

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

**Group: 3**

**Program: Other Agency**

**Question: BE14/008**

**Senator Xenophon asked the following question at the hearing on 26-29 May 2014:**

Senator XENOPHON: So we are up to about \$230,000. Finally, in light of the Senate committee report, has the AFP apologised to Seven West Media, and if not does it intend to do so?

Mr Negus: I personally wrote letter to Ms Munsie, who you will recall was named in that section 225 order, apologising for any concern that she had from the actions that were taken and certainly apologising for the way the matter was handled. We have been on the public record about this before and we have been very careful not to attribute any guilt to Seven West Media in this process. I have said that the actions of our officers in conducting the warrants and the errors that were made in the preparation of the warrants and the orders were not to the high standard that I demand of my organisation. For that, I apologise. I should say, too, that we have gone to exceptional lengths since that point to make sure that this does not happen again. I have commissioned an end-to-end review. There are peer review processes in place now for the execution of warrants—

Senator XENOPHON: I am gratified to hear that, but could you put on notice what actions the AFP will take as a result of this whole sorry saga.

Mr Negus: Yes, absolutely. We are considering the outcomes of your Senate committee as well to make sure—Senator XENOPHON: That is Senator Macdonald's committee, not mine. I am just a mere participating member!

Mr Negus: I think you are the one who pushed for it, so I give you some credit for it.

CHAIR: I think Senator Kroger was quite keen too.

Senator XENOPHON: I am very grateful for Senator Kroger's work on that.

Senator Brandis: Can I just add to the answer the commissioner gave in relation to the Seven West Media affair. These are operational decisions, as you know, made by the AFP. There is no involvement in them by the political arm of government at all. I can tell you that after it had happened I asked to be briefed by the commissioner and he did brief me. I think one could fairly say that the Australian Federal Police have been appropriately self-critical and frank in their remarks, which Commissioner Negus has repeated again this morning in estimates. Whatever lessons there are to be learned from that episode I am sure have been learned.

Senator XENOPHON: Thank you. I will get those answers on notice.

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

Senate Legal and Constitutional Affairs References Committee inquiry:

- On 7 April 2014, the AFP appeared before the Senate Standing Committee inquiry into the current investigative processes and powers of the AFP in relation to non-criminal matters.
- On 15 May 2014 the Senate report titled 'Current Investigative Processes and Powers of the Australian Federal Police in relation to Non-Criminal Matters' was tabled containing nine recommendations.
- The Attorney-General's Department (AGD) is leading preparation of the Government Response to the Senate report and the AFP is contributing to the proposed response.

On 2 April 2014, the AFP Commissioner directed an internal review be conducted on the matter. A draft report is due to the AFP Senior Executive in July 2014.

On 8 April 2014, the AFP created the Investigation Standards and Practices (ISP) Portfolio.

- The ISP is headed by a Commander and overseen by the National Manager Serious and Organised Crime.
- The role of the ISP is to provide professional practice that promotes standard consistency and quality control in support of investigations across the organisation.
- The ISP is resourced using existing investigators and drives the development and implementation of best practice through the frontline delivery of ISP mentors and Regional Investigations Advisors (RIA).
- The Portfolio has implemented an RIA program consisting of experienced investigators who will provide training and mentoring to each regional office.
- In addition to the establishment of the ISP, Quality Assurance Teams have been established to assist with quality assurance.

AFP Professional Standards (AFP PRS) and Australian Commission for Law Enforcement Integrity (ACLEI) Investigations

- On 19 February 2014, the AFP Commissioner verbally referred a complaint in relation to the conduct of AFP members to the Integrity Commissioner, ACLEI. This referral was based on allegations made in media reporting regarding the conduct of AFP members and specifically that the actions of AFP members were reported as over the top and without justification.
- On 20 February 2014, the AFP Commissioner formally referred the complaint in writing to the Integrity Commissioner, ACLEI.
- On 21 February 2014, the AFP Commissioner and AFP PRS received a formal complaint from Mr Tim Worner, Chief Executive Officer, Seven West Media.

- On 24 February 2014, the AFP Commissioner referred the complaint made by Mr Tim Worner of Seven West Media to the Integrity Commissioner, ACLEI.
- On 7 March 2014, ACLEI referred one matter back to AFP PRS for investigation. This AFP PRS investigation is ongoing.

The AFP has undertaken a quality assurance review of practices of the Criminal Assets Confiscation Taskforce. Processes of the Criminal Assets Confiscation Taskforce have been enhanced through the commencement of additional internal reviews of investigative documents by peers, independent members and supervisors.

The Superintendent responsible for the investigation and the Case Officer have been moved from their positions for their own development and formally counselled.