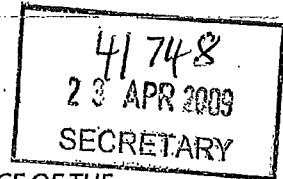


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OFFICE OF THE
CHIEF EXECUTIVE

Our Ref: 09/34999
Your Ref:

RECEIVED

28 APR 2009

Legal and Compliance Group

Dr Jeff Harmer
Secretary

Department of Families, Housing, Community Services and Indigenous Affairs
Tuggeranong Office Park
Soward Way (cnr Athlton Drive)
Greenway ACT 2900

Dear Dr Harmer

ACC Analysis of NTER Audit of Publicly funded computers, December 2008

I am writing regarding the second audit of publically funded computers conducted under the *Northern Territory National Emergency Response Act 2007* (NTNER Act).

The attached information (as recorded in Annex A) is provided pursuant to section 59(7) of the *Australian Crime Commission Act 2002* (Cth) for your agency's further dealing.

This information should not be copied and must not be released to any other agency or person without the prior approval of the ACC.

If this information is potentially subject to subpoena, Freedom of Information requests or any other order for production or disclosure, I request that you advise the ACC as soon as practicable with a view to making arrangements to claim either or all of the following:

- Conditional possession of the document;
- Public interest immunity from production;
- Exemption from FOI action;
- Exemption from production pursuant to Section 51(3) of the ACC Act.

In December 2008 FAHCSIA conducted an audit of applicable computers and, consistent with the requirements of Section 29(5) of the NTNER Act. FAHCSIA then forwarded the audit reports to the ACC in February and March 2009.

The ACC has completed an initial analysis of the audit results provided to it and the results of the analysis are attached at Annex A. ACC analysis indicates that from 548 audit reports analysed thirteen organisations were identified which displayed recent alleged illicit activity. I draw your attention to the explanatory notes accompanying the audit analysis and reiterate that the results are indicative only.

ACC HEADQUARTERS
44 Mort Street, Canberra, ACT 2601
Tel: (02) 6243-6613, Fax: (02) 6243-6679, Internet: www.crimecommission.gov.au
GPO Box 1936, Canberra, ACT 2601

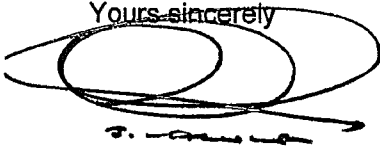
~~IN-CONFIDENCE covering PROTECTED~~

Given the audit analysis indicates that activity may have taken place on some publically funded computers in contravention of Section 30 of the NTNER Act, I have provided a copy of this analysis and a DVD containing the alleged illicit material to the Australian Federal Police (AFP) for any action they consider appropriate.

Your co-operation in having the attached Information Appraisal Form completed and returned will assist the ACC to determine whether the information disseminated is of interest and/or use to your agency. Your advice of any positive outcome if further inquiries are undertaken would also be appreciated.

Should your office require further information please have them contact the head of the ACC's National Indigenous Intelligence Task Force, s47F

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping loops and a trailing flourish.

John Lawler APM
Chief Executive Officer
22 April 2009

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RECEIPT COPY

ACC Ref: 09/34999

Dr Jeff Harmer
Secretary
Department of Families, Housing, Community Services and Indigenous Affairs
Tuggeranong Office Park
Soward Way (cnr Athllon Drive)
Greenway ACT 2900

**ACC Analysis of
NTER Audit of Publicly funded computers, December 2008**

The attached information (as recorded in Attachment A) is provided pursuant to section 59(7) of the *Australian Crime Commission Act 2002 (Cth)* for your agency's further dealing. Please have your staff contact *s47F* if clarification of the above or further information is required.

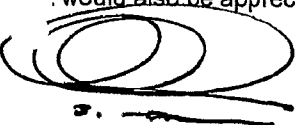
This information should not be copied and must not be released to any other agency or person without the prior approval of the ACC.

If this information is potentially subject to subpoena, Freedom of Information requests or any other order for production or disclosure, I request that you advise the ACC as soon as practicable with a view to making arrangements to claim either or all of the following:

- Conditional possession of the document;
- Public interest immunity from production;
- Exemption from FOI action;
- Exemption from production pursuant to Section 51(3) of the ACC Act.

