

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 19

Senator Wright asked the following question at the hearing on 14 February 2012:

Senator WRIGHT: Are you aware of any such monitoring by NOSIC having lead to any charges being laid or prosecutions undertaken?

Mr Negus: Given we go back 10 years with that contract, I would have to take that on notice. I am sure that over the years they have provided material to which we have value-added and it may have ended up being used in a criminal investigation. But I would have to take that on notice.

Senator WRIGHT: I ask you to take one last matter on notice; that is, details of the number of successful prosecutions that have resulted from surveillance and/or monitoring of environmental groups specifically.

Mr Negus: Certainly. But I will put this up front: it is sometimes difficult to make a direct link between material that was provided and then ended up two years down the track leading to a particular point. There might be many steps in between. I couch it in those terms. But we will do our best to provide you an answer on that.

Senator WRIGHT: I appreciate that that could be challenging. Just for clarity: it is about not just about the surveillance by NOSIC but also surveillance and monitoring of environmental groups by AFP in your own right as well.

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

AFP does not collect information that provides data on the basis of successful prosecutions. Prosecutions rely on evidence from a number of different sources and to formally attribute a prosecution to a specific source is not possible.

Criminal charges are laid, and prosecutions commenced, on the basis of sworn statements and other evidence obtained by the AFP, or state/territory police, not the receipt of open source information such as what NOSIC provides.

AFP receives information on and liaises with environmental/issues motivated groups and activists that undertake peaceful protests. It does so to ensure public safety, the safety of those involved and safety of people and places it is responsible for protecting.

Environmental groups as an entity are not charged with committing criminal offences however individuals, who commit offences, are and have been. Charges are based on overt acts and not receipt of open source information.

As significant demonstrations/actions regularly fall within state or territory jurisdictions if people commit offences they are more likely to be charged with state based offences.