, broadly speaking, how many current investigations are on foot?

Ms Close: At the moment we have 17 investigations.

Senator HANSON-YOUNG: Are you able to give an indication as to whether they have come from referrals from government departments or agencies or simply individuals?

Ms Close: There is a mixture of both.

Senator HANSON-YOUNG: How many of those relate to breaches under section 70 relating to the immigration department or immigration detention centres and their contractors?

CHAIR: If these are related to Immigration and have any relationship to Nauru, they are not matters for dealing with in this committee.

Senator HANSON-YOUNG: I am just asking the numbers.

CHAIR: Well, if it is just for numbers, that is—

Senator HANSON-YOUNG: Yes, that is all that is. I am not asking for details.

CHAIR: I am just indicating to current witnesses before the committee that there is a Senate ruling that, because there is a specific Senate select committee inquiring into Nauru, this committee and no other committee should inquire into the same subject, so we have been quite strict over the past three days in not dealing with any substantive issues that might be better dealt with in that other committee. If it is just a matter of some statistics, obviously it is common sense to go ahead. So we had some numbers?

Ms Close: In respect of those allegations, at least seven of those referrals relate to that matter.

Senator HANSON-YOUNG: In terms of immigration detention centres?

Ms Close: Yes.

Senator HANSON-YOUNG: I just want to be clear. You are saying 'at least'? That is seven out of the 17?

Ms Close: That is correct.

Senator HANSON-YOUNG: Just so that I am clear: when you say 'at least those seven', is that across all of the detention centres and contractors across all of that or is this including the government department itself?

Ms Close: We have had, on seven different occasions, a number of referrals that have come through, so it does relate to various processing centres and various agencies, and some of those referrals have come from the department and some have come from other people.

Senator HANSON-YOUNG: Has any brief of evidence on any of these issues been put forward to the Commonwealth prosecutor yet?

Ms Close: No, but there are several that are still under investigation.

Senator HANSON-YOUNG: I am just checking. Out of those overall 17 and then the 'at least seven'—is that because you are just being cautious? I am just wondering why it is 'at least' rather than a specific number.

Ms Close: It is because within each of those dates where we have received referrals there are a number of different allegations contained, so I am just cautious about numbers here because it gets quite confusing, so I am going by the dates.

Mr Colvin: Some of the referrals have related to the same—once we started to investigate it, we were effectively dealing with the same alleged unauthorised disclosure.

Senator HANSON-YOUNG: I understand. In relation to those seven, you said some are still under investigation. Are those seven within this financial year, or are they just the ones that are currently on your books?

Ms Close: No, they are all within this financial year.

Senator HANSON-YOUNG: How many did you have last financial year? Do you have those figures for us?

Ms Close: No, I would have to take that on notice.

Senator HANSON-YOUNG: Could you?

Ms Close: Yes.

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

In the 2013/14 financial year, the AFP received 11 referrals relating to alleged unauthorised disclosure of Commonwealth information, contrary to section 70 of *the Crimes Act 1914* (the Crimes Act). None of these related to the Department of Immigration and Border Protection (DIBP), their contractors or immigration detention centres.

At the 2015 May Budget Estimates, Deputy Commissioner Close stated the AFP was currently investigating 17 alleged breaches of section 70 or 79 of the Crimes Act. In order to provide greater context, Deputy Commissioner Close was referring to the 17 cases which had been subject to evaluation, investigation or rejection since December 2012. At the time of the Budget Estimates Hearing, the AFP was conducting six investigations into alleged breaches of section 70 or 79 of the Crimes Act.

From 1 July 2014 to 28 May 2015, the AFP has received 8 referrals of alleged breaches of section 70 of the Crimes Act relating to DIBP, their contractors or immigration detention centres. Of those 8 referrals, 7 referrals related to the Nauru Regional Processing Centre.