

Statement regarding F&PA Additional Estimates hearing on Monday 22 March

The Presiding Officers have consulted with the AFP Commissioner and the Head of ACT Police since the committee hearing on Monday 22 March, and they have authorised me to state the following:

We have been advised that Ms Higgins participated in an evidence in chief interview in relation to the matter on 24 February 2021.

ACT Policing, through Deputy Commissioner Neil Gaughan, Chief Police Officer ACT, and Commander Michael Chew, Deputy Chief Police Officer, advised on 22 March 2021 that their inquiry is ongoing in relation to the matter and further commentary in relation to the investigation may be prejudicial to the criminal investigation. This includes any reference to 'facts in issue' to the investigation, as everything is currently material to any prosecution that may be commenced. Accordingly, while the timing of interactions and discussions and advice can be confirmed, the content of these does constitute a fact in issue and should not be disclosed.

On the basis of this advice, I am happy to provide answers to questions around, for example, the timing of interactions, but not in relation to any matter that goes to the content of discussions and advice or the facts in issue, on the basis of possible prejudice to law enforcement investigations.

I accept that the scope of the exception I am outlining is broad. However, I consider that it is warranted because of the nature of the offence being investigated - being an alleged crime against the person of a most grievous nature, rather than one related to, for example, government administration – and where the facts in issue are directly relevant to an investigation as outlined by the officers of the AFP.

Furthermore, as senators will be aware, sensitive security and related matters are often handled through the Senate Committee on Appropriations, Staffing & Security, a committee which all senators are entitled to attend. In my time as President a number of issues have been addressed through that committee and I have answered questions raised by senators there.

It is also relevant to note that this committee currently has an inquiry into the Department of Parliamentary Services underway. Unlike Estimates hearings, this inquiry has the capacity to take evidence in camera.

Both of these processes mitigate the risk of answers or information prejudicing an investigation as material is not necessarily, as required by the Standing Orders for Estimates hearings, all on the public record.

Response to specific questions at F&PA Additional Estimates hearing on Monday 22 March

The Department of Parliamentary Services advised the Department of Finance, administrator of the Ministerial Wing of APH, of access to the minister's suite on the morning of Saturday 23 March 2019.

The Secretary of the Department of Parliamentary Services (DPS) informed the President on the evening of Wednesday 27 March 2019, following discussions with the Minister's office. The Speaker was informed of the incident on Monday 8 April 2019 by the Secretary of DPS. Neither of the Presiding Officers (POs) discussed this with the Prime Minister's office.

The Presiding Officers met with DPS later on the 8th of April 2019. The POs were informed a request had been made to view the relevant CCTV footage by the AFP. The POs indicated that the application would be approved, and it was formally approved later that week.

As the advice to DPS was that there was no active investigation underway, the POs determined to store the footage on an ongoing basis with the agreement of the AFP for their access as required.

In March 2020, a senator referred to the Presiding Officers incomplete correspondence containing anonymous and serious allegations.

The Presiding Officers referred this correspondence to the AFP.

The POs subsequently responded to the AFP informing them that the POs would:

- Continue to maintain storage of the footage; and,
- Commence an independent inquiry under Section 15 of the Parliamentary Services Act into those allegations.

This inquiry reported to the DPS Secretary on 29 October 2020 and was passed to the Presiding Officers.

As recently as Friday 5 February 2021 the POs were advised by the AFP there was no active investigation into the events of 23 March 2019.

The POs were not aware of the identity of Ms Higgins until contacted by media on Friday 12 February 2021.

On 12 February, following receipt of a media inquiry, the POs contacted the AFP and were advised that Ms Higgins had since approached the police.

The POs have had ongoing consultations with the AFP regarding this matter with respect to retention of relevant CCTV footage which has been stored at the POs' direction for any future requirement. Accordingly, the footage has been made available to the AFP for the purposes of the investigation.

The POs have not viewed the footage. The CCTV footage in question has only been viewed by members of the AFP, authorised DPS officials and the independent investigator. DPS has not provided CCTV footage access to any parliamentarian or member of staff.