

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

SELECT COMMITTEE ON PRIVILEGES

Members:

**MS K TUCKER (The Chair)
MR B SMYTH
MR J HARGREAVES**

TRANSCRIPT OF EVIDENCE

CANBERRA

MONDAY, 26 AUGUST 2002

**Secretary to the committee:
Mr D Abbott (Ph: 620 50199)**

By authority of the Legislative Assembly for the Australian Capital Territory

The committee met at 3.03 pm.

GRAEME DOWELL and

RICHARD HART

were called.

THE CHAIR: I declare this hearing of the Privileges Committee open. As chair of the committee, I would like to read to you some formal responsibilities you have as witnesses before an Assembly committee. You should understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. That gives you certain protections, but also certain responsibilities. It means that you are protected from certain legal actions, such as being sued for defamation for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter. I thank you for attending this afternoon in order to assist the Privileges Committee. Please state your name and the capacity in which you appear.

Mr Dowell: My name is Graeme Dowell. I am the general manager of InTACT.

Mr Hart: My name is Richard Hart. I am director, service delivery, InTACT.

THE CHAIR: Thank you. I have quite a number of questions. I imagine that other members of the committee do, as well. You know why we are here. Do you want to make a statement to the committee first, or will we just go into questions?

Mr Dowell: If I could just make a very brief statement. Some of the issues that you raise could cover the very security of our system. We would ask that, if those issues are raised, we not answer in a public forum but perhaps answer outside this forum.

THE CHAIR: Okay. The committee can consider that as it arises. If we ask particular questions which you think could endanger the security of InTACT, just tell the committee and we can have a closed hearing at the end for the answers to those questions. The committee will consider that, if you make the suggestion that it is not appropriate for something to be done in public. The committee would want to cooperate and not make InTACT vulnerable in any way on the security level, so that sounds quite reasonable.

Mr Dowell: Thank you.

THE CHAIR: I will start the questioning. I would just like to go through the timeframe of actually what happened here and there will be questions at different points. In November 2001, there was the re-establishment of Mr Wood's mail system and the creation of the "Wood, Bill" mailbox of which he was unaware. My first question is: why was the second mailbox created?

Mr Hart: The second mailbox was created as the result of a help desk case being logged with us. It has been standing practice to create two email accounts for MLAs, one with just their surname and another one in the form of the surname, comma, first name. The officer who took the case assumed that, in the case of Minister Wood, two accounts were required. Given the very high priority that InTACT staff place on restoration or provision of services to MLAs in particular, the first concern, I believe, of the action officer concerned was to get Minister Wood's accounts operational again and as a result, pending restoration of accounts from tape, he created two, if you like, stub accounts or holding accounts that could allow Mr Wood to start working.

MR HARGREAVES: Was that as a result of the crashing of the original one of Mr Wood's and, if so, who actually sought the restoration?

Mr Hart: I understand that the restoration was sought from Minister Wood's office. It was by placement of a telephone call to one of our officers.

MR HARGREAVES: When you receive these phone calls, do you actually log who requests the restoration?

Mr Hart: Usually, yes.

MR HARGREAVES: When you say, "Usually, yes," are you saying to me that it was not in this case or it was in this case?

Mr Hart: I would have to check the specifics of whether a nominated name was logged. May I?

MR HARGREAVES: Yes, please.

Mr Hart: In this case, the case was logged in the name of what we call the pod leader. It is a term that we use internally for the leader of the team of help desk staff servicing a particular group of clients, in this case the group including the Legislative Assembly.

MR HARGREAVES: It was logged in the name of the pod leader; so the pod leader is the person who requested the restoration, is that right?

Mr Hart: In this case, the advice I have is that the pod leader was raising the request on behalf of someone in Minister Wood's office, but the pod leader didn't actually create the case.

MR HARGREAVES: I understand that.

Mr Hart: Someone else in his team did and in order to create the case, again given the timeliness requirement of responding to MLAs—

MR HARGREAVES: Will you give us the name of the pod leader under separate cover? I do not wish it for the public hearing. Would you provide that for us later, please?

Mr Hart: Yes.

THE CHAIR: And you wanted to know who asked for it from Mr Wood's office. Did you want to know that, Mr Hargreaves?

MR HARGREAVES: Yes, I did, Madam Chair.

THE CHAIR: Do you know that?

Mr Hart: We may know that. This information was, I understand, provided to the AFP as part of their investigation. I don't have that information.

MR HARGREAVES: In that case, do you know whether InTACT has requested and/or received a copy of the report that the AFP raised on this issue?

Mr Hart: Yes and yes.

MR HARGREAVES: So the information that I am seeking is in that report and you are referring us to that report.

Mr Hart: We would be in a position to provide you with that, but I don't have the report with me.

MR HARGREAVES: Okay, that is fine with me. I am happy with that.

MR SMYTH: Did you do that under freedom of information or did you simply ask the police for a copy of their evidence or the material that they had gathered?

