

Investigation - In - Confidence



Australian Government
Department of Defence

Incident Report - IR-DSA01-SIC-2011-203

Reference No: IR-DSA01-SIC-2011-203	Date Created: 26/03/2011
Carriage: DSA01	Owner: DSA01
Security Classification: RESTRICTED	Investigating Unit: Security Investigations Unit
Title: Person purports to be from American Embassy checking on passports	Status: Open
Case Officer: Cross,David	Task Status:
Referred To:	Date & Reason:
Privacy Classification:	

Primary

Type: Security	Status: Open
Category: Incident of Personnel Security	Priority:
Sub-Category: Inappropriate Behaviour - Other	Internal Action:
File Ref. No:	Date Reported: 26/03/2011
Title: Person purports to be from American Embassy checking on passports	

Date Closed	
First:	Last:

Description:

About 1830 [REDACTED] was home with his wife Gwenyth (an American by birth). A person who identified himself as Bill Phelps, a consular official at the US Embassy in Canberra knocked on door and asked if he could come in and check on Gwenyth's passport due to the belief it may have been compromised.

On Friday afternoon Bill rang back and advised that he was in fact an FBI agent and had wanted to talk to Gwenyth about another matter the FBI are dealing with in Washington.

The member's concern is that a someone from the FBI was posing as a consular official with a dubious cover story, and questioned them in their home without any jurisdiction and without a member of the AFP present.

The email that contains all the information is attached.

s47F

Group Affected
Area CO/MGR:
Group Affected: Australian Defence Forces
Sub Group: ARMY

Offence Date & Time	
Start: 24/03/2011	End:

IR Start Date	Investigation End

Investigation - In - Confidence

Investigation - In - Confidence



Australian Government
Department of Defence

Incident Report - IR-DSA01-SIC-2011-203

Primary

Complainant Unit: OTHER

Department:

	Date

Contributing Factors	
Alcohol Involved:	
Drugs Involved:	

Region: ACT

DCS Region:

Def. Site Affect:

Initial Source

Anonymous? No

Media: Business

Grading #

Grading Letter:

Comment

Email to the SIC and phone call to the Duty Officer Claude Queer

Case Officer

Primary	Role	Name	Start Date	End Date	Access
Yes	Primary Investigator	Cross,David	01/03/2011		Update
No	Manager	Norris ADSIC,Wendy	01/03/2011	30/07/2011	Update
No	Investigator	Queer,Claude	01/03/2011		Update

Restrict Access to Above Officers : No

Restrict Access to Unit :

Security – IR/INV

Ministerial? No **Sensitive Rep. Req?** No

Security Class: RESTRICTED

Privacy Class:

Release Contact:

Security Rating: Minor Incident

Security Class Other:

Caveat:

Release Review Date:

Release Comment:

Information Lost/Stolen/Breached

Info Security Class: Not Applicable

Info Security Class Other:

Investigation - In - Confidence

Investigation - In - Confidence



Australian Government
Department of Defence

Incident Report - IR-DSA01-SIC-2011-203

Info Privacy Class:

Info Privacy Class Other:
Caveat of Information Lost:

Person Details

Role: Complainant
Informant Code:
Last Name: [REDACTED]
Employee ID: [REDACTED]
Work Phone:
Employment Type: [REDACTED]
Rank: [REDACTED]
Employment Status: [REDACTED]
Service Type: [REDACTED]
Group: [REDACTED]
Sub Group: [REDACTED]
Department: [REDACTED]
Occupation: [REDACTED]
Company:

Role Other:
Gender: Male
First Name: [REDACTED]
Birth Date: [REDACTED]
Mobile: [REDACTED]
Classification: [REDACTED]
Location: [REDACTED]
Directorate: [REDACTED]
Rank Level Seniority: [REDACTED]
Current Security Clearance: [REDACTED]
Pending Clearance: [REDACTED]
Unit: [REDACTED]
Hide Link? [REDACTED]

s47F

Informant Protection Req? No
Informant Protection Prov? No

Role Date	
Start: 01/03/2011	End:

Comments

[REDACTED]

Motive

[REDACTED]

Tests

Test Type	Test Type Other	Test Date	Test Result	Comments

Investigation - In - Confidence



Australian Government
Department of Defence

Incident Report - IR-DSA01-SIC-2011-203

Person Details

Group

Group Ref. ID	Role	Title	Acronym
Comment:			

Notes

Running Sheets

Occurrence Date & Time: 28/02/2011 & 11:30:00

Description

DSA representative (Mr David Cross) spoke with SUPT Amanda Kates, Australian Federal Police International Network.

