

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 3

Program: Other Agency

Question No. SBE14/189

Senator Rhiannon asked the following written question for the 20 November and 11 December 2014 hearings.

1. During November Estimates Mr Negus stated "AFP can disclose there have been occasions where members of parliament have been the subject of authorisation orders". Mr Negus further stated that the number of MP subject for these orders "less than five". Have any MPs' staff been subject to authorisation orders?
2. If yes, how many staff have been subject to interception of their phones, emails, and/or social media; and if this number is not released why is the number supplied for MPs but not for staff?

The answer to the honourable senator's question is as follows:

1. The AFP is unable to disclose specific information in relation to authorisations or warrants issued under either the *Telecommunications (Interception and Access) Act 1979* or the *Surveillance Devices Act 2004*. The relevant section precluding the disclosure of authorisations is section 181B of the *Telecommunications (Interception and Access) Act 1979 (Cth)*.
2. In the Senate Estimates hearing on 18 November 2013, the Commissioner provided a general answer to the Senator's question to provide some context to the breadth of authorisation orders under *Telecommunications (Interception and Access) Act 1979* applied to members of parliament.

In order to preserve the balance established by the *Telecommunications (Interception and Access) Act 1979* between accountability, the integrity of investigations and the privacy of individuals, the AFP is unable to disclose specific information in relation to the interception of or access to telecommunications.