

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S PORTFOLIO

**Group: 3**

**Program: Other Agency**

**Question No. AE15/017**

**Senator Milne asked the following question at the hearing on 24 February 2015:**

Senator MILNE: I have a couple of lines of questioning. It was reported in January that journalists covering immigration and offshore detention networks are often reported to the police. Can you indicate to me how many referrals have been received and could you break them down into the number of referrals from an MP's office, a minister's office or a department or agency?

Mr Colvin: We will just check if we have the figures in relation to how many current investigations or referrals we have had. I am quite certain that we will not have broken it down in the way that you have asked your questions and we will need to take that on notice.

Ms Close: We do not have that level of detail, no. I will have to take that on notice.

Senator MILNE: According to media reports, there have been a number of referrals—at least eight. How many journalists have been interviewed by the Federal Police in relation to those referrals?

Mr Colvin: To the extent that we will be prepared to comment on ongoing investigations, we will answer that on notice, but we do not have that material with us at the moment.

Senator MILNE: If you are going to take that on notice, could you also take on notice which law it is exactly that the people involved are alleged to have breached that would require the AFP to investigate the matter. Would you mind having a look at that?

Mr Colvin: Certainly.

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

Over the past eighteen months, the AFP has received thirteen referrals relating to the alleged unauthorised disclosure of Commonwealth information in breach of section 70 of the *Crimes Act 1914*.

Of the thirteen referrals:

- 4 were received from MP's offices:
- 8 were received from agencies
- 1 was received from a private individual

This offence specifically criminalises the release of Commonwealth information, without authority, by a Commonwealth officer. The legislation only applies to Commonwealth officers, defined as a person holding office under, or employed by, the Commonwealth, and includes:

(a) a person appointed or engaged under the *Public Service Act 1999*;

(b) a person permanently or temporarily employed in the Public Service of a Territory or in, or in connection with, the Defence Force, or in the Service of a public authority under the Commonwealth;

(c) the Commissioner of the Australian Federal Police, a Deputy Commissioner of the Australian Federal Police, an AFP employee or a special member of the Australian Federal Police (all within the meaning of the *Australian Federal Police Act 1979*); and

(d) for the purposes of section 70, a person who, although not holding office under, or employed by, the Commonwealth, a Territory or a public authority under the Commonwealth, performs services for or on behalf of the Commonwealth, a Territory or a public authority under the Commonwealth;

(e) for the purposes of section 70:

(i) a person who is an employee of the Australian Postal Corporation;

(ii) a person who performs services for or on behalf of the Australian Postal Corporation;  
and

(iii) an employee of a person who performs services for or on behalf of the Australian Postal Corporation.

Journalists may be one of many witnesses who may have information relevant to an investigation. It is not AFP practice to disclose details of witnesses who have been approached as part of an investigation.