



26 February 2014

**Statement by Seven Network refuting AFP claims before Senate Estimates**

In statements made by the AFP Commissioner Tony Negus before the Senate Estimates Committee on Monday night regarding the Production Order dated 11 February served on Seven he and the Deputy Commissioner Michael Phelan have said that Seven, through its solicitor:

- (a) informed the AFP on Friday 14 February that Seven had no further documents;
- (b) informed the AFP on Monday 17 February that Seven had no further documents.

Statements to that effect were made on at least six occasions in Senate Estimates.

Seven disagrees that this accurately represents Seven's response to the AFP. In fact, the statements made by the Commissioner and the Deputy Commissioner are contradicted by the contents of Seven's solicitors' letter of 17 February 2014 in which Seven's position as at both 14 and 17 February is clearly stated as follows:

"All documents in response to the production order so far as they relate to Seven's television programs have been produced. In response to your query regarding the 7 February agreement headed "Mercedes Corby Exclusivity Agreement", there are no funds to be paid except for the matters referred to in the agreement. Accordingly, no such documents have been produced."

Furthermore:

- (i) Seven confirmed that it had not yet complied with the production order but was continuing to use all reasonable efforts to comply and had asked for guidance and clarification from Federal Agent Kokles as to how it should interpret the production order in order to do so. No (unarmed) response was ever made to that request;
- (ii) Seven's solicitors had informed Agent Kokles on 14 February that Seven was continuing to look for documents, including documents relating to the fee payable under New Idea's 24 January 2014 agreement with Mercedes Corby (which document was in fact produced in the afternoon of 17 February).
- (iii) Seven confirmed that it had no documents to produce in response to the Production Order in relation to a recent article published in WHO magazine.

At no time did Seven or its representatives make an unqualified statement to the AFP that Seven had no further documents or words to that effect. Quite the opposite; Seven frankly admitted that it was still searching for documents but said that there were none in relation to its television programs that met the terms of the production order and that there were no funds payable under its agreement with Mercedes Corby of 7 February.

Seven has written to the Commissioner seeking a correction and retraction. Separately Seven has taken action in the Federal Court to review and set aside the decisions of the relevant magistrates to issue the search warrants and associated orders, and to require the AFP to return the materials seized from Seven and its lawyers.