SUPT Kates confirmed that the AFP International Network had received prior notification of the FBI's intended activities in relation to Ms Todd. She further confirmed that Mr Spencer was not accompanied by a member of the AFP as he was not attempting to utilise any police powers and was operating within his authority in Australia.

Cross.

Last Modified: 02/03/2011 11:02:39 AM

By: david.cross4

Occurrence Date & Time: 28/02/2011 & 11:00:00

Description

[Redacted description text]

s33(a)(iii)
S33(b)

Investigation - In - Confidence

Investigation - In - Confidence



Australian Government
Department of Defence

Incident Report - IR-DSA01-SIC-2011-203

[Redacted]

[Redacted]

[Redacted]

Cross.

s33(a)(iii)
s33(b)

Last Modified: 02/03/2011 10:44:42 AM

By: david.cross4

Occurrence Date & Time: 27/02/2011 &

Description

s47F

Received call from A/ASSO asking about a reported security incident by [Redacted] I provided all details of the phone call. A/ASSO advised that CSO wanted information in reference to a media request.

Last Modified: 01/03/2011 16:17:08 PM

By: claude.queer

Occurrence Date & Time: 26/02/2011 & 21:21:00

Description

Received phone call from individual who identified himself as [Redacted] advised that an individual had attended at his house and identified himself as an FBI agent from the US Embassy. The individual asked questions about [Redacted] wife's (US citizen) passport. The individual became confused when confronted with questions he should have known and left. [Redacted] did not believe he was in fact an FBI agent and wanted to report the matter. [Redacted] advised that he had sent an email to DSA with all the details. I asked [Redacted] if he wanted me to go to the office to read the email and he said no as there was nothing that I could do at 9:30 at night. I told him DSA would follow-up on Monday morning. I advised him not to left anyone who he did not know or who could not provide positive ID into his residence or to answer personal questions.

s47F

Last Modified: 01/03/2011 16:15:31 PM

By: claude.queer

Investigation - In - Confidence

Investigation - In - Confidence



Australian Government
Department of Defence

Incident Report - IR-DSA01-SIC-2011-203

Occurrence Date & Time: 02/03/2011 & 11:14:56

Description

An attachment was added on 02-03-2011 11:14 by david.cross4 with the description: Emails: media enquiry re [REDACTED] report.

s47F

Last Modified: 02/03/2011 11:31:08 AM

By: david.cross4

Occurrence Date & Time: 02/03/2011 & 10:20:55

Description

An attachment was added on 02-03-2011 10:20 by david.cross4 with the description: Fairfax media articles published Wednesday 2 Mar 11

Last Modified: 02/03/2011 10:20:55 AM

By: david.cross4

Occurrence Date & Time: 02/03/2011 & 06:30:00

Description

Media articles authored by Mr Dylan Welch were published this morning in the Sydney Morning Herald and The Age newspapers.

The articles were almost identical with only minor differences in content. Both were consistent with what DSA understood had been referred to Mr Welch by Ms Todd. (See attachment).