Mr Hart: The Treasurer wrote on 4 July to the Chief Police Officer of the ACT requesting a copy of the DPP brief, in order to determine whether the brief disclosed a requirement for any further action to be taken within the ACT. On the same day, the Treasurer wrote to the Speaker, informing him of such action.

MR HARGREAVES: He wrote to the AFP seeking a brief, so the Treasurer may or may not have received a copy of the brief.

Mr Hart: The Treasurer's letter requested that the brief be forwarded to InTACT.

MR HARGREAVES: And where does that answer Mr Smyth's question about how InTACT came upon the report?

THE CHAIR: The Treasurer asked for it for InTACT.

MR HARGREAVES: On behalf of InTACT, was it?

Mr Hart: The Treasurer asked for it to be forwarded to InTACT, yes.

THE CHAIR: Yes, to go to InTACT, to see if it needed to be worked on.

MR SMYTH: Did the report go to you directly or did it come to you via the Treasurer's office?

Mr Dowell: It came to us directly. It came to me directly.

THE CHAIR: My first question was about why the second mailbox was created. You have explained that. I want to know why it didn't appear on Mr Wood's Microsoft Outlook inbox page?

Mr Hart: That is something that is going to be a little difficult to explain without reference to Outlook. It is going to be difficult to draw a word picture.

MR HARGREAVES: Would you like to use that computer over there?

Mr Hart: If that would—

MR HARGREAVES: We are happy to do that. We are not as technically literate as you are, I am afraid.

THE CHAIR: That is why we have got it here.

MR HARGREAVES: Would you like to use it?

Mr Hart: I will try to offer a simple answer first. The simple answer is that it wouldn't have appeared in Mr Wood's inbox when the inbox was first opened by him, because there is an extra set of steps that the end user has to take to show up a second mailbox down on the left-hand side of the standard inbox.

THE CHAIR: It would automatically have been channelled into the one that did show up on his page; is that correct?

Mr Hart: No, it wasn't.

THE CHAIR: It wasn't, but was it meant to?

Mr Hart: No.

THE CHAIR: It wasn't meant to?

Mr Hart: It wasn't meant to. As I understand it, the purpose of the two-mailbox system is to allow for one mailbox for general dissemination, general distributions, similar to a public phone number, and to allow for another email account which is in much more restricted use.

THE CHAIR: Whose computer was it meant to show up on, the second mailbox?

Mr Hart: It would have been meant to be available to Mr Wood or any of his staff that he has delegated.

Mr Dowell: When you access the second mailbox, you go to File, Open and there you get the choice of the mailboxes, and that is how you would access it; so that the one that is open is whichever one you have chosen through there, but the main one will be the one that Default opens.

THE CHAIR: Was Mr Wood able to go to that other box when he went File, Open and see that box there and open it?

Mr Hart: Using the standard process that any end user can use, yes, he would have been able to, he or one of his staff.

THE CHAIR: It was there for him to open.

Mr Hart: It wasn't immediately obvious, but the process that one uses to look at a mailbox for which they have delegated permissions, that standard process, would have been able to be used by him or someone in his office.

MR HARGREAVES: Let's talk about the first one being the one for which the name is capitalised, for the sake of nominating one, and the second one is the one with the first name in it. Does that mean for someone who would normally use the one that is capitalised that for them to access the second one when they open their own one they would have to delegate themselves from the second one into the first one to do it?

Mr Hart: They would either have to open the second one as that account, which it is possible to do, or from the second account they would have to delegate permissions to the first account for it to appear on the left-hand side of the screen.

MR HARGREAVES: If such a delegation were to occur, would it be possible to determine who it was and/or from which machine that delegation emanated?

Mr Hart: Under certain circumstances, yes.

MR HARGREAVES: And in what circumstances, yes.

Mr Hart: When an appropriate level of system logging is enabled and when the proxy delegate access—that is just the term for it—is opened by an end user, my understanding is that that is logged and we are able to interrogate the logs to determine the time and place.

MR HARGREAVES: InTACT should be able to tell us from which machine a delegation emanated.

Mr Hart: If the issue of concern were caused by a delegation problem, that would be the case. The issue of concern wasn't caused by a mail delegation problem.

MR HARGREAVES: I will put it to you in the present tense, not in the past tense. Do you have the technology in InTACT to tell us now from which machine or from which person the delegation emanated to open the second box? Could you do that?

Mr Hart: Today, yes.

MR HARGREAVES: Could you do it a couple of months ago?

Mr Hart: A couple of months ago, yes.

MR HARGREAVES: How about six months ago? We can go back to BC, if you like.

Mr Hart: Do you have a—

MR HARGREAVES: Yes, I do. When this erupted, the AFP came around and were trying to find out how it actually worked, how this actually happened, how it came about. One of the questions that I am interested in is whether it could have been determined systemically when the police did their investigations.

Mr Hart: No.

MR HARGREAVES: And why was that not so?

Mr Hart: It wasn't so because of the nature of the change that allowed this to happen and the time at which it happened and the level of logging which was enabled at that time.

