



REFERRAL TO THE AFP

TO: **The Coordinator
Operations Monitoring Centre
Australian Federal Police**

Refer to the AFP Website for location details
(<http://www.afp.gov.au/contact.aspx>)

Investigation (part A) ☒

Search Warrant Assistance (part A&C) ☐

Proceeds of Crime (part A&B) ☐

Forensic Assistance (part A&D) ☐

Pre Referral Advice ☐

PART A – REQUEST FOR INVESTIGATION

Refer to the AFP Website for information relating to referring matters to the AFP.
(<http://www.afp.gov.au/what-we-do/referrals.aspx>)

CONTACT DETAILS	
Referring Agency:	Australian Sports Anti-Doping Authority
Agency Reference Number / Operation Name:	Operation Cobia
Referring Officer/ Case Officer Contact:	Name: Aurora Andruska Telephone: 0262224213 Address: 6/5 Tennant St Fyshwick ACT 2609 Email: Aurora.Andruska@asada.gov.au Signature of referring officer: <i>Aurora Andruska</i>
Date of Referral:	26/6/13

REFERRAL DETAILS	
Allegation/Incident Description Relevant Act and Section/Penalty	Unlawful disclosure of Commonwealth information contrary to section 70 of the Crimes Act 1914. Unlawful disclosure of NAD Scheme information contrary to Section 71 of the ASADA Act 2006.
Period of Offence	current
Incident Type	Date/Time Incident Start: May 2013 Date/Time Incident End:
Property/Fraud Value	ASADA information

SUSPECT DETAILS

Name	UNKNOWN
Gender	
Date of Birth	
Address	
Postal Address	
Telephone	
Email	

CLIENT IMPACT

Tick the most appropriate box indicating the impact of the matter on your agency, and complete the explanatory notes section justifying the selection.

✓

	Critical	A matter is politically sensitive or goes to central issues of management of agency or program.	
	Significant	A serious or complex crime has been committed which the agency cannot resolve without AFP involvement.	
✓	Routine	AFP investigation desirable	
	Strategic Strike	A matter is defined as a strategic strike under a service agreement with the AFP	
	MOU/Agreement	As per agreed upon between referring agency and the AFP	

BACKGROUND INFORMATION/EXECUTIVE SUMMARY*Background*

On 07 February 2013, the Australian Crime Commission released a report on Organised Crime and Drugs in Sport.

As a result ASADA is investigating a number of allegations relating to possible use of prohibited substances in sport. That investigation is referred to as Operation Cobia.

In December 2012, the investigation into Operation Cobia was managed in TRIM rather than the case management system CMIS (Wynyard Investigator) due to advice regarding difficulties in remotely accessing the system. All documents relating to the investigation were to be stored in TRIM. TRIM is accessed by all ASADA staff however; certain files can be locked down with restricted access. All Operation Cobia related material was stored in TRIM file reference 2012/1043 with access restricted to essential staff.

Allegation

s45 s47F s47E(d)



The assessment of s47F, s47E(d) information was that it was unlikely to be the s45, s47F with s47F and more likely a Cronulla Leagues Club report (the Kavanaugh report) that was 60-pages and already purported to be in the hands of journalists.

On 13 June 2013, further information derived from journalists alleged they were in possession of an interview transcript that was accurate in terms of the date the interview took place and the number of pages in length (114 pages).

ASADA can confirm:

- s45 s47F s47E(d)
- On 13 February 2013, Auscript was engaged to transcribe the interview.
- On 14 February 2013, a transcript of this interview was provided to ASADA by Auscript.

- On 15 February 2013, an electronic copy of the transcript was stored in ASADA TRIM file 2012/1043.
- s47E(d) [REDACTED]
- s47E(d) [REDACTED]
- s47E(d) [REDACTED]
- s47E(d) [REDACTED]
- The transcript was not provided to s47F [REDACTED] legal representative or the National Rugby League (NRL).

ASADA response to date

Following the information received 13 June 2013, the ASADA Manager of Intelligence conducted a comprehensive audit of the TRIM system. It was found that:

- Some non-investigations/legal staff had access to the secure folder 2012/1043 where information relating to Operation Cobia was stored.
- Some staff that were not able to access the main secure folder were able to access documents contained in that secure folder.

On 19 June 2013, all secure documents relating to Operation Cobia were locked down to essential Intelligence, Investigations and Legal staff.

ASADA has access to external contracted forensic examiners to further interrogate the ASADA IT systems if required.

Recommendations:

1. s47E(d) [REDACTED]
2. Section 70 of the *Crimes Act 1914* makes it an offence for a Commonwealth Officer to publish or communicate any document without permission.
3. Section 71 of the *Australian Sports Anti-Doping Authority Act 2006* makes it an offence if an ASADA entrusted person discloses National Anti-Doping (NAD) Scheme information to someone else without permission.

4. No permission was granted to any ASADA employee to disseminate the s47F to anyone except those nominated above.
5. ASADA therefore requests the AFP to conduct an investigation to determine if a Commonwealth officer unlawfully released interview transcript with s47F to an unauthorised party.

SUPPORTING DOCUMENTATION

(Evidence gathered in relation to offences identified. Please attach copies of relevant documents and an Evidence Matrix)

▪ Have you attached supporting documentation?

YES

- Copy of correspondence received from s45, s47F
- s47E(d)
- Findings of audit conducted by ASADA Manager of Intelligence
- Audit logs of ASADA staff who have accessed the s47F transcript documents.

CONSIDERATION FOR A JOINT INVESTIGATION

No

Approved by:

Paul Simonsson, Director Intelligence and Investigations, ASADA

Date:

26/6/13.