Last Modified: 02/03/2011 11:31:08 AM

By: david.cross4

Occurrence Date & Time: 01/03/2011 & 16:20:50

Description

A General task has been completed by Claude Queer

Last Modified: 01/03/2011 16:20:50 PM

By: claude.queer

Investigation - In - Confidence

Investigation - In - Confidence



Australian Government
Department of Defence

Incident Report - IR-DSA01-SIC-2011-203

Occurrence Date & Time: 01/03/2011 & 16:19:23

Description

An attachment was added on 01-03-2011 16:19 by claude.queer with the description: Report of Security Incident by [REDACTED] s47F

Last Modified: 01/03/2011 16:19:23 PM

By: claude.queer

Occurrence Date & Time: 01/03/2011 & 14:53:56

Description

A General task has been created by Wendy Norris ADSIC

Last Modified: 01/03/2011 14:53:56 PM

By: ADSIC

Occurrence Date & Time: 01/03/2011 & 14:50:00

Description

A General task has been created by Wendy Norris ADSIC

Last Modified: 01/03/2011 14:50:00 PM

By: ADSIC

Occurrence Date & Time: 01/03/2011 & 14:48:12

Description

An attachment was added on 01-03-2011 14:48 by ADSIC with the description: Original email advice

Last Modified: 01/03/2011 14:48:12 PM

By: ADSIC

Occurrence Date & Time: 01/03/2011 & 13:00:00

Investigation - In - Confidence

Investigation - In - Confidence



Australian Government
Department of Defence

Incident Report - IR-DSA01-SIC-2011-203

Description

A DSA representative (Mr David Cross) met and spoke with [REDACTED] about the matter he reported.

[REDACTED] was informed that it was the DSA's assessment that there was no link between the FBI's activities and Defence nor did they constitute a threat to Defence security [REDACTED] was also informed that it was the DSA view, based on the information provided by the US Embassy and the AFP, that the visit to his home by Mr Spencer was legitimate and within his authority in Australia. s47F

[REDACTED] stated that he was aware that his wife had discussed the incident with Mr Dylan Welch, journalist with Fairfax. A discussion was had about the need for Ms Todd to consider the possible implications for [REDACTED] and Defence in any future dealings with members of the media.

Cross.

Last Modified: 02/03/2011 11:11:56 AM

By: david.cross4

Attachments

Summary: Original email advice

Description

Detailed information about incident

File Name	Comment	Sensitive ?	Created By	Date Created	Modified By	Date Modified
Original_email_advice.msg		No	ADSIC	01/03/2011 14:29:21 PM	ADSIC	01/03/2011 14:48:12 PM

Summary: Report of Security Incident by [REDACTED] s47F

Description

Investigation - In - Confidence

Investigation - In - Confidence



Australian Government
Department of Defence

Incident Report - IR-DSA01-SIC-2011-203

File Name	Comment	Sensitive ?	Created By	Date Created	Modified By	Date Modified
FW_Security_Incident.msg		No	claude.queer	01/03/2011 16:18:42 PM	claude.queer	01/03/2011 16:19:23 PM

Summary: Fairfax media articles published Wednesday 2 Mar 11

Description

Extracted from Defence Daily News Summary. Also published in print and online.

File Name	Comment	Sensitive ?	Created By	Date Created	Modified By	Date Modified
Media_articles_2_Mar_11.xps		No	david.cross4	02/03/2011 10:19:42 AM	david.cross4	02/03/2011 10:20:55 AM

Summary: Emails: media enquiry re [REDACTED] report.

s47F

Description

File Name	Comment	Sensitive ?	Created By	Date Created	Modified By	Date Modified
RE_From_Dylan_Welch_Fairfax_RE_Gwenyth_TODD_SECUNCLASSIFIED.msg		No	david.cross4	02/03/2011 11:14:10 AM	david.cross4	02/03/2011 11:31:08 AM

Tasks

Subject	Status	Assigned To	Added Date	Added By	Modified Date	Modified By

Investigation - In - Confidence

Investigation - In - Confidence



Australian Government
Department of Defence

Incident Report - IR-DSA01-SIC-2011-203

Tasks

Subject	Status	Assigned To	Added Date	Added By	Modified Date	Modified By
General	Completed	Claude Queer	01/03/2011 14:50:00 PM	ADSIC	01/03/2011 16:20:50 PM	claude.queer
General	Open	David Cross	01/03/2011 14:53:56 PM	ADSIC	01/03/2011 14:53:56 PM	ADSIC

