

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
AUSTRALIAN FEDERAL POLICE

**Question No. 21**

**Senator Xenophon asked the following question at the hearing on 18 October 2011:**

**Mr Negus:** With his written consent. I think that we would certainly be able to give a transcript of anything that he has participated in if it is still available.

**Senator XENOPHON:** Or, more importantly, the videorecording of the raid.

**Mr Negus:** Yes. I hear he has participated in the conversation with that process, so he would be entitled to a copy of it.

**Senator XENOPHON:** Normally you would keep something like this, wouldn't you? What policy do you have on destroying documents or material?

**Mr Negus:** I would have to double-check that. There are obligations under the Archives Act on a range of things. You can imagine how many exhibits and statements and other things the Federal Police would collect over a period of years.

**Senator XENOPHON:** Do you digitise things now, though? Do you put them on a hard drive?

**Mr Negus:** It depends. Some things are uploaded onto our case management systems. But again it is going back several years for this case—back to 2005 from memory. We could certainly check whether it is still there, but I suspect it would be. Yes, we are just checking now to see if we can get you an answer straightaway. But certainly, on the back of this, we will make inquiries and look to do that.

...

**Mr Colvin:** I may be able to answer one question for the senator that we took on notice. On 6 September there was video and audio of the search that was executed at Mr Kessing's property. Transcripts have been disclosed to Mr Kessing through his defence team of that video and audio and that included him being offered an opportunity to participate in an interview, which he declined.

**Senator XENOPHON:** Do you still have the video available of that?

**Mr Colvin:** We are just checking the status of that at the moment. It may be that we just have the transcript and not the video. We will have to take that on notice.

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

The Australian Federal Police (AFP) no longer has the video tape. On 12 May 2009, the AFP transferred the video tape to the Commonwealth Director of Public Prosecutions (CDPP) for potential production in the New South Wales Court of Criminal Appeal.

The item was to be returned to the AFP. However, due to the matter being subject of a Royal Pardon both the AFP and CDPP agreed that all parties would retain their current files until the conclusion of the Royal Pardon process. As at 18 October 2011, the AFP was yet to receive the video tape back from CDPP.