

Department of Premier and Cabinet

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24 APR 2015

The Hon Roger Gyles AO QC
Acting Independent National Security Legislation Monitor
PO Box 6500
CANBERRA ACT 2600

Dear Mr Gyles

I am writing in response to your letter of 25 March 2015 to the Premier, Will Hodgman MP, requesting information from the Tasmanian Government to assist you in your inquiry into section 35P of the *Australian Security and Intelligence Organisation Act 1979* (the ASIO Act). The Premier has requested that I respond on behalf of the Government.

There have been no offences prosecuted under section 26 of the *Police Powers (Controlled Operations) Act 2006*, section 32 of the *Police Powers (Assumed Identities) Act 2006*, or section 15 of the *Witness (Identity Protection) Act 2006*.

No reports have been made under sections 27, 28 or 32 of 'Controlled operations' in the *Police Powers (Controlled Operations) Act*. Similarly, there have been no reports made under section 33 of 'Assumed identities' in the *Police Powers (Assumed Identities) Act* that have identified any such instances of wrongdoing or misconduct.

There have been no prosecutions or matters referred for prosecution with respect to the conduct of a participant in a controlled operation that is of a kind specified in paragraphs 10(2)(g) and (h) of the *Police Powers (Controlled Operations) Act*. Similarly, there have been no prosecutions or matters referred for prosecution where the conduct of a participant in a controlled operation has been in excess of that participant's authority.

Tasmania has appropriate liaison arrangements with respect to journalists or other media professionals who may enquire about issues relating to national security operations or controlled operations in general. Tasmania Police has a media and communications unit which acts as a central contact point for journalists and other media. When a query is received that may be of an operationally sensitive nature, the person making the query would be instructed to provide their request in writing.

In circumstances where a query is of a time-critical nature, the Tasmania Police Duty Commissioner may contact the person making the query, to ask that the publication of any information that may disclose operationally sensitive information be deferred or not proceeded with. This would include advice on offences that may apply for disclosing information about covert operations.

I trust that this information has answered your questions sufficiently and will assist you in your inquiry into section 35P of the ASIO Act. Should your Office have any queries in relation to the material provided, the contact officer in my Department is

Yours sincerely

Greg Johannes
Secretary