Property

Reference ID:

Description:

Role:

Service Owner:

Civilian Unit:

Owner Status:

Quantity: 0

Short Name:

NSN:

Owner Category:

Asset

MGR/Owner:

Unit Owner:

Batch Number:

Total Est. Value: \$0.00

Additional Information

--

Property Details

Item #	Make	Serial #	Asset #	Est. Value	Year of Mfg.	Reg. #	Vin #	Colour	Recovered?
1				0					No

Exhibit Details

Item #	ID #	Book #	Date Seized	Time Seized	Disposal Date	Comment
1						

Exhibit Location

Item #	Address	Location	Start Date	End Date

Investigation - In - Confidence

Investigation - In - Confidence



Australian Government
Department of Defence

Incident Report - IR-DSA01-SIC-2011-203

Property

1			
---	--	--	--

Drug Details

Drug Name:		Drug Name Other:	
Drug Form:		Drug Form Other:	
How Taken:		How Taken Other:	
Date & Time Obtained:	&	Drug Quantity:	Value: \$0.00
Method of Concealment			

Drug Analysis

Police Involved? No	Police Reference No:
Drug Source Person:	Police Station Town:
Drug Source Address:	

Milestones

Milestone Description	Carriage	Status	Time Stamp
IR registered	DSA01	Open	01/03/2011 14:47:16 PM
Primary Investigator Changed	DSA01	Open	01/03/2011 14:51:33 PM

Case Audit

Investigation - In - Confidence

Investigation - In - Confidence



Australian Government
Department of Defence

Incident Report - IR-DSA01-SIC-2011-203

Created: 01/03/2011 14:46:59 PM
Modified: 02/03/2011 11:31:08 AM

By: ADSIC
By: david.cross4

Investigation - In - Confidence

From: [REDACTED] [s47F]
Sent: Saturday, 26 February 2011 8:24 PM
To: Security Incident Centre
Subject: Security Incident [SEC=IN-CONFIDENCE:SECURITY]

IN-CONFIDENCE:SECURITY

Good evening,

I like to report an incident that occurred in the last couple of days and seek your advise on the best way to more formally report it.

At about 1830 on Thursday 24 February I was at home [REDACTED] with my American wife Gwenyth, when I heard someone ring our doorbell. I opened the door and was met by an American embassy official (his Landcruiser has DC plates) who introduced himself as Bill Phelps, a consular official at the US Embassy in Canberra [REDACTED]. At the door he explained that he was checking US passports - third-country hacking was suspected on the US Embassy's computers and it was thought that passport information had been compromised. He was out this way checking other passports, and wondered if he could possibly come in and talk about it? At this stage Gwenyth joined me at the door and asked him clearly 'do you know who I am?' (the context was that Gwenyth has been quoted the day before in a New York Times article in reference to US Navy policy towards the Shia in Bahrain). Mr Phelps replied 'no, I am just here about the passport'. [s47F]

So he followed us inside, and he further explained that a third country, possibly Russia or China, was suspected in a series of cyber attacks on the US Embassy's computers ('if you work at Russell you'll know all about it'). He asked if he could see Gwenyth's passport (her current passport was issued in Perth in 2008 after the previous one had been stolen during a burglary and is empty save her Australian residency visa) so he could check it against the list of passports suspected of being interfered with. At this stage Gwenyth asked whether her daughter's [REDACTED] passport was also affected. To this Mr Phelps replied 'no, it only seems to affect passports with surnames being with the letter H'. At this point Gwenyth interjected, saying 'Only H has been compromised?' realising that that this whole story appeared especially unusual because her passport isn't in her married name of [REDACTED] but under her previous name of Todd (as is [REDACTED]). Gwenyth replied 'Well then we have no problem, because my passport surname does not begin with H.' [REDACTED] 'Oh, what is your last name?' She replied 'Todd, which you should know from your records.' 'Oh' he replied hastily, 'yes, also names surnames beginning with T were compromised.' She showed him the passport and he asked whether we had travelled or passed the passport's details over the internet (no in both cases), or could think of any reason why someone could have gained access to Gwenyth's details? We both replied no. At this stage Gwenyth opened up and explained that she had previously worked at the US National Security Council at the White House and shouldn't be unknown to him as a Foreign Service officer, especially one who has worked in [REDACTED] when Gwenyth was in Bahrain. He maintained he did not know of Gwenyth, or the article she was quoted in, but was solely there for the passport. He left at approximately 1845. [s47F]

Afterwards Gwenyth and I discussed the incident and while the scenario was plausible, his story just didn't add up.

