



## Parliamentary Joint Committee on Law Enforcement

16 November 2022

Senator Slade Brockman  
Chair  
Senate Standing Committee of Privileges  
PO Box 6100  
Parliament House  
Canberra ACT 2600

### Inquiry regarding possible contempt

Dear Senator Brockman,

Thank you for your correspondence dated 28 October 2022 which asks the Parliamentary Joint Committee on Law Enforcement (the committee) to provide a submission on matters relevant to its inquiry. The Privileges Committee has sought a timeline of the committee's activities during the period Senator Thorpe was a member. This is available at Attachment A. It has also sought responses to a number of specific questions, and these are addressed in the information below. The committee has agreed this submission and Attachment A can be made public.

#### **Committee membership and access to records from the previous parliament**

Senator Thorpe was a member of the committee from 2 February 2021 to 11 April 2022 during the previous parliament. This response has been prepared by the current committee drawing on evidence and records from the previous parliament. The committee notes that its resolution of appointment provides that:

*(12) the committee or any subcommittee have power to consider and make use of the evidence and records of the Joint Committees on the National Crime Authority, the Australian Crime Commission and Law Enforcement appointed during previous Parliaments.<sup>1</sup>*

It should be noted that the current committee has a significantly different membership from that of the 46<sup>th</sup> Parliament. The committee has not consulted those who were members of the committee during the time Senator Thorpe was a committee member.

#### **No evidence of declaration**

The committee has no evidence that Senator Thorpe declared or raised a possible conflict of interest in relation to a personal relationship of hers during the time she was a member of the committee.

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<sup>1</sup> *Journals of the Senate*, No.2—27 July 2022, pp. 88-89.



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**Committee activities and evidence provided to the committee**

The Privileges Committee has asked for information on briefings and evidence related to Outlaw Motorcycle Gangs (OMCGs). The committee is of course aware of the connection between OMCGs and organised crime and so this submission highlights evidence that mentions OMCGs, organised crime or both. However, the information may not be exhaustive given the significant connection between OMCGs and organised crime and the relevance of organised crime to many aspects of the committee’s work.

In order to provide information about committee activities and the evidence received in a useful format, this part of the submission is divided into three sections:

- a broad overview of all committee inquiries and activities during the period Senator Thorpe was a committee member which consists of the timeline of committee activities at Attachment A and the extract below of the inquiries undertaken during the period;
- a section on public evidence which focuses on any evidence referring to OMCGs, organised crime or both; and
- a section on in-camera evidence which covers, at a high level, any evidence received that mentions OMCGs, organised crime or both and provides a summary of any issues.

**Overview of committee work**

Attachment A is a timeline of all committee activities that took place during the period that Senator Thorpe was a committee member. It should be noted that the timeline includes inquiries that commenced before Senator Thorpe was a committee member but were undertaken during the time she was on the committee.

***Inquiries***

The following extract from Attachment A lists inquiries undertaken during the time Senator Thorpe was a committee member:

<b>Inquiry</b>	<b>Commenced</b>	<b>Reported</b>
<b>Vaccine related fraud and security risks</b>	17 March 2021	17 February 2022
<b>Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019</b>	9 September 2021	13 December 2021
<b>Examination of the Australian Criminal Intelligence Commission (ACIC) Annual Report 2019-20</b>	15 October 2020	21 October 2021
<b>Operation of the Australian Crime</b>	17 February 2021	26 August 2021



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<b>Commission Amendment (Special Operations and Special Investigations) Act 2019</b>		
<b>Examination of the Australian Federal Police (AFP) Annual Report 2019-20</b>	19 October 2020	26 August 2021
<b>COVID-19, criminal activity and law enforcement</b>	10 June 2020	21 June 2021
<b>Public communications campaigns targeting drug and substance abuse</b>	16 October 2019	12 May 2021
<b>An Australian standard for the training and use of privately contracted security and detection dogs</b>	16 October 2019	16 February 2021
<b>Law enforcement capabilities in relation to child exploitation</b>	16 June 2021	Lapsed on 11 April 2022 with the dissolution of the House of Representatives. This inquiry has been continued in the 47 <sup>th</sup> parliament.
<b>Impact of illicit drugs being traded online</b>	28 October 2021	Lapsed on 11 April 2022 with the dissolution of the House of Representatives.

**Public evidence**

As can be seen from the table above, the committee did not conduct an inquiry specifically focussed on OMCGs during the period Senator Thorpe was a member of the committee. However, OMCGs or organised crime were mentioned in evidence for all inquiries either in submissions or at public hearings. Of the five inquiries for which public hearings were held during the period Senator Thorpe was a member, Senator Thorpe attended two. These were for the examination of the ACIC and AFP annual reports 2019-20.

**In-camera evidence**

This section provides some high-level information about in-camera evidence received by the committee which is distinct from usual committee in confidence material such as minutes, correspondence which is not made public and draft reports.