MR SMYTH: Have you increased your level of logging and recording since this occurred?

Mr Hart: Yes.

MR HARGREAVES: I requested that my own name in the lower case model be withdrawn because I had no need for a second one. I would assume that every time I ring the yellow team—I think it is the yellow team—everything that I ask them will be logged so that they can track whether we have got a continual problem. Can you tell us the nature of the request to restore Mr Wood's mailbox? I understand that Mr Wood's major email mailbox crashed and then it was restored by people from InTACT.

Mr Hart: Yes.

MR HARGREAVES: That was fine. I would like to know what the actual logging information was from Mr Wood's office, via the pod leader, as to, for example, how many mailboxes were requested. Was it just the one? Was it both of them? Which one was it? Is that information contained in the log?

Mr Hart: The first entry in the log requests restoration of both mailboxes.

THE CHAIR: And is there detail in terms of who that second mailbox should be available to?

Mr Hart: No.

THE CHAIR: What is the assumption that you make there?

Mr Hart: The assumption that we make under that circumstance is that the standard that has been conveyed to us by Legislative Assembly support staff—i.e., the two-mailbox system—is the one that should apply for MLAs.

THE CHAIR: The second box is not connected to the first one, it is separately available as a more private box, you were saying.

Mr Hart: Correct. InTACT, as an organisation, isn't aware of which of the two accounts, whether it's the capitalised surname or the surname, comma, first name account, is the one that an individual member chooses to use as their private account. From a technical sense, it could be either.

THE CHAIR: I am not great with this, so I'm going to have to ask these questions. I do not understand the technical issue if you have two boxes. When I open my email, there is one there now for me. Both boxes lead into my screen; I just hit Microsoft Outlook and I have both. If I choose to keep one of them separate and I tell you that I want to keep one of them separate, surely you have to make a decision from my direction, I would have thought, about who does have access to that second box. Someone has to make that decision. Are you saying that I make it in my office and that we can, in my office, determine who has access to that second box or are you saying that automatically everyone in my office would have access to it?

Mr Hart: There are two ways that that sort of access can be set up. It can be set up, under some circumstances, by system administrators, by tech support people, off-site.

THE CHAIR: After direction from the minister's or the member's office.

Mr Hart: In this case I was speaking specifically of how technically it can occur. Technically, it is possible to do it, under some circumstances, in the central system administration group. It is also possible for that sort of access to be provided from the end user's workstation by the end user, if they know which screens to go into and which boxes to tick.

THE CHAIR: The end user means, if it was me, that anybody in my office could determine who had access to my second box.

Mr Hart: Under those circumstances, anyone who can walk up to your machine—in other words, anyone who can get to your machine while the screen saver is not active and you are logged in—can do that.

THE CHAIR: Could that be diverted to anybody in this building or just within my office?

Mr Hart: It could be diverted—

THE CHAIR: Anybody in the whole ACT government.

Mr Hart: Depending on how it is done, whether it is done via a rule or whether it is done via what we call permissions delegation, it is theoretically possible to divert mail to almost anywhere.

THE CHAIR: In the ACT government.

Mr Dowell: There is a difference between diversion mode and access rights.

THE CHAIR: We are talking about access rights, aren't we?

Mr Dowell: You are talking about access rights now. Diversion, you could forward it anywhere, but access rights would only be within act.gov.

MR HARGREAVES: I was talking about delegation earlier. Is that what you are talking about as access rights?

Mr Hart: Yes, that is correct.

MR HARGREAVES: It is where I actually delegate access to my stuff to my staff. That is what you are calling access rights.

Mr Hart: Yes, access rights.

MR HARGREAVES: That I can do from my own PC by opening it, going for it and moving it. I do not know much more about this than Ms Tucker, but I understand that diversion can only be done by systems administration; is that right?

Mr Hart: No, it can be done by system administrators and it can also be done via a capability called rules. You can set up a rule in Outlook which says that any email from Richard Hart, for example, is automatically deleted on receipt or any email from another person is automatically forwarded to a third party on receipt.

MR HARGREAVES: Do you have to do that from there?

THE CHAIR: What happened here? Was this an access right or a diversion?

Mr Hart: As we advised in our earlier letter, in this case the diversion was enabled through configuring an alternate recipient feature, which is a feature only available from the Microsoft exchange mail administration.

MR HARGREAVES: That's somebody within InTACT.

Mr Hart: We believe so.

MR SMYTH: It couldn't have been done by a member of staff in the Assembly because we do not have those delegations.

Mr Hart: We do not believe so.

THE CHAIR: We are agreed, as has already been decided by the police, that basically the diversion of the emails occurred in InTACT. You are telling us that InTACT's internal logs do not allow you to be precise about the timing of the diversion or the identity of the person responsible; is that correct?

Mr Hart: That is correct.

MR HARGREAVES: But you can tell us who the pod leader was who received the request.

Mr Hart: Yes.

MR HARGREAVES: And you will provide that name to the committee so that, if we need to, we can ask the person to come before us and explain what happened.

