

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN FEDERAL POLICE

**Question No. 282**

**Senator Ludwig asked the following question on 2 December 2004:**

National Indigenous Times:

- a) On what basis did the AFP decide to procure a warrant to search the premises of the 'National Indigenous Times'?
- b) Why did the AFP not procure warrants to search the premises of any other newspapers that had published material similar to that contained in the allegedly leaked cabinet documents?
- c) Please supply a comprehensive list of all communications between the AFP and the Minister's office, the Prime Minister office, the Prime Minister's Department relating to this AFP operation.

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

The AFP does not comment on operational matters. As this investigation is still active it would be inappropriate to make further comment.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN FEDERAL POLICE

**Question No. 283**

**Senator Ludwig asked the following question on 2 December 2004:**

- a) Has the AFP sought any contact with Mr Brigitte following his expulsion from Australia?
- b) If so, has the AFP actually made any such contact?
- c) If so, what was the nature of that contact?
- d) If so, has the AFP sought any legal advice in relation to this issue?

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

- a) Yes. On 7 April 2004, members of the Australian Federal Police (AFP) attended the Paris offices of French Judge Bruguiere and attempted to interview Mr Willy Virgile Brigitte.
- b) No. Mr Brigitte declined to speak to AFP officers.
- c) See the answer to question (b).
- d) The AFP regularly liaises with the Commonwealth Director of Public Prosecutions and the Attorney-General's Department on this matter.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN FEDERAL POLICE

**Question No. 284**

**Senator Ludwig asked the following question on 2 December 2004:**

Newcastle:

- a) How many AFP officers were employed at the regional office in Newcastle in the 12 months prior to its closure?
- b) How many requests did the AFP receive to search vessels in Newcastle Harbour for each of the years from 2000 until the closure of the AFP's regional office in Newcastle?
- c) How many such requests were rejected?
- d) How many vessels did the AFP search in Newcastle Harbour for each of the years from 2000, until the closure of the AFP's regional office in Newcastle?
- e) How many AFP officers are currently employed in the Newcastle region?
- f) How many requests does the AFP presently receive to search vessels in Newcastle Harbour each year?
- g) How many such requests are rejected?
- h) How many vessels has the AFP searched in Newcastle Harbour since the closure of the Newcastle regional office?
- i) Was the reduction in the number of AFP officers employed at the regional office in Newcastle in response to ASIO's risk-assessment of Newcastle Harbour?
- j) Since January 1 2000 how many crew members remain unaccounted for from foreign flagged vessels that docked in Newcastle

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

- a) Up until April 2003 the AFP office in Newcastle was staffed by two Federal Agents and one administrative support staff. The Newcastle region is now serviced by an AFP Federal Agent outposted with Centrelink, Newcastle and the deployment of Federal Agents from the AFP Sydney office.
- b) None.
- c) Not applicable – see answer (b) above.
- d) Not applicable – see answer (b) above.
- e) See answer (a) above.

- f) Vessel searches are the primary responsibility of the Australian Customs Service and/or the Australian Quarantine Inspection Service. The AFP has not, in recent years, been requested to assist either of these agencies in searching vessels in Newcastle Harbour.
- g) Not applicable – see answer (f) above
- h) Not applicable – see answer (f) above
- i) No.
- j) The AFP is unable to provide this information. This question should be directed to DIMIA.

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
AUSTRALIAN FEDERAL POLICE

**Question No. 285**

**Senator Ludwig asked the following question on 2 December 2004:**

- a) Does the AFP have a policy regulating the disclosure of classified information by AFP officers?
- b) I refer you to the recent charging of AFP officer Mr Dumas by the AFP with the unauthorised disclosure of classified information. Was any such policy followed in this instance?
- c) If not, what measures has the AFP subsequently adopted to ensure that the breach of such policy does not reoccur?
- d) Does the AFP have a policy to ensure that AFP officers are and remain aware of any such policy relating to the disclosure of classified information?
- e) If so, was this policy followed in relation to Mr Dumas?
- f) If so, why did this policy fail to work?
- g) If not, what measures has the AFP subsequently adopted to ensure that the breach of such policy does not reoccur?

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

- a) Yes, the AFP has policies including the *AFP Information Policy* and *AFP National Guideline on Information Management*. These policies give effect to the requirements of the Commonwealth Protective Security Manual of the *Crimes Act 1914* (Cth), which relate to the disclosure of classified material as does section 60A relating to secrecy provisions of *The Australian Federal Police Act 1979*.
- b) Mr Dumas' breaches of AFP Policies and procedures constituted a breach of S70 of the *Crimes Act 1914* (Cth), resulting in the charges brought before the Melbourne Magistrates Court.
- c) Not Applicable
- d) All AFP personnel needing access to classified and security sensitive information are required to hold a security clearance. Members are reminded of their responsibilities relating to the handling and disclosure of such information when security clearances are granted and reviewed, and at other times such as internal training courses. Adherence to information accessing and security requirements is routinely audited and the AFP's IT Security section continuously monitors our information management databases and security.

The AFP has a holistic approach for all of the AFP Member's careers regarding the security of information. The AFP's approach to information security is determined in accordance with a number of government and AFP policies and guidelines, including Part C of the Commonwealth Protective Security Manual 2000.

The requirements for effective information security include ensuring that:

- Anyone with access to AFP information is made aware of, and complies with, expectations about the use and care of the information
- Information is only used in accordance with government and AFP policy and directions
- Availability of information should be limited to those who need to use or access the information for their work - the "need to know" principle
- All information is appropriately secured
- All information systems (whether paper-based, IT or telecommunications systems) for processing, storage or transmission of AFP information require some protection to ensure the system's integrity
- Protection for IT and telecommunications systems should be at least the minimum standards of ASCI 33
- Where the compromise of information could cause harm the appropriate security classification must be determined and applied to the information
- Requirements for appropriate use, storage, transmission and disposal of security classified information are observed

e) Yes.

f) Mr Dumas chose to breach both AFP policies and the *Crimes Act*, as reflected by his plea of guilty to the two charges in 9 December 2004. In this regard, the aim of the policy, in applying appropriate treatments in instances of improper disclosure of information, was achieved.

g) Not applicable.