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The committee is aware of media reporting<sup>2</sup> which referred to private briefings Senator Thorpe attended and made some claims about in-camera documents and information that Senator Thorpe had access to as a member of the committee. As some of these claims are incorrect, the committee has agreed to provide some high-level information about in-camera evidence and private briefings in order to correct the public record.

#### ***Documents***

In order to clarify media reporting about in-camera documents, the committee has agreed to disclose that it received two documents for its inquiry into the Operation of the Australian Crime Commission Amendment (Special Operations and Special Investigations) Act 2019. While not exclusively focussed on OMCGs, these documents did refer to OMCGs. These two documents were provided in hard copy to Senator Thorpe.

#### ***Private briefings***

Private briefings are a helpful tool for committees to become familiar with new subject matter and issues at the start of an inquiry, to receive information not connected to a specific inquiry but on issues in relation to the committee's oversight work, and sometimes they are required by law, for example, section 10 of the *Parliamentary Joint Committee on Law Enforcement Act 2010*.

During the period Senator Thorpe was a committee member, the committee received five private briefings. In summary, the committee can confirm that it did not hold a private briefing where OMCGs were the specific focus but given the committee's role, OMCGs and organised crime were mentioned during three of the four private briefings where transcripts were taken.

The committee wishes to address media reporting which claimed that Senator Thorpe attended a private briefing at the AFP headquarters in May 2021 and implied that this was for significant police operation ie. Operation Ironside. While it is true that Senator Thorpe did attend a private briefing in May 2021, the briefing covered issues relevant to the new vaccine fraud inquiry and other matters which led the committee to commence its inquiry into law enforcement capabilities in relation to child exploitation. There was a subsequent private briefing on Operation Ironside but this occurred well after the operation had been made public and Senator Thorpe did not attend the briefing and nor did she request a copy of the transcript.

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<sup>2</sup> For example, Jade Gailberger, Clare Armstrong, James Morrow, 'More trouble for Thorpe over ex-bikie boss 'affair'', *Herald Sun*, 21 October 2022; Greg Brown and Paige Taylor, 'Indigenous calls to dump Greens senator over bikie relationship', *The Australian*, 21 October 2022; Editorial 'Lifting the Lidia on a clear case of obvious conflict', *Daily Telegraph*, 21 October 2022; Jake Evans and Andrew Probyn, 'Greens Senator Lidia Thorpe admits to undisclosed relationship with ex-Rebels president Dean Martin while on law enforcement committee' *ABC News*, 20 October 2022.



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#### **Management of in-camera evidence**

The following information responds to the Privileges Committee's questions regarding the management of in-camera evidence and has been prepared with reference to records of the former committee and through consultation with the former secretaries to the committee.

At the first committee meeting of the 46<sup>th</sup> Parliament, among the standard committee resolutions, the following was agreed in relation to the management of in-camera evidence:

*That in camera evidence provided to committee members in the exercise of their committee responsibilities, be returned to the secretary for appropriate management and secure storage when no longer required for committee purposes or at the end of the Parliament.*

The committee understands that there was no specific induction provided to Senator Thorpe or her staff when she joined the committee. However, at the start of private briefings, if the need for a Hansard transcript had been agreed, committee members were reminded that an in-camera Hansard transcript was being taken for the committee's internal use only. These transcripts from private briefings were not typically circulated to committee members unless specifically requested. Regardless of whether a transcript was produced, committee members were also reminded at private briefings that in-camera evidence should not be released without the committee's permission.

Any in-camera documents that were distributed electronically were clearly labelled for committee members. Any in-camera documents distributed in hard copy were also clearly labelled, printed on coloured paper and, if necessary, mailed via registered post.

The committee has no evidence that these procedures were not followed.

#### **Potential effect on oversight bodies**

In the month since Senator Thorpe's personal relationship came to light, the committee has not observed any reluctance of the law enforcement bodies it oversees to provide sensitive documents or evidence to the committee.

The committee wrote to the agencies and organisations that regularly provide evidence and private briefings to the committee, providing assurance that the committee takes the integrity of its proceedings very seriously. They were informed that the committee affirmed its commitment to protecting the confidentiality of in-camera and sensitive information that may be provided to the committee and also affirmed that committee members should declare conflicts of interest that relate to their committee duties so that declared matters can be dealt with appropriately. The correspondence also invited them to raise any issues of concern in relation to information they had provided to the committee.

In responses received by the committee, the organisations did not raise any specific concerns in relation to the information they provided to the committee during the time that Senator Thorpe was a member.



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### **Potential obstruction of committee work**

As the committee was not aware of Senator Thorpe's relationship, it follows that the committee cannot say that Senator Thorpe's failure to declare her relationship obstructed its work or improperly interfered with its operations during the previous parliament. The committee's review of its processes and information that Senator Thorpe had access to during her membership of the committee has not indicated any breach of the committee's processes.

The committee trusts this information is of assistance. Should you have any questions about this correspondence, please contact the Committee Secretary at [le.committee@aph.gov.au](mailto:le.committee@aph.gov.au) or on 02 6277 3419.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Helen Polley', with a stylized star-like flourish at the beginning.

