

Senate Standing Committee on Legal and Constitutional Affairs

Handling of a letter sent by Mr Man Haron Monis to the Attorney-General

Attorney-General's Department response to written question on notice of 13 August 2015

*Could the Attorney-General's Department please provide the committee with a copy of **all** relevant internal and external correspondence related to this internal inquiry between 1 June 2015 and 4 June 2015 and details of the written and/or oral report given to Mr Moraitis on 4 June 2015 (in a redacted form, where appropriate)?*

Answer:

The indexed documents at **Attachment A** comprise all internal and external correspondence sent or received by officers of the Attorney-General's Department between 1 June 2015 and 4 June 2015, related to the internal review conducted by the department.

Documents have been redacted to remove:

- the names of non-SES officers and telephone numbers and email addresses;
- information that the department considers to be out of scope;
- information that could reveal operationally sensitive information relating to national security or law enforcement matters; and
- information that may prejudice the coronial inquest or other legal proceedings.

In addition, consistent with its continuing concern to ensure there is no prejudice to the coronial inquest or other proceedings or disclosure of personal information, the department has not provided the copies of correspondence to or from Man Haron Monis that form attachments to a number of emails.

An oral briefing on the outcome of the review was provided to Mr Moraitis on 4 June 2015. Details of that oral briefing are at **Attachment B**.

A written report of the actions taken by the internal taskforce and its findings is at **Attachment C**. The written report was provided in hard copy to the Deputy Secretary, Strategic Policy and Coordination Group, on 8 June 2015.

Oral briefing of the Secretary on the outcomes of the internal review

Sarah Chidgey and Iain Anderson met with the Secretary at 12:50pm on Thursday 4 June 2015.

At that meeting Ms Chidgey and Mr Anderson discussed with the Secretary the content of the draft letter from the Secretary to the Attorney-General explaining the department's search for correspondence from Man Haron Monis and the provision of that correspondence to the Martin Place Siege Review. Ms Chidgey provided the Secretary with an overview of the actions undertaken as part of the internal review and its findings, which formed the basis of the advice in the draft letter.

Further details of the actions undertaken during, and findings of, the internal review are in the report at Attachment C.

Report on the review the Attorney-General's Department's search and provision to the Martin Place Siege Review of correspondence relating to Man Haron Monis

The Attorney-General's Department established an internal taskforce from 1 to 5 June 2015 to review the department's January 2015 searches for correspondence from or to Man Haron Monis and the provision of that correspondence to the Martin Place Siege Review (the Review). This report outlines the actions undertaken by the taskforce and its findings.

Actions undertaken by the taskforce

The actions undertaken by the taskforce were:

1. Reviewing the searches that were undertaken in the department in January 2015 for documents and correspondence relevant to the terms of reference for the Review. This included reviewing which systems and files were searched and the search parameters that were used and repeating some searches of electronic systems and hardcopy files.
2. Confirming what documents were provided to the Review team in PM&C based on written records and discussions with relevant teams in the department and PM&C, and ascertaining the coordination and clearance processes that were followed.
3. Investigating why the letter from Sheikh Haron dated 7 October 2014 and the department's 5 November 2014 reply to that letter had been omitted from the index of correspondence provided to the Review.

The taskforce comprised officers from National Security Law and Policy Division, Criminal Justice Division, Strategy and Delivery Division and Constitutional and Corporate Counsel Division.

Findings

The taskforce's findings are that:

Searches

1. Between 5 and 15 January 2015, in response to a request from the Review team, the department undertook searches for documents and correspondence relevant to the terms of reference for the Review. This included searches of all the department's electronic record-keeping systems and some targeted searches of paper files. The search parameters included correspondence to, from or pertaining to Man Haron Monis (including his aliases) that was in the possession of the department.
2. The January 2015 searches identified 74 items of correspondence (68 incoming and 6 replies) to, from or pertaining to Man Haron Monis (including his aliases). The six replies responded to 12 items of incoming correspondence. Further searches undertaken by the taskforce between 1 and 5 June 2015 did not identify any additional items of correspondence.

Provision of documents to the Review

3. Of the 74 items of correspondence identified in searches, 50 items of correspondence (45 incoming and 5 replies) were listed in the index provided to the Review on 14 January 2015. The department also provided the Review with copies of 35 of the 50 items of correspondence. The department advised the Review team that 10 of the 50 items of correspondence were not currently in the department's possession but could be sourced from Archives if required. The Review team did not request copies of those 10 items. Copies of five items of incoming correspondence were not provided to the review as they were not in the department's possession but copies of the replies to those were provided. The department further advised the Review on

15 January 2015 that the final element of the search concluded that day had yielded no further documents for provision to the Review.

4. Of the 24 items of correspondence (23 incoming and one reply) that were not listed in the index of documents provided to the Review:
 - a. Eighteen items of incoming correspondence were not within scope. For example, a number of items of incoming correspondence were notices under s78B of the Judiciary Act and PM&C had advised the department on 7 January 2015 that High Court material and related legal advice was out of scope.
 - b. Six items of correspondence (five incoming and one reply) were not provided to the Review because of an administrative error.

Documents not provided to the Review because of administrative error

5. The six items of correspondence were not provided to the Review because of an administrative error (they were listed in a second tab in a spreadsheet of search results that was overlooked by the officers collating the index of documents for the Review). These items included a letter from Sheikh Haron addressed to the Attorney-General dated 7 October 2014 seeking legal advice and the department's 5 November 2014 reply to that letter on the Attorney-General's behalf.
6. Officers in the department had become aware that that the letter dated 7 October 2014 and reply of 5 November 2014 had been inadvertently omitted from the correspondence provided to the Review on 2 February 2015. They became aware of this omission following the Australian Federal Police notifying the department that it had come into possession of the letter and the reply while making inquiries.
7. On 2 February 2015, a departmental officer contacted an officer in the Review team at PM&C to advise that some correspondence had inadvertently not been provided to the Review. The Review team member advised that the text of the Review had already been finalised and the department therefore did not provide the two documents. The two documents were, however, provided to the coronial inquiry.
8. The only four other documents identified in the second tab of the spreadsheet that should also have been passed to the Review by the department were passed to the Review by other agencies during the Review (this was confirmed by PM&C).