Mr Hart: There is an extensive call history in relation to this case. A number of hands were involved, because it became—

MR HARGREAVES: Are they written call histories? Is there a log of that?

Mr Hart: Yes, they are.

MR HARGREAVES: Could you provide a copy of that to the committee, please?

Mr Hart: Yes.

MR SMYTH: But you can't tell us who made the original call?

Mr Hart: That is not available from the documentation.

THE CHAIR: How many people within InTACT have the relevant expertise, time or rights to do this?

Mr Hart: Madam Chair, that is starting to move into the area that Mr Dowell spoke of earlier, in relation to details of security configuration administration.

THE CHAIR: You can tell us later or in writing.

Mr Hart: Yes.

THE CHAIR: You can tell us, and will tell us, how many people have this capacity.

Mr Hart: Yes.

THE CHAIR: Is it in any way possible that the diversion of these emails could have happened accidentally?

Mr Hart: Yes. The facility that was used to enable this diversion has legitimate uses and is legitimately used as part of the administration of the mail system. It is possible that this diversion was made in all innocence.

MR SMYTH: But it is not an easy diversion to do.

Mr Hart: It is something that is available.

MR SMYTH: It is not a logical set of keystrokes that you could accidentally type and have this happen, is it? It would be a matter of going through several steps and processes and confirming those processes. It can't have been done by accident.

Mr Hart: That is true, but that is the case with most system administration tasks. Most system administration tasks require the exercise of judgment at a number of points and the exercise of some skill.

THE CHAIR: Are you saying that it could have been human error?

Mr Hart: That is what I am saying, Madam Chair.

THE CHAIR: It could have been human error, you are saying.

Mr Hart: It could have been human error.

THE CHAIR: And you are satisfied that there was no other way that this could have occurred, except through InTACT.

Mr Hart: We are satisfied that what we observed resulted in the diversion of emails. There are many ways that people can access email accounts, and we have discussed some of those already in the hearing. Having said that, we are confident that what we observed resulted in the diversion of emails and what we have reported to the committee resulted in the diversion of emails.

THE CHAIR: Is there any other way that an email that is correctly addressed and sent to one person can appear in the inbox of another person if it has not been copied, forwarded or diverted to that person?

Mr Hart: The answer to that is: theoretically, yes. The email product that we use is what in the industry is termed a very feature rich product. You can do an awful lot of things with it and on occasion you can do things that you didn't intend. Can I give you an example? My PA has delegated permissions to look at my inbox and it appears on that left-hand column.

THE CHAIR: Your what? Your personal assistant, is it?

Mr Hart: Yes, my personal assistant has rights to look at my mailbox. Normally, she is looking at hers, but she has rights to look at mine and my mailbox appears as an icon on the left-hand side of her screen. If she was looking at a message in her inbox and decided that she needed to drag that to one of her folders, a folder that she uses for her daily work, but inadvertently dragged it to the folder that says my inbox, it would be moved from her inbox to my inbox under those circumstances.

MR SMYTH: Earlier in the discussion you said that the Treasurer wrote to the AFP for a copy of the report. When was that request made?

Mr Hart: That request was made on 4 July, I believe. I will just check the date.

THE CHAIR: That is what you said before; you said 4 July.

MR SMYTH: Did he do that off his own bat? You didn't ask him as the security controller to obtain a copy of that report?

Mr Hart: The request was made from InTACT.

MR SMYTH: The request was from InTACT to the Treasurer and then the Treasurer asked the Chief Police Officer.

Mr Hart: Yes.

MR SMYTH: And the Chief Police Officer provided you with a copy of that report for your internal use.

Mr Hart: Yes, we received that report two days ago.

MR SMYTH: Have you provided that report to anybody else?

Mr Hart: No.

MR HARGREAVES: Was that police report just about the InTACT items or was it the total police paperwork on it?

Mr Hart: It was a copy of the DPP brief, except that personal information on some people—names, addresses and certain other information—had been withheld, certain other personal information had been withheld.

MR SMYTH: But it was a copy of the report; it wasn't done under FOI.

Mr Hart: That is correct.

MR SMYTH: Before getting that report two days ago, had you received any other information from the AFP?

Mr Hart: We have on file copies of some witness statements that were made by InTACT staff. I am searching my memory to determine whether the InTACT staff concerned handed us copies of those witness statements or whether the AFP handed them to us; I can't recall.

MR HARGREAVES: Would you find out, please?

MR SMYTH: Okay. Have those statements been given to anybody else outside of InTACT?

Mr Hart: No.

MR HARGREAVES: And you are absolutely sure of that.

Mr Hart: Not by InTACT. One of my staff approached me—I think it was last week—in relation to a letter they had received from the AFP in relation to a reverse FOI request. But beyond that—

THE CHAIR: That is not really relevant to this, no.

Mr Hart: Any information that has been gathered by InTACT in relation to the investigation, to the best of my recollection, has been handed to the AFP, either as part of a witness statement or under search warrant.

