



## Andrew Barr MLA

CHIEF MINISTER

TREASURER

MINISTER FOR ECONOMIC DEVELOPMENT

MINISTER FOR URBAN RENEWAL

MINISTER FOR TOURISM AND EVENTS

---

MEMBER FOR MOLONGLO

The Hon Roger Gyles OA QC  
A/ Independent National Security  
Legislation Monitor  
PO Box 6500  
CANBERRA ACT 2600

Dear Mr Gyles

Thank you for your letter in relation to your inquiry into section 35P of the *Australian Security Intelligence Organisation Act 1979*.

Please find attached the ACT Government answers to your questions. In summary, the offences available for wrongdoing or conduct in excess of the relevant authority under the ACT's cross-border criminal investigation laws have not been used to date.

Thank you for writing to me in relation to this matter.

Yours sincerely

Andrew Barr MLA  
Chief Minister

Encl.

29 MAY 2015

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601

Phone: (02) 6205 0011 Fax: (02) 6205 0157 Email: barr@act.gov.au

Facebook: Andrew.Barr.MLA Twitter: @ABarrMLA



CANBERRA

**Acting Independent National Security Legislation Monitor**

**Inquiry into section 35P of the ASIO Act**

**ACT Government response to request for information**

**Question 1**

No offences under the *Crimes (Controlled Operations) Act 2008*, *Crimes (Assumed Identities) Act 2009* or the *Crimes (Protection of Witness Identity) Act 2011* have been prosecuted or referred for prosecution.

**Question 2**

No reports of wrongdoing or conduct in excess of the relevant authority under the *Crimes (Controlled Operations) Act* sections 27 or 28 or subsection 31(4) or the *Crimes (Assumed Identities) Act* section 38 and section 40 have been made.

**Question 3**

No matters under section 10(2)(g) and (h) of the *Crimes (Controlled Operations) Act* or otherwise in excess of a participant's authority in respect of an operation have been prosecuted or referred for prosecution.

**Question 4**

The role of ACT Police Media

ACT Policing Media and Public Engagement (Police Media) plays a crucial role in maintaining the reputation of ACT Policing and supporting operational, investigative and emergency management outcomes through the dissemination of public information.

Police Media representatives exercise discretion to balance the need to inform the public about policing operations against protecting operational imperatives. To maintain this balance Police Media works closely with external media, internal stakeholders (all functions within ACT Policing) and Corporate Communications (AFP National Media). Police Media also consults closely with the ACT Government especially the Justice and Community Safety Directorate encompassing the Emergency Services Agency as well as other partners and stakeholders.

A key feature of ACT Policing's relationship with the media is the need to balance public interest with operational constraints, privacy principles and the legislative framework it operates within.

ACT Policing's fundamental principles when communicating with the media are to ensure:

- information is accurate (as known at the time);

- information is distributed in a timely manner (within operational imperatives);
- the rights of victims are protected;
- the rights of alleged offenders are protected;
- the judicial process is not compromised; and
- the integrity of an investigation is preserved.

#### Operational matters

Media action which deliberately interferes with, delays, hinders or obstructs an investigation may, under legal advice, expose the journalist to the prospect of prosecution.

It is inappropriate for Police Media to comment on any operational methodology or elicit any other disclosure which may risk the successful outcome of an investigation or put the lives of police officers or AFP members at risk.

The standard ACT Policing Media response for matters which may impact on an operational outcome is: ***"It would be inappropriate for ACT Policing to comment on active investigations or operational matters as it may jeopardise the integrity of the investigation"***.