We were right: at approximately 1445 on Friday 25 February he rang again and admitted to being an FBI agent, and admitted to coming around to our house in order to question Gwenyth in relation to a matter being dealt with by the FBI in Washington. The matter relates to possible sanctions violations in Sudan by Gwenyth's former partner [REDACTED]. In 2007, when Gwenyth was living in Bahrain (she came to Australia and we were married in 2008), she was approached by the FBI about this matter: she agreed to answer their questions [REDACTED]

[REDACTED] If they then asked if she would testify for them if necessary and she said 'Yes, [REDACTED]' [s47F]

s47F

[REDACTED] It has been almost four years since the FBI contacted her, and the fact that this man came alone, with a false cover story, and wheedled his way into our house is highly suspicious.

I am concerned about this from two angles: firstly, as an Australian citizen, I am concerned that a member of the FBI should be posing as a consular official with a dubious cover story and question someone in their own home. The FBI has no jurisdiction in Australia, and supposedly has a relationship with the Australian Federal Police, yet there was no AFP officer present, and he appeared to think he could simply enter our home and question Gwennyth without reference to Australian authorities.

s33(a)(iii)

[REDACTED]

Gwennyth has since spoken to expert counsel in Washington (a key advisor to the US government on Intelligence matters) and he is very concerned about the FBI's unusual methods in this case, and specifically recommended Australia file a demarche with the US Ambassador protesting the illegal activities of the US in the sovereign territory of Australia.

I am happy to meet with you to discuss this further: I am not sure how this should be moved forward and the delay in report this incident partially arose because it doesn't neatly fit into the standard 'security incident' scenarios that I have been briefed on during my career.

s47F

Yours,

[REDACTED]

[REDACTED]

s47F

[REDACTED]

NOTE: This e-mail could be a Commonwealth record. Defence users may need to capture it in a record keeping system such as DRMS. DIMPI 5/2001 provides more guidance on the capture of e-mail as records in Defence.

IMPORTANT: This email remains the property of the Department of Defence and is subject to the jurisdiction of section 70 of the Crimes Act 1914. If you have received this email in error, you are requested to contact the sender and delete the email.

From: Norris, Wendy MS on behalf of Security Incident Centre
Sent: Monday, 28 February 2011 7:20 AM
To: Queer, Claude MR; Cross, David MR 4; Schmalz, Rohan MR
Subject: FW: Security Incident [SEC=IN-CONFIDENCE:SECURITY]

IN-CONFIDENCE:SECURITY

Claude - email as discussed. I have already forwarded it to CI.

Cheers

Wendy

Wendy Norris

Assistant Director
Security Incident Centre
Defence Security Authority
Tel: (02) 62664520
Fax: (02) 62662984

wendy.norris@defence.gov.au

s47F

IMPORTANT: This email remains the property of the Department of Defence and is subject to the jurisdiction of section 70 of the Crimes Act 1914. If you have received this email in error, you are requested to contact the sender and delete the email.

From: [REDACTED]
Sent: Saturday, 26 February 2011 21:24
To: Security Incident Centre
Subject: Security Incident [SEC=IN-CONFIDENCE:SECURITY]

s47F

IN-CONFIDENCE:SECURITY

Good evening,

I like to report an incident that occurred in the last couple of days and seek your advise on the best way to more formally report it.