MR SMYTH: And the reverse of that is that any information you have therefore received from the AFP, you have maintained inside InTACT and it has not been forwarded to a party outside of the organisation.

Mr Hart: To the best of my knowledge and to the best of my recollection, any substantive material we have received from the AFP, other than receipts for evidence and that sort of thing, has been held entirely within InTACT at this time.

MR SMYTH: Could you check and confirm that, please?

THE CHAIR: Can we get on with the actual issue?

MR HARGREAVES: When you are talking about it being within InTACT, how many people work in InTACT, give or take a few?

Mr Hart: About 198, I think.

MR HARGREAVES: You talk about it being held within InTACT. Precisely where in InTACT is this information held? I want to satisfy myself, I suppose, that it is in some class B cabinet somewhere.

Mr Dowell: It is held within a class B cabinet in my office, to which I and my personal assistant have access, and I understand that the security controller may have a master key, or may not.

MR HARGREAVES: That answers that to my satisfaction. I want to go back to something Mr Hart said, Madam Chair. He said, and I may have been diverted at the time, that in his opinion it could have been accidental, inadvertent or—

Mr Hart: I think the word I used was innocent, yes. It could have been human error.

THE CHAIR: It could have been human error in InTACT.

MR HARGREAVES: I just want him to explain something to me. When you say what could have happened through human error, was that the creation of a second mailbox or was that the delegation to it or the access? What was that?

Mr Hart: There were a chain of things that needed to occur for the end result to eventuate. It is possible that each of those things could have been human error.

THE CHAIR: Basically, you do not have an audit trail that can identify it one way or the other, you have told the committee.

Mr Hart: For the time period in question, we do not.

MR SMYTH: On that question, can you give us a theoretical rundown of how those things may have happened, what were the steps, even if it is just a printout of different screen dumps?

Mr Hart: Yes.

MR HARGREAVES: You don't have to do it right now.

Mr Hart: Could we do that in private?

THE CHAIR: We will take that on notice, yes. I would like to follow the sequence of events. If Mr Wood's mailbox was diverted to another recipient using the process that you have described, what would appear on the recipient's screen in Microsoft Outlook?

Mr Hart: The recipient's screen would look like a normal screen. There would be nothing, for example, on the left-hand side of the screen to indicate that they were receiving emails from Mr Wood's. The messages would be interspersed among their normal business messages. You know how an in-tray looks. It has got a line of messages with the subject heading. Messages would be interspersed. When a message was opened, the difference is that the To part of the message—the top part of the message has a set of Froms and a set of Tos and Ccs—would have appeared as either “Wood, Bill” or “bill.wood@act.gov.au”.

MR HARGREAVES: It is possible, in fact, that I wouldn't even know that I was going to receive somebody's delegation, and there it would be, until I actually opened a piece of correspondence I thought was for me, and then the heading would be crystal clear and obvious to me that it wasn't my mailbox that it was being directed to.

Mr Hart: It is possible that you would get to the point of opening a message without knowing that it wasn't intended for you. What happens after that point depends on which part of the screen you look at.

MR HARGREAVES: Indeed. But it would be obvious then that I was either part of another network somewhere—

Mr Hart: It would be evident at the time that the message was not directed to you if you looked at the To part of the message.

MR SMYTH: If you looked at the grey box at the top that said From and To.

Mr Hart: Yes, that is correct.

MR SMYTH: But there is also the Bcc and it is possible to receive emails addressed to somebody else from somebody you might not know.

Mr Hart: I would need to confirm whether you would show up as a Bcc recipient under those circumstances.

MR SMYTH: I don't believe you do and I think that Mr Dowell has just said that. In other words, you can receive a message that was intended for somebody else quite accidentally, quite innocently, and not know whether it was intended for you or not, given the Bcc function?

Mr Hart: I would personally want to confirm that, but if that is the case—

MR SMYTH: Mr Dowell is doubtful; he is shaking his head.

Mr Hart: In that case, yes.

Mr Dowell: My understanding is that that is correct.

MR HARGREAVES: Mr Hart, with respect to this particular case—I know that it is contained within the AFP information and I hope that it has been shared with you—would you confirm that InTACT did a screen dump from the particular PC and found that it was not a Bcc issue that was the case and that, in fact, there was a second mailbox which was obvious to that particular personal computer?

Mr Hart: Mr Hargreaves, are you referring to a screen dump?

MR HARGREAVES: Yes.

THE CHAIR: Are you referring to that document?

MR HARGREAVES: Yes.

Mr Hart: May I?

THE CHAIR: Yes.

MR HARGREAVES: I am basically asking you to confirm for the record, Mr Hart, that that piece of paper you have before you, which is a representation of a screen dump, as I understand it, was done, in fact, by InTACT officers and that it shows that the recipient PC clearly had two mailboxes contained within it.

Mr Hart: No. This is a screen dump taken by an InTACT staff member during the investigation. What this shows is that the staff member in question, in order to determine what was going on in the “Wood, Bill” mailbox, gave himself delegate access to be able to log into that mailbox and see what was occurring. I will point out that at this time, from this point on, all of these actions were being taken at the direction of the Clerk.

