

19 February 2014

The Hon Senator George Brandis
Parliament House
CANBERRA

Dear Attorney

AFP raids on Seven West Media Limited

I am writing to record the concerns of Seven West Media Limited (**Seven**) and its Board and management at the actions taken by the Australian Federal Police yesterday, 18 February 2014 when they took the unprecedented step of serving and executing a search warrant on a media organization on a major scale (estimated 34 offices, many of them armed, in peaceful office settings).

Of great concern is that fact that we understand members of your Government were informed that the reason for taking out and executing the warrants was the alleged non co-operation of Seven with a previous production order. In fact in the AFP's own press release issued yesterday at 325 PM, it stated that "the AFP (had) been in discussion with Channel 7 and their legal representatives regarding a Proceeds of Crime Act matter since 11 February 2014. Bear in mind even that date was only a week prior to the search warrant, in fact less since the warrant itself is dated 17 February, 2014.

But even that is still confusing (and misleading) as when the production order was served on Seven (at approx. 5 pm on 11 February), it gave it until 4 pm on Friday 14 February in which to comply (which Seven met). Then a further letter was served on our lawyer, at home, on Monday 17 February at 1130 AM and which she provided documents in response to by 545 PM on Monday 17 February. The AFP ignores that they granted an extension until 25 February to provide other documents. In other words the warrant had been already taken out by the time of the final provision of (relatively minor) information, even ignoring the extended date allowed. This is not only a sad indictment of the reason supplied; it also makes a mockery of the heavy handed action that followed the next day. Furthermore the search warrant was wider than the scope of the previous production request, nevertheless it elicited from Seven only one more document, namely an unsigned agreement for a deal never consummated.

It may be helpful if I outline the chronology of our dealings with the AFP on this issue.

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| 10 February | Schapelle Corby is released from prison in Bali.

There followed several incorrect media reports that Seven had secured an exclusive interview with Ms Corby for which it would pay millions of dollars.

At no stage was Seven contacted by the AFP regarding those reports. |
| 11 February, approx. 5pm | Seven was served with a Production Order issued under section 202 of the Proceeds of Crime Act 2002 requiring production of various categories of documents within 3 business days, by 4pm on Friday 14 February 2014. |
| 14 February, | Seven's solicitor, Justine Munsie, telephoned Agent Jeff Kokles at the AFP to |

12.30pm seek clarification of the documents sought in the order, especially on the basis that the categories were unlimited as to time and some were ambiguous in their terms.

Agent Kokles asked Ms Munsie to put her requests in writing which she did at 12.42pm.

Agent Kokles responded by email at 1.52pm.

**14 February,
3.50pm**

Justine Munsie personally attended the AFP in Goulburn Street to produce documents in response to the notice.

Ms Munsie spent approximately 10-15 minutes explaining to Agent Kokles and two of his colleagues what documents Seven had been able to find in the time available and what other types of historical documents Seven suspected it might have but was still searching for. Ms Munsie asked Agent Kokles to clarify some aspects of the production order given that it would capture arrangements between Seven and third parties which were unrelated to the Corby family. For example, Ms Munsie noted that any payment made by Seven to a freelance photographer for a photo of Ms Corby or members of her family would be captured by the broadly worded production order and asked Agent Kokles if that was intended. Agent Kokles said that he was unable to provide a response to Ms Munsie at that time.

No response has been received from Agent Kokles.

**17 February,
11.30am**

AFP Officers attended the premises of Addisons to serve Ms Munsie with a letter. As Ms Munsie was working from her home that day and the AFP insisted that the letter be served personally, Ms Munsie invited the officers to her home to hand her the letter.

Three AFP officers arrived at Ms Munsie's home shortly before midday and handed her a letter signed by Det Superintendent Stephen Dametto, Serious & Organised Crime (attached) and requesting further information. **Note that the Dametto letter contained an agreed an extension until 25 February, 2014 in relation to certain documents.**

**17 February,
4.24pm**

Letter from Addisons to Det Superintendent Stephen Dametto giving further context to some of the documents already provided and assuring the AFP of Seven's ongoing production efforts and repeating earlier requests made of Agent Kokles for clarification (attached)

No response has been received from AFP.

**17 February,
5.46pm**

Email from Justine Munsie to AFP attaching further documents in response to the production notice, being remittance notices for payments made by New Idea for stories published between 2011 and 2014 (attached).

18 February

AFP execute search warrants at Seven's premises and Addisons.

Seven notes that a media release currently posted on the AFP website at <http://www.afp.gov.au/media-centre/news/afp/2014/february/media-release-afp-proceeds-of-crime-search-warrants.aspx> states that "the AFP has been in discussion with Channel 7 and their legal representatives regarding a Proceeds of Crime Act matter since 11 February 2014". As you will see

from the above chronology, there were no such discussions until they were initiated by Seven's solicitor on 14 February.

We hope the above dispels any suggestion that the search warrants had been issued because the AFP "didn't get what we wanted with the production order". Even assuming that could form a proper basis for a search warrant to be issued, it is important to note that prior to the warrants being issued, Seven had provided:

- Copies of contracts between New Idea magazine and various persons, including Corby family members and unrelated third parties for the publication of stories dating from 2005 to 2014. Seven had asked the AFP if they wanted it to go back further and never received a response to their request **(not that any such documents could hold any relevance to the current issue)**;
- Remittance notices of payments made under the contracts described above for the years 2011 to 2014;
- All documents (including privileged documents) in response to the production order relating to the agreement entered into by Seven with Mercedes Corby on 7 February 2014 pursuant to which Mercedes Corby has agreed to provide Seven's Sunday night program with an exclusive interview and also to use her best endeavours to procure the agreement of sister, Schapelle, for an interview. **No fee is payable pursuant to this agreement**;
- Further information in Addisons' letter of 17 February 2014.

Whatever the grounds alleged for justifying the magistrate to issue the search warrant against Seven Network, a final matter of concern to Seven is the content of an Order made under section 246 of the Proceeds of Crime Act and served on its solicitor Justine Munsie (the partner at the firm acting for it) yesterday together with a search warrant. The order, signed by Magistrate Graeme Curran, states that the Magistrate is satisfied that "*you [ie Ms Munsie] are reasonably suspected of having committed the offence stated in the relevant warrant...*". When Ms Munsie questioned the AFP officers about this very serious allegation, the relevant officer could not state what crime was being referred to, said that it was not intended to suggest that Ms Munsie had committed the crime and that she should not worry as the AFP probably wouldn't need to execute the order in any event. Ms Munsie has had many years of dealing with Proceeds of Crime requests from the AFP and has never received any indication that she has failed to furnish information requested of her.

It would seem, on the face of the order that Magistrate Curran has issued search warrants to Seven and Addisons on the basis of an application made by Federal Agent Kokles which includes accusations about Ms Munsie which are incorrect and from which the AFP has since tried to distance itself.

Ms Munsie indicated to the officer that she was distressed by the allegation and extremely concerned that on the face of the order, a Magistrate had been provided with information that satisfied him that she may have committed a criminal offence. Ms Munsie has invited the AFP to respond to her concerns but has not heard further from them.

Yours sincerely



Tim Worner
Chief Executive Officer