At about 1830 on Thursday 24 February I was at home [REDACTED] with my American wife Gwentyth, when I heard someone ring our doorbell. I opened the door and was met by an American embassy official (his Landcruiser has DC plates) who introduced himself as Bill Phelps, a consular official at the US Embassy in Canberra [REDACTED]. At the door he explained that he was checking US passports - third-country hacking was suspected on the US Embassy's computers and it was thought that passport information had been compromised. He was out this way checking other passports, and wondered if he could possibly come in and talk about it? At this stage Gwentyth joined me at the door and asked him clearly 'do you know who I am?' (the context was that Gwentyth has been quoted the day before in a New York Times article in reference to US Navy policy towards the Shia in Bahrain). Mr Phelps replied 'no, I am just here about the passport'.

s47F

3/08/2012

So he followed us inside, and he further explained that a third country, possibly Russia or China, was suspected in a series of cyber attacks on the US Embassy's computers ('if you work at Russell you'll know a lot about it'). He asked if he could see Gwentyth's passport (her current passport was issued in Perth in 2008 after the previous one had been stolen during a burglary and is empty save her Australian residency visa) so he could check it against the list of passports suspected of being interfered with. At this stage Gwentyth asked whether her daughter's [REDACTED] passport was also affected. To this Mr Phelps replied 'no, it only seems to affect passports with surnames being with the letter H'. At this point Gwentyth interjected saying 'Only H has been compromised?' realising that that this whole story appeared especially unusual because her passport isn't in her married name of [REDACTED] but under her previous name of Todd (as is [REDACTED]). Gwentyth replied 'Well then we have no problem, because my passport surname does not begin with H.' He got very flustered and said 'Oh, what is your last name?' She replied 'Todd, which you should know from your records.' 'Oh' he replied hastily, 'yes, also names surnames beginning with T were compromised.' She showed him the passport and he asked whether we had travelled or passed the passport's details over the internet (no in both cases), or could think of any reason why someone could have gained access to Gwentyth's details? We both replied no. At this stage Gwentyth opened up and explained that she had previously worked at the US National Security Council at the White House and shouldn't be unknown to him as a Foreign Service officer, especially one who has worked in Saudi Arabia when Gwentyth was in Bahrain. He maintained he did not know of Gwentyth, or the article she was quoted in, but was solely there for the passport. He left at approximately 1845.

Afterwards Gwentyth and I discussed the incident and while the scenario was plausible, his story just didn't add up.

We were right: at approximately 1445 on Friday 25 February he rang again and admitted to being an FBI agent, and admitted to coming around to our house in order to question Gwentyth in relation to a matter being dealt with by the FBI in Washington. The matter relates to possible sanctions violations in Sudan by Gwentyth's former partner [REDACTED]. In 2007, when Gwentyth was living in Bahrain (she came to Australia and we were married in 2008), she was approached by the FBI about this matter: she agreed to answer their questions [REDACTED]

[REDACTED] They then asked if she would testify for them if necessary and she said 'Yes, [REDACTED]

[REDACTED] It has been almost four years since the FBI contacted her, and the fact that this man came alone, with a false cover story, and wheedled his way into our house is highly suspicious.

I am concerned about this from two angles: firstly, as an Australian citizen, I am concerned that a member of the FBI should be posing as a consular official with a dubious cover story and try and question someone in their own home. The FBI has no jurisdiction in Australia, and supposedly has a relationship with the Australian Federal Police, yet there was no AFP officer present, and he appeared to think he could simply enter our home and question Gwentyth without reference to Australian authorities. [REDACTED]

Gwentyth has since spoken to expert counsel in Washington (a key advisor to the US government on Intelligence matters) and he is very concerned about the FBI's unusual methods in this case, and specifically recommended Australia file a demarche with the US Ambassador protesting the illegal activities of the US in the sovereign territory of Australia.

I am happy to meet with you to discuss this further: I am not sure how this should be moved forward and the delay in report this incident partially arose because it doesn't neatly fit into the standard 'security incident' scenarios that I have been briefed on during my career. [REDACTED]

Yours,

[REDACTED]

[REDACTED]

s47F

[REDACTED]

NOTE: This e-mail could be a Commonwealth record. Defence users may need to capture it in a record keeping system such as DRMS. DIMPI 5/2001 provides more guidance on the capture of e-mail as records in Defence.