MR HARGREAVES: Yes, I understand.

Mr Hart: This act was done to determine what the emails, if any, were that were being diverted from the “Wood, Bill” mailbox to a third party. There is nothing on this screen to give any indication of third parties.

MR HARGREAVES: Or which screen it came from. There is nothing on this piece of paper to indicate which black box this came out of.

Mr Hart: No. However, my view, given what appears on the screen, is that it was likely to be a screen dump from the screen of the technical team leader who was involved in doing the technical part of the investigation.

MR HARGREAVES: Do you know which machine the technical person who did the dump—

Mr Hart: It is not possible to determine from the screen dump in front of me which machine—

MR HARGREAVES: No, that wasn't the question. The question is: can InTACT tell this committee from which machine its officer took this screen dump?

Mr Hart: I believe that the officer was working from two machines in his work area in InTACT premises and I believe that this screen dump was taken from one of those machines.

MR HARGREAVES: When you access externally—I have had my computers fixed up externally and I am very grateful for it, I have to tell you, because otherwise I would be cactus—was this particular screen dump or any other screen dump done for the purposes of the police search warrants?

Mr Hart: Was any screen dump done for the purposes of assisting the AFP by remotely taking over a workstation?

MR HARGREAVES: Yes.

Mr Hart: To the best of my knowledge, no.

MR HARGREAVES: If it wasn't taken remotely, can InTACT tell us which machine it was taken from?

Mr Hart: I believe it was taken from one of two machines operated at the time by the technical team leader in question in InTACT premises.

MR SMYTH: So they are actual InTACT machines that belong to InTACT, not machines that may have come from the Assembly?

Mr Hart: I believe that to be the case. I certainly believe that to be the case in relation to this screen dump, yes.

MR HARGREAVES: Was any screen dump done by InTACT as a result of or at the behest of the AFP from any machine on Assembly premises?

Mr Hart: I would need to check that and report back to the committee.

THE CHAIR: That is fine; take it on notice.

MR HARGREAVES: I am happy for you to take it on notice.

THE CHAIR: Can I just clarify what you have said? You seem to be saying that there is no way that the diverted mail would appear in a separate mailbox. Are you saying that?

Mr Hart: That is what I am saying in this case.

THE CHAIR: In this case. Okay.

Mr Hart: Forgive me if it sounds like I am hedging, but the mail system Microsoft has produced is very, as is said in the industry, feature rich. I use the term complex. There are many ways in which emails can be moved around in the specifics of the case we are talking about.

MR SMYTH: But what you are saying is that these emails would have appeared in the officer's email box, emails he received like every other email, and he would have opened them thinking they were addressed to him.

Mr Hart: Yes.

THE CHAIR: During the time that the emails were diverted, would Mr Wood have continued to have or had any access to those emails?

Mr Hart: No.

MR SMYTH: And that is because this was a diversion, not an access right.

Mr Hart: It was due to the specific way that the feature was configured. This particular feature allows copies to be retained in the original recipient's mailboxes or for the message to be deleted at the time it is forwarded. That is a check box option in the mail administration utility. In this case, I can't recall whether it is a check box to delete or a check box to keep but, in any event, the check box—

MR HARGREAVES: Do you have records to find that out?

Mr Hart: Yes.

MR HARGREAVES: Could you find out for us, please? I think that is essential.

Mr Hart: I can answer that if you give me a moment.

MR HARGREAVES: I would like to know that. While you are looking for that, I am finding it a little bit difficult to understand how people skilled in systems administration can make this sort of level error, quite frankly.

Mr Hart: The check box is Deliver Messages to both Recipient and Ultimate Recipient. That check box wasn't checked in this case. I don't know whether that is the Default.

MR HARGREAVES: In this case, Mr Wood's mailbox would have contained the messages.

Mr Hart: Mr Wood's mailbox—the "Wood, Bill" mailbox—did not contain the messages because they were deleted at the time of forwarding.

MR HARGREAVES: They were deleted at the time of forwarding.

Mr Hart: Yes, automatically, by the system.

MR SMYTH: So they would have gone from the author to the "Wood, Bill" mailbox—

Mr Hart: To a third party.

MR SMYTH: Where they were automatically forwarded through the diversion, and then automatically deleted from the "Wood, Bill" mailbox.

Mr Hart: Correct.

MR SMYTH: The letter you sent us on 9 July says that, on InTACT's analysis, the best estimate is that the number of messages was not fewer than 100. How do you come to that conclusion when there is little information on other matters that we have asked you about?

Mr Hart: We have come to that conclusion based on the minimum period of time that we believe the diversion was in place.

MR HARGREAVES: Which was?

Mr Hart: The minimum period of time?

MR SMYTH: 27 November to 11 March.

MR HARGREAVES: It was just for the record, Mr Hart.

Mr Hart: The minimum period of time, we believe, was somewhat shorter than that. The maximum period of time was 27 November to 11 March.

