

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 24

Senator Ludlam asked the following question at the hearing on 14 February 2012:

Senator LUDLAM: ...When was the first time the AFP advised the Prime Minister's office that the activities [of Wikileaks] were not or probably were not, in your view, a violation of Australian law? Was it on the 17th or was it prior to that?

Mr Negus: Again, I would have to take that on notice.

Senator LUDLAM: Did you provide that information, brief or dossier to anybody in an Australian government entity apart from the Prime Minister's office?

Mr Negus: Again, I would have to take that on notice. I am not sure if I have answered these questions before.

Senator LUDLAM: No.

Mr Negus: If I had, the answers have not changed in that regard.

Senator LUDLAM: I would not have expected that they would have. You have not answered these questions before. Has the AFP, in the course of putting the brief together, received any information about Mr Assange or any WikiLeaks associate from any foreign entity?

Mr Negus: Again, we will take that on notice.

Senator LUDLAM: This is going faster than I thought. I would like to know whether you received any information on Mr Assange or any of his associates from any Australian or foreign government department or entity. I am trying to get a sense of the degree to which due diligence was undertaken, who was communicated with and so on. Has the AFP assessed the security threats against Mr Assange or his associates, based on threats of assassination by senior US government officials or other political and media figures in the United States?

Mr Negus: We have not taken any action in relation to WikiLeaks since the original task force, as I mentioned. That was some time ago and, to my knowledge, we have not assessed the issues you raised.

Senator LUDLAM: How often does informal communication occur between the AFP and US government agencies? Have such informal communications occurred in the case of this publishing organisation?

Mr Negus: As you are aware, we have a very broad remit. Particularly in the high-tech crime space, we have almost weekly communications with the FBI and other agencies on cybercrime and those sorts of things. Transnational crime is more broadly in our scope of operations, so we talk a lot about those particular issues with international investigative agencies. In regard to Mr Assange or any perceptions you are putting forward about communication in that regard, I would have to take that on notice.

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

1. When was the first time the AFP advised the Prime Minister's office that the activities [of Wikileaks] were not or probably were not, in your view, a violation of Australian law? Was it on the 17th or was it prior to that?

The AFP did not provide any briefings directly to the Prime Minister's Office in relation to this matter.

2. Did you provide that information, brief or dossier to anybody in an Australian government entity apart from the Prime Minister's office?

The AFP attended whole-of-government WikiLeaks interdepartmental committee (IDC) meetings chaired by the Department of Prime Minister and Cabinet (PM&C). The AFP kept the IDC apprised of the status of its evaluation process regarding the Wikileaks matter.

The Secretary of the Attorney-General's Department was advised of the outcome of the evaluation in writing on 16 December 2010.

3. Has the AFP, in the course of putting the brief together, received any information about Mr Assange or any WikiLeaks associate from any foreign entity?

The AFP does not comment on operational activities or information exchange with foreign law enforcement agencies.

4. I would like to know whether you received any information on Mr Assange or any of his associates from any Australian or foreign government department or entity. I am trying to get a sense of the degree to which due diligence was undertaken, who was communicated with and so on.

The AFP does not comment on operational activities or information exchange with foreign law enforcement agencies.

5. Has the AFP assessed the security threats against Mr Assange or his associates, based on threats of assassination by senior US government officials or other political and media figures in the United States?

The AFP does not comment on operational activities or information exchange with foreign law enforcement agencies.

6. How often does informal communication occur between the AFP and US government agencies? Have such informal communications occurred in the case of this publishing organisation?

As stated, the AFP is in frequent communication with foreign law enforcement agencies. However, the AFP does not comment on operational activities or the details of any information that is exchanged with foreign law enforcement agencies.