IMPORTANT: This email remains the property of the Department of Defence and is subject to the jurisdiction of section 70 of the Crimes Act 1914. If you have received this email in error, you are requested to contact the sender and delete the email.

From: Roberts, Frank MR
Sent: Sunday, 27 February 2011 1:01 PM
To: Dudfield, Rod MR
Cc: Fraser, Dallas MR 2; Cross, David MR 4; ISIP-DepSec-Office
Subject: RE: From Dylan Welch / Fairfax RE Gwentyth TODD [SEC=UNCLASSIFIED]

UNCLASSIFIED

Rod,

Answers to the journalist's questions.

1) Can Defence confirm the above incident? Was a Defence security officer informed of the incident? Was a report made?

The Defence Security Authority has been informed of the incident.

2) What view does Defence take of this incident?

Defence is unable to comment until the matter has been investigated.

2) Was Defence informed of Mr Phelps intention to visit the couple's home prior to his attendance?

No. The Defence Security Authority has no knowledge of Mr Phelps or the reason for him visiting the couple's home.

3) Is Defence aware that Mr Phelps an officer of the Federal Bureau of Investigations?

The Defence Security Authority has no knowledge of Mr Phelps or the reason for him visiting the couple's home.

4) Were any Australian laws or diplomatic/other agreements breached during the Thursday incident?

Defence is unable to comment until the matter has been investigated.

5) On my reading of this incident, an FBI officer lied and deceived to obtain entrance to the home of a senior ADF officer, who is working on highly sensitive forward planning matters for the ADF. The couple are now concerned there may be a listening device in their home. Does this represent a breach of national security?

Defence is unable to comment until the matter has been investigated.

Rod, [REDACTED] contacted the DSA duty officer on Saturday night. If, as the journalist suggests, he contacted someone in Defence on Thursday night then it was not the DSA duty officer. The person with the DSA phone last night also had it on Thursday night.

s47F

[REDACTED] agreed to follow up last night's phone call with an email. He stated to the DSA person that the matter could wait until Monday for action. Accordingly, we will commence looking into the matter tomorrow.

s47F

Frank

Frank Roberts
Chief Security Officer

Campbell Park Offices (3-5-123)
Canberra BC ACT 2610

W: (02) 6266 2634, M: [REDACTED]
Fax: (02) 6266 2736

IMPORTANT: This email remains the property of the Department of Defence and is subject to the jurisdiction of section 70 of the Crimes Act 1914. If you have received this email in error, you are requested to contact the sender and delete the email.

From: Dudfield, Rod MR
Sent: Sunday, 27 February 2011 13:08
To: Roberts, Frank MR
Cc: Perkins, Celia MS; Squire, Jeffery COL; MediaOps; Orme, Neil MR 1; Kemp, Adrian CMDR
Subject: RE: From Dylan Welch / Fairfax RE Gwenyth TODD [SEC=UNCLASSIFIED]

Frank as discussed. Given the suggestion is that the matter has been reported to your staff it would appear to sit in your area with Navy being a major stakeholder. Given the allegations ASEMB may also need to be consulted but I would leave this judgement up to you. Grateful if you could provide response so to meet the 1600 deadline noting that we will need to obtain MINDEF acknowledgement by the 1700 deadline.

Media Ops will send the formal template

Thanks

Rod Dudfield

Director Communication and Media

Phone: 02 6127 1951
Mobile: [REDACTED]

s47F

E-mail: rod.dudfield@defence.gov.au <<mailto:rod.dudfield@defence.gov.au>>

From: Pearce, Krystalla MISS **On Behalf Of** MediaOps
Sent: Sunday, 27 February 2011 12:46
To: Dudfield, Rod MR
Cc: Perkins, Celia MS; Squire, Jeffery COL; MediaOps
Subject: FW: From Dylan Welch / Fairfax RE Gwenyth TODD [SEC=UNCLASSIFIED]

UNCLASSIFIED

UNCLASSIFIED

Hi Rod,

I just received a call from Dylan Welch, informing me of the below email and letting me know that the story will be going ahead tomorrow (with or without Defence's responses).