MR HARGREAVES: Four months.

Mr Hart: Yes, the maximum period of time was no earlier than 27 November 2001 and no later than 11 March. The minimum period of time I will give as a tentative answer to the committee. I believe the minimum period of time was something around 6 January, but I will confirm that to the committee.

MR SMYTH: So that would be 6 January to 11 March.

Mr Hart: Yes.

THE CHAIR: Something like this happened to me. I had a whole extra mailbox that I didn't know about from about November, with about 300 emails in it, and it was only when someone alerted me to the fact that they had sent me an email I had not received that we chased it up and found that. As I understand it, that was the third mailbox that had been created for me. My question is really: what is your system? How long can this go on? How long could this kind of quite serious malfunction go on without you noticing? What is your system of checking?

Mr Hart: Can I make two observations, firstly?

THE CHAIR: Yes.

Mr Hart: The fact that you had two mailboxes, one of which apparently you were unaware, wasn't a malfunction. That was the result of InTACT configuring the environment according to the way that the Legislative Assembly asked us to configure the environment. That is what I was talking about, the two-mailbox system. That is different from the way the rest of the ACT government system is configured. I have one mailbox. Everyone except members of the Legislative Assembly have one mailbox. So that is a non-standard configuration. Every time a non-standard configuration is introduced into a computing environment, the risk is increased that there will be misconfigurations, that there will be a problem with that non-standard configuration. It would be InTACT's preference that all members of the Assembly have a single mailbox system. That, however, is not what has been requested and, therefore, that is not what has been provided.

THE CHAIR: All right, forget my individual case. You say that you have now improved it, but why is it that there was no system there then but there is one now to know why Bill Wood wasn't getting his emails? Basically, that is the bottom line. How could it happen and you wouldn't have noticed, apart from human error, et cetera?

Mr Hart: InTACT doesn't examine content. InTACT configures an environment for people to use. We do not routinely check an inbox to ensure that it is getting messages or look at the sorts of messages that a mailbox is getting. We assume that the environment that we have configured for people is being used by those people. Again, coming back to the specifics of this case, the two-mailbox system is a system that we have been requested to put in place. It is not a system that I would prefer from a security, system management and standardisation viewpoint. But, having put that system in place, it was our assumption that it was being used.

MR SMYTH: You said that the pod leader requested the two mailboxes, not necessarily the person who rang from Mr Wood's office.

Mr Hart: Correct.

MR SMYTH: Mr Wood only had one box and then you created a system with two boxes. How would he have known that he had a second box at all?

Mr Hart: Under those circumstances? He wouldn't have.

MR HARGREAVES: Can I ask a question along the same sort of line? If somebody rings up and says, "I'm from Mr Smyth's office. He has only got one mailbox, but I would like another one because he is really busy," how does InTACT know that the request is a bona fide request?

Mr Hart: I would need to check, but my understanding is that, for the creation of new accounts and for additional accounts, those requests are channelled through the Legislative Assembly support people to InTACT. The difference with the specifics of this case is that it was a break fix.

MR HARGREAVES: The restoration of something that had gone down.

Mr Hart: Someone contacted our office and would have said something to the effect, "Mr Wood's mail system is broken. Can you fix it, please?" We would have determined very quickly by conducting some simple checks that the mailboxes appeared to have been deleted and, as a result, would have moved to re-create them.

MR HARGREAVES: Are you saying, Mr Hart, that that is the point where the human error might have actually kicked in? Are you saying to me that by checking remotely that Mr Wood had disappeared off the radar as far as—

Mr Hart: There was no remote checking at that point. We would have been able to check by access to standard system administration tools that require—

MR HARGREAVES: Can you explain to me what you mean by remote access?

Mr Hart: When I say "remote access" I mean a member of the InTACT support staff sitting at their desk and looking at it.

MR HARGREAVES: Where are they, physically?

Mr Hart: They are physically located in the Callam Offices in Woden. I mean someone sitting at their desk, getting access to what appears on your screen at the time. That is what I mean when I say remotely.

MR HARGREAVES: Okay. And then you talk about systems administrators. Could you explain to us how that works, please?

Mr Hart: Yes, systems administrators have a range of tools, a range of pieces of—

MR HARGREAVES: Are they the people who come into my office and say, "Hello. You rang in and it is all cactus. We are here to fix it for you?" Are they the people you are talking about?

Mr Hart: In some case, yes, but in other cases they are people who sit in the Callam Offices in Woden.

MR HARGREAVES: Can we determine whether it was remote access that decided, "Mr Wood has gone off the radar and therein lies the problem, so we're now going to restore it?" That, I presume, is where the pod leader's connection is.

Mr Hart: That is the point at which the two mailboxes were requested to be created.

MR HARGREAVES: Can you prove to me that there were two mailboxes requested to be created?

Mr Hart: No.

MR HARGREAVES: How can you tell me that there was a request for two mailboxes to be created?

Mr Hart: What I am saying is that the first entry in the case log to correct this problem asked that both of Mr Wood's mailboxes be restored.

