

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 26

Senator Xenophon asked the following question at the hearing on 14 February 2012:

Senator XENOPHON: ... I think the brief of evidence makes reference to the document or report that was the subject of the charges against Mr Kessing under section 70 of the Crimes Act was found in the bathroom. That was not videotaped. Is that because it was found when the camera person was somewhere outside?

Mr Negus: We would have to take the specifics of that on notice. It is not unusual that, if it was located, it may well have been brought back to a central place. It depends on whether the person who is the occupier of the house is cooperating with the police, whether they are hostile, whether or not they are violent. I am not saying this occurred in Mr Kessing's case, but these are all considerations for the operational officers—whether you would move the person around the house or bring items to that person and then ask them questions about them.

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

On 6 September 2005, an AFP officer videorecorded the interior of Mr Kessing's residence as the first step in the search of the premises.

The actual search of the premises then commenced, where a number of items were seized. No video recordings were taken of the actual search.

It is normal AFP practice to make a video recording of the premises prior to the search, and then again after the search. It is not common practice to make a video recording during the search of premises.

One of the items seized during the search was the report that was the subject of the charges against Mr Kessing. This report was seized by the same AFP officer who made the video recordings before and after the search of the premises.

After the search was complete, another videorecording of Mr Kessing's property was carried out prior to departure.