

**SENATE STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE
INQUIRY INTO THE HUMAN RIGHTS IMPLICATIONS OF RECENT VIOLENCE IN
IRAN.**

Australian Federal Police

QoN 1 (Hansard pp. 36): Foreign interference and misuse of a carriage service

Senator Steele-John asked the following question on Wednesday 21 December 2022:

Senator STEELE-JOHN: Could you tell us as a committee: in the last, say, 40 or 50 years, how many individuals across the entire suite of Australia's hosting of diplomatic missions have actually been charged under those two sections—foreign interference and misuse of a carriage service?

Mr McIntyre: The foreign interference offences were introduced in 2018, so they are new offences. Some of the other offence provisions have been in place for longer periods of time. I don't actually have that data available. I can take it on notice, but I have a caveat on that: if you're talking about 40 or 50 years, that's a long period of time and it would take a great deal of effort to dig up that data.

Senator STEELE-JOHN: That's okay. I do understand that. What I was trying to do was capture an assumption that previous to 2018 there would have been a predecessor piece of legislation. But let's just stick to the legislation as it is now. Could you provide on notice how many individuals who are members of foreign missions have been charged under the relevant foreign interference legislation and the relevant legislation on misuse of a carriage service? Could you provide us with the number charged and whether there have been any successful prosecutions?

Mr McIntyre: Absolutely. We will do that. I can say that one individual has been charged under part 5.2—section 92.4—of the Criminal Code, and that individual has been committed to trial for acts in preparation for the commission of a foreign interference offence, which attracts a 10-year term of imprisonment. So that's one instance. I don't think that individual was a diplomat, but I'll clarify it for you.

Senator STEELE-JOHN: Okay. Thank you.

Answer:

The AFP does not hold any records to indicate any charge has been laid against any foreign diplomat or consular official accredited to missions or posts in Australia for the following offences, since 2018:

- espionage and foreign interference offences under Part 5.2 of the *Criminal Code 1995* (Cth) (Criminal Code), and
- Using a carriage service to menace, harass or cause offence under section 474.14 of the *Criminal Code*.