Your co-operation in having the attached Information Appraisal Form completed and returned will assist the ACC to determine whether the information disseminated is of interest and/or use to your agency. Your advice of any positive outcome if further inquiries are undertaken would also be appreciated.

It would also be appreciated if the enclosed receipt could be completed and returned to Ms Charlotte Wood.


John Lawler APM
Chief Executive Officer
22 April 2009

I acknowledge receipt of the document referred to above.

Name:

Date: *23/4/09*

Signature: 

ACC HEADQUARTERS
44 Mort Street, Canberra, ACT 2601
Tel: (02) 6243-6613, Fax: (02) 6243-6679, Internet: www.crimecommission.gov.au
GPO Box 1936, Canberra, ACT 2601

~~IN CONFIDENCE covering PROTECTED~~

ACC Ref: 09/34999

**AUSTRALIAN CRIME COMMISSION
INFORMATION APPRAISAL FORM**

Please complete and return to:

Ms Charlotte Wood
Australian Crime Commission
GPO Box 1936
CANBERRA ACT 2600

Appraisal of Information:

The information provided to Department of Families, Housing, Community Services and Indigenous Affairs regarding **ACC Analysis of NTER Audit of Publicly funded computers, December 2008:**

- ☐ Is of limited interest or relevance to my agency.
- ☐ Is of general interest but has no direct relevance to current investigations.
- ☐ Is of real interest and is relevant to current investigations.
- ☐ Has directly assisted current investigations by

☒ **Other comments**

Telephone conference involving FALCSIA and AFP held on 8 May.
Deputy Chief Police Officer, Commander s47F advised that he
would overnight examination of "alleged" illicit activity
under sect 24 of National Emergency Response Act 2007
with a view to determining if offences have been committed
under Section 30.

Completed By:

Name: s47F [in full]

Agency: FALCSIA

Designation: R2 - Director ops - Compliance Branch.

Date: 11 May 2009.

Your cooperation in completing and returning this evaluation form will assist the Australian Crime Commission to identify and disseminate information that is relevant to your agency in a timely manner.

~~PROTECTED~~

Australian Crime Commission

****Use and Dissemination Restrictions Apply****

This information should not be copied or released to any other agency without prior approval of the Australian Crime Commission

Annex A – ACC Ref: 09/34999

Organisation ¹	Approx No. of computers ²	MA481 388	MOVIES 68	1001 1001	09/12/2008	S1B, S1H
s47G	9	207	M7	1001	01/12/2008	R2
	84	89	8	4	5/11/2008	M2C, M2F, M2E, M2G, M2J, M2K,
	24	69		5	9/1/2009	T2
	4	62	1		05/12/2008	M3
	30	60			26/12/2008	R5A, R5G
	28	56	3		04/12/2008	W4A, W4C
		63	1	10	28/11/2008	None supplied
	25	47			17/09/2008	T7A
	44	22		2	12/11/2008	K2a, K2b
	60	20		28	07/02/2008	E1A, E1F
	6	11			01/12/2008	M12
	40	6			27/10/2008	B1D

¹ As supplied by Audit Report

² As supplied by auditor's spreadsheet

³ Alleged illicit images identified by individual visual examination. (Not officially categorised)

⁴ Alleged illicit movie files identified by individual visual examination. (Not officially categorised)

⁵ Alleged illicit webpage files identified by individual visual examination. (Not officially categorised)

⁶ Last date supplied by audit software that an alleged illicit file identified was changed/accessed. (Indicative only)

⁷ Identifier of individual computers linked to identified alleged illicit material, as supplied by audit software.

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~~PROTECTED~~

Australian Crime Commission

****Use and Dissemination Restrictions Apply****

This information should not be copied or released to any other agency without prior approval of the Australian Crime Commission

Explanatory Notes

1. The alleged illicit material has been individually examined for pornographic content and false hits removed. However, illicit material identified has not officially been categorised according to Australian Government classifications. As such numeric values for quantities of illicit materials should be considered as indicative only.
2. s 47E(a)
3. The December 2008 audit was the first to use new "pinpoint auditor" audit software, purpose built for FaHCSIA by Bridgepoint Communications Pty Ltd for the audits see (www.bridgepoint.com.au).
4. s 47E(a)

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~~PROTECTED~~