

RECEIVED

~~HIGHLY PROTECTED~~

11/1989  
24 NOV 2008  
SECRETARY

3 DEC 2008  
Lyne (Cora)



OFFICE OF THE  
CHIEF EXECUTIVE

Our Ref: 08/169847

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

*Mr Field*  
*Mr Keen*  
*Mr Gatt*  
*24/11*  
*letter only*  
*pls note this should not be done on. It is made available to you for any necessary action on other part.*  
*24/11*

Dear Dr Harmer

**Forensic analysis of NTER Audit of publicly funded computers, June 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

**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.

This audit report is the first conducted under the Commonwealth *Northern Territory National Emergency Response Act 2007 (part 3)* which outlines the requirements for a bi-annual audit of publicly funded computers in prescribed areas. The Act requires the responsible person, within 14 days of conducting an audit, to give the report of the audit to the ACC [Sub-section 29 (5)]. Following this first audit, an MOU between the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) and the Australian Crime Commission (ACC) is being drafted to make sure the audit is conducted in a proper legal manner and to express the ACC's and FaHCSIA's agreement to the audit process. However the Act and audit process to date has not

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

~~HIGHLY PROTECTED~~

~~—HIGHLY PROTECTED—~~

included any additional funding to the ACC. The ACC has limited ongoing resource capacity to dedicate towards the analysis of the data and as such would like to discuss funding arrangements that would allow the ACC to undertake its responsibilities under the Act. The ACC Darwin office is coordinating the audit process with FaHCSIA NT and will assist in initiating discussions. It would be appreciated if a FaHCSIA officer could contact <sup>s47F</sup> ACC Darwin Office Manager on <sup>s47F</sup>

Could you please have your office complete and return the attached Receipt Copy and the Information Appraisal Form to:

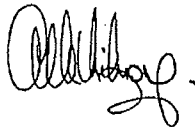
<sup>s47F</sup>

Australian Crime Commission  
GPO Box 1936  
Canberra ACT 2601

Please have your staff contact <sup>s47F</sup>  
required.

if further information is

Yours sincerely



Alastair Milroy  
Chief Executive Officer  
20 November 2008

~~—HIGHLY PROTECTED—~~

~~HIGHLY 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

ACC Ref: 08/169847

**TITLE:** Forensic analysis of NTER Audit of Publicly funded computers, June 2008.

**DISTRIBUTION:** Department of Families, Housing, Community Services and Indigenous Affairs

**ISSUE:**

*Outcome of ACC forensic examination of material relating to the June 2008 audit of Publicly Funded Computers, under the Northern Territory National Emergency Response.*

**BACKGROUND:**

In 2007, the Northern Territory National Emergency Response Act 2007 (NTNER) was enacted. That legislation is in effect for five years or until revoked.

Section 30 of that Act identifies criminal offences for persons who commit certain acts using publicly funded computers. Those acts include using those computers to view offensive material, such as pornography or child pornography. The NTNER Act also specifies that those organisations operating the publicly funded computers, will conduct an audit twice a year at specified dates for this material.

Section 29 (5) of the NTNER specifies that the results of those audits will then be forwarded to the Australian Crime Commission (ACC).

The overseeing government agency in Northern Territory, the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), advise these bi-annual audits will cover in the vicinity of 183 organisations and 300+ individual publicly funded computers.

In June-August 2008, the Northern Territory Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), conducted the first audit of publicly funded computers and forwarded 364 audit reports to the ACC. Those reports were subsequently forwarded to the ACC Cyber Support Unit for decryption and analysis.

**LIMITATIONS OF AUDIT SCRIPT:**

Because of the volume of computers to be audited, the remoteness of some of the organisations to be audited and the varying skill levels of users conducting the audits, FaHCSIA developed an in-house automated audit software script. This script was run by the audited organisation and produced an 'encrypted' audit report for forwarding to FaHCSIA.

s 47E(a)

~~HIGHLY PROTECTED~~

~~-HIGHLY 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

s47E(a)

NOTE: Since the initial audit, the ACC Cyber Support Unit has provided technical advice to FaHCSIA for your negotiations with a software developer.

s47E(a)

OUTCOME OF ANALYSIS:

s47E(a)

~~-HIGHLY PROTECTED-~~

~~—HIGHLY 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

The following table provides a list of the audits which may require further action.

Audited computer name	Hits	Comments/Link
S47G	91	Numerous hits in temporary internet, right up until audit date in 2008. (Highest number of hits for single PC in all audits)
	9	A number of sex related .mpeg files including "21 year old virgin raped(Get This).mpeg" saved in "All Users/Documents folder" (Dated 3/2006)
	30	Numerous hits in temp internet until date of audit in 2008.
	10	Located in temp internet files , dated around 10/2007
	6	Located in temp internet files around 6/2008

#### CONCLUSION

Only 5 of the 364 audit reports examined, contained sufficient pornographic strings to indicate a possible deliberate course of conduct. Statistically this is only a positive hit rate of 1.4%.

S47E(a)

The file data hits relating to the above identified audits which may require further action is too large to incorporate into this document. This information is available from the ACC upon request.

~~—HIGHLY PROTECTED—~~