3/08/2012

I'll give you a call to follow up this email.

Regards,
Krystalla

IMPORTANT: This email remains the property of the Department of Defence and is subject to the jurisdiction of section 70 of the Crimes Act 1914. If you have received this email in error, you are requested to contact the sender and delete the email.

IMPORTANT: This email remains the property of the Department of Defence and is subject to the jurisdiction of section 70 of the Crimes Act 1914. If you have received this email in error, you are requested to contact the sender and delete the email.

From: Dylan Welch [mailto:DWelch@fairfax.com.au]
Sent: Sunday, 27 February 2011 12:22
To: MediaOps
Subject: From Dylan Welch / Fairfax RE Gwennyth TODD

Dear media ops,

I have questions in relation to an incident on Thursday and Friday involving an officer of the US Federal Bureau of Investigations misrepresenting himself in order to gain access to the home of an Australian Navy Captain, [REDACTED] [REDACTED] is involved in highly sensitive planning work at the Australian Defence Force headquarters at Russell. He is also the husband of Gwennyth Todd, a US citizen, permanent Australian resident and former US State Department officer. s47F

On Thursday about 1830 a man who introduced himself as US consulate officer Bill Phelps went to the couple's house in Bruce, ACT, and explained he was checking US passports registered in the Canberra area due to some alleged breach. [REDACTED] allowed him into the house for a short period, but Ms Todd did not believe his story and Mr Phelps left. The couple reported the matter to a Defence security duty officer that night. s47F

On Friday about 1400, Mr Phelps called Ms Todd on her mobile phone and confessed to being an officer of the Federal Bureau of Investigations. He asked her to come to the US embassy so he could question her in relation to a US justice department inquiry relating to her former partner, a US citizen. She refused, noting that she had previously cooperated fully in that matter and undergone an interview. Ms Todd is now so distressed about the Thursday incident that she wants to have the couple's house swept for listening devices.

It appears, if the story is correct, that Mr Phelps has exceeded his powers and potentially violated Commonwealth law. It is my understanding that when questioning people in Australia, US investigators are required to be accompanied by the Australian Federal Police. His deception is also highly irregular, and given the home is that of a senior Australian Defence Force officer, there may be issues of national security concerned.

My questions are:

- 1) Can Defence confirm the above incident? Was a Defence security officer informed of the incident? Was a report made?**
- 2) What view does Defence take of this incident?**
- 2) Was Defence informed of Mr Phelps intention to visit the couple's home prior to his attendance?**
- 3) Is Defence aware that Mr Phelps an officer of the Federal Bureau of Investigations?**
- 4) Were any Australian laws or diplomatic/other agreements breached during the Thursday incident?**
- 5) On my reading of this incident, an FBI officer lied and deceived to obtain entrance to the home of a senior ADF officer, who is working on highly sensitive forward planning matters for the ADF. The**

3/08/2012

couple are now concerned there may be a listening device in their home. Does this represent a breach of national security?

I respectfully request you respond to these questions by 5pm today.

Yours sincerely,
Dylan Welch
National Security Correspondent
Sydney Morning Herald and The Age
w (02) 6240 4046
f (02) 6240 4024
[REDACTED]

The information contained in this e-mail message and any accompanying files is or may be confidential. If you are not the intended recipient, any use, dissemination, reliance, forwarding, printing or copying of this e-mail or any attached files is unauthorised. This e-mail is subject to copyright. No part of it should be reproduced, adapted or communicated without the written consent of the copyright owner. If you have received this e-mail in error please advise the sender immediately by return e-mail or telephone and delete all copies. Fairfax does not guarantee the accuracy or completeness of any information contained in this e-mail or attached files. Internet communications are not secure, therefore Fairfax does not accept legal responsibility for the contents of this message or attached files.