MR HARGREAVES: And the person who made that entry in the log can be identified.

Mr Hart: Yes.

MR HARGREAVES: And that is the person you are going to advise me about, as I asked you to do earlier.

Mr Hart: Yes.

MR HARGREAVES: Thank you. I am happy with that.

THE CHAIR: Can we move on now, Mr Hargreaves?

MR HARGREAVES: Yes.

THE CHAIR: We will just move on a bit. In your submission to the committee you state that the best estimate is that the number of messages diverted was no fewer than 100. Is that correct, 100 messages were diverted?

Mr Hart: Yes.

THE CHAIR: How did you arrive at this figure?

Mr Hart: That was a question I started to answer a little earlier, but we moved on. It was based on the amount of time that the diversion was in place and an assumption about the number of messages that would have been received by the mailbox on a single day. A very conservative estimate based on that assumption, which I think is a reasonable one, is that it would have been no fewer than 100. The committee requested an indication of the scope of the problem and that was our attempt to give the committee an estimate of the scope of the problem.

MR SMYTH: But it could have been systems warning messages, whole-of-government messages and government job messages.

Mr Hart: Yes, it could have been.

MR HARGREAVES: You are telling us that there is no way in the wide world, over a six-week period, that five or six emails would be delivered to one mailbox.

Mr Hart: Based on my experience and my understanding of this problem, I would consider it to be unlikely in the extreme that during the period of the diversion the number was five or six.

MR SMYTH: Except nobody knew the box existed, nobody was giving out the name as an access address to Mr Wood. Did the name then appear in the all-of-government directory, "Wood, Bill", if he hadn't activated it?

Mr Hart: Yes, it did. As part of assisting the AFP in their investigations, we provided some information about two specific days. You have got the information here about one of those two days. On just the two sample days in question the number of messages which were not whole-of-government messages were in the order of five or six.

THE CHAIR: Just in the sample days.

Mr Hart: Just in two sample days out of the period.

THE CHAIR: Can we move on? As I understand it, in February 2002 Mr Wood's office requested InTACT to investigate possible unauthorised access to Mr Wood's email and InTACT was unable to find any evidence that it was occurring. If the email was diverted as you have described, why is it so difficult to find that?

Mr Hart: To provide further information on that, I would need to detail discussions that were held with Minister Wood and his staff over that period of time and, without the minister's approval, I'm not comfortable with doing that.

THE CHAIR: Do you want the minister's approval before you will talk publicly?

Mr Hart: Before I detail discussions that were had in the minister's office.

MR HARGREAVES: I am sorry, I don't find that acceptable, Madam Chair.

THE CHAIR: Just a minute, Mr Hargreaves. I have no problem with us considering that particular position afterwards in private. I will get advice.

MR HARGREAVES: Absolutely.

THE CHAIR: I would like to reserve judgment on the private conversations. If you raise that issue, we will consider it and get back to you on what the committee thinks about that. Mr Wood may well be quite comfortable with it anyway, but we will see.

Mr Hart: If Mr Wood is comfortable, then I certainly have no objection.

THE CHAIR: I am trying to think if there is anything else I need to ask. We have gone through the email that was done.

MR SMYTH: Can we just go back to the 100 emails? That is simply an estimate.

Mr Hart: Yes, it is.

MR SMYTH: There is no technical analysis to back that up.

Mr Hart: We looked at the number of messages that were diverted over a sample period, extrapolated those out over the minimum period, and that number was significantly in excess of—

MR SMYTH: What was the sample period?

THE CHAIR: Two days, he said.

Mr Hart: Yes, we took a sample from two days.

THE CHAIR: He has already given evidence to that effect. I have another example of failure, but I think I will just give it to you to look at later and you can respond in terms of failure of the system. I do not have any more questions.

MR HARGREAVES: I do. I will just tell you now, Madam Chair, rather than just passing it up, that I am concerned that it is 4 o'clock and we had advised the officers that it would be between 3 and 4, as I understand it. I will just pose a question to you, Madam Chair. Would it be more appropriate if we had the officers come back to continue at a time convenient to themselves and the committee?

THE CHAIR: It is up to them. Do you want to stay longer? We can continue this hearing?

MR HARGREAVES: I do not have a real lot of time myself.

THE CHAIR: So you do not want to continue.

MR HARGREAVES: I am happy to go for a few more minutes, but not terribly longer.

THE CHAIR: There are some issues that you want to raise with the committee in private in answer to our questions, so perhaps we need to make arrangements for another meeting, if Mr Hargreaves isn't available.

MR HARGREAVES: Also, Madam Chair, Mr Hart did undertake to get back to us with information. Perhaps we could actually receive that information and then talk to them. Are you happy with that, Brendan?

MR SMYTH: Yes, that is fine. Actually, they were the questions I was going to ask. If they could take on notice the ones I have not asked, that would be fine.

THE CHAIR: Thank you very much for your evidence. We will now have a quick private meeting.

The committee adjourned at 4.02 pm.