Senator Helen Polley  
**Chair**

## Attachment A

### Parliamentary Joint Committee on Law Enforcement

Timeline of the committee's activities during the period Senator Thorpe was a member

Date	Activity
16 October 2019	<b>Inquiry commenced</b> into public communications campaigns targeting drug and substance abuse
16 October 2019	<b>Inquiry commenced</b> into an Australian standard for the training and use of privately contracted security and detection dogs
10 June 2020	<b>Inquiry commenced</b> into COVID-19, criminal activity and law enforcement
15 October 2020	<b>Inquiry commenced</b> into the Australian Criminal Intelligence Commission (ACIC) Annual Report 2019-20
19 October 2020	<b>Inquiry commenced</b> into the examination of the Australian Federal Police (AFP) Annual Report 2019-20
2 February 2021	<b>Senator Thorpe is appointed to the committee</b>
3 February 2021	<b>Private meeting</b>
16 February 2021	<b>Report tabled</b> for the inquiry into an Australian standard for the training and use of privately contracted security and detection dogs
17 February 2021	<b>Private meeting</b> <b>Inquiry commenced</b> into the operation of the Australian Crime Commission Amendment (Special Operations and Special Investigations) Act Inquiry 2019
17 March 2021	<b>Private meeting</b> <b>Inquiry commenced</b> into vaccine related fraud and security risks
12 April 2021	<b>Private briefing</b> with the Commonwealth Ombudsman on the Ombudsman's public report of ACIC and AFP involvement in controlled operations as per section 10 of the Parliamentary Joint Committee on Law Enforcement Act 2010. The Act stipulates that the briefing must be private
12 April 2021	<b>Public hearing</b> re ACIC Annual Report
12 April 2021	<b>Public hearing</b> re AFP Annual Report
5 May 2021	<b>Private meeting</b>
10 May 2021	<b>Private briefing</b> from AFP on matters relevant to the vaccine fraud inquiry and other matters (dark web and child abuse which led to the child exploitation inquiry)
12 May 2021	<b>Private meeting</b>
12 May 2021	<b>Report tabled</b> for the inquiry into public communications campaigns targeting drug and substance abuse
13 May 2021	<b>Private Briefing</b> with AFP and Commonwealth Ombudsman re own motion investigation and public report in April 2021 into the AFPs use and administration of telecommunications data powers 2010-2020.
16 June 2021	<b>Private meeting</b> <b>Inquiry commenced</b> into the law enforcement capabilities in relation to child exploitation. Note the inquiry lapsed but is being continued in the 47 <sup>th</sup> Parliament.
21 June 2021	<b>Report tabled</b> for the inquiry into COVID-19, criminal activity and law enforcement
25 June 2021	<b>Public hearing</b> re the Operation of the Australian Crime Commission Amendment (Special Operations and Special Investigations) Act 2019

<b>2 August 2021</b>	<b>Private Briefing</b> with the AFP re Operation Ironside and the June 2021 ANAO audit report on the AFP's use of statutory powers
<b>4 August 2021</b>	<b>Private meeting</b>
<b>25 August 2021</b>	<b>Private meeting</b>
<b>26 August 2021</b>	<b>Report tabled</b> for the examination of the AFP Annual Report 2019-2020
<b>26 August 2021</b>	<b>Report tabled</b> for the inquiry into the operation of the Australian Crime Commission Amendment (Special Operations and Special Investigations) Act 2019
<b>9 September 2021</b>	<b>Private meeting</b> <b>Inquiry commenced</b> into the Criminal Code Amendment (Sharing of Abhorrent Violent Material) 2019 Act
<b>20 October 2021</b>	<b>Private meeting</b>
<b>21 October 2021</b>	<b>Report tabled</b> for the examination of the ACIC Annual Report
<b>28 October 2021</b>	<b>Private meeting</b> <b>Commenced inquiry</b> into the impact of illicit drugs being traded online. Note: the inquiry lapsed on 11 April 2022. No hearings were held.
<b>17 November 2021</b>	<b>Public hearing</b> for the inquiry into the Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019
<b>24 November 2021</b>	<b>Private meeting</b>
<b>1 December 2021</b>	<b>Private meeting</b>
<b>9 December 2021</b>	<b>Public hearing</b> for child exploitation inquiry
<b>10 December 2021</b>	<b>Public hearing</b> for child exploitation inquiry
<b>10 December 2021</b>	<b>Private meeting</b>
<b>13 December 2021</b>	<b>Report tabled</b> for the inquiry into the Criminal Code Amendment (Sharing of Abhorrent Violent Material) 2019 Act
<b>9 February 2022</b>	<b>Private meeting</b>
<b>17 February 2022</b>	<b>Report tabled</b> for the inquiry into vaccine related fraud and security risks
<b>24 February 2022</b>	<b>Private briefing</b> with the United Nations Office on Drugs and Crime
<b>11 April 2022</b>	<b>Senator Thorpe ceased to be a member</b> as the committee ceased to exist at the dissolution of the House of Representatives