

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 32

Senator Brandis asked the following questions at the hearing on 26 May 2011:

Senator BRANDIS: Is there a list of the names of the people cleared to top secret for the purposes of making this show?

Mr Negus: We would certainly have one, but whether or not that can be disclosed, Senator, I am just not sure.

Senator BRANDIS: You might like to think about it, but I am asking you to table it, please. I assume you will take that on notice to consider your position.

Mr Negus: I will take that on notice and—

Senator BRANDIS: But, if you are able to reveal the identities of some of the people who were cleared to top secret, like Andrew Denton and Anita Jacoby, as you have done freely—not under any pressure from me—then why can't you reveal the identities of the other people cleared to top secret?

Mr Negus: I will take some legal advice on that, Senator, and come back to you.

Mr Wood: Senator, it is in part because Anita Jacoby has already revealed the fact that she and Andrew Denton were cleared to top secret and, from memory, the rest of her team—but she did not name them. But we will take that on notice.

Senator BRANDIS: That is fine, but these are private citizens. It is all very well for a private citizen to put up their hand, particularly among the luvvies of the television industry, to say, 'I have been cleared to top secret; how cool am I?' It is another thing for the Commissioner of the Australian Federal Police to announce that to a Senate estimates committee.

Mr Negus: Senator, the reason I announced it to a committee is that it was in the newspaper. And, as Mr Wood has already said, Anita Jacoby disclosed that in some of the issues she raised about some of the difficulties they had in dealing with this type of environment—that both she and Andrew Denton had to be cleared.

Senator BRANDIS: You have confirmed that; all right. We will not be finished with the AFP before the luncheon adjournment. I think this is an issue of significant public importance and I would like you to consider, and be in a position to respond when we resume after lunch, whether, particularly given that you have felt free to confirm that certain individuals had been cleared to top secret, you are able to provide to the committee a list of all of the people, and I am talking about the private citizens—

Mr Negus: Senator, I would like to consider my position on this. This could well require me to look at the contractual arrangements on the privacy of the citizens involved and I do not think that within an hour or two I am going to be able to do that. I am happy to take it on notice and come back to you on that, because I would like to receive some legal advice and also some broader advice from my own staff in regards to what I can and cannot divulge.

Senator BRANDIS: Would any of the AFP officers who appeared on this program or were involved in making the program involved in the process of clearing the production company personnel for top secret or any other level of security clearance?

Mr Negus: It is very hard for me to say absolutely, but the answer, I would say, would be no, because it is two separate parts of our organisation. These are operational staff who appear in the program; the other components would be very much a part of our security and intelligence areas.

Senator BRANDIS: All right, you will take that on notice for me too, please, Commissioner Negus.

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

A total of 20 Zapruder staff were cleared to Top Secret level. The identity of two of these individuals has become public knowledge as a result of a media interview conducted by Executive Producer Anita Jacoby in May 2011. However, the remaining 18 individuals have not consented to the publication of their identities.

All staff involved in the security clearance process have been identified and crossed-checked against those participating in the Zapruder production. No person participating in the security clearance process for the Zapruder production team has appeared in or been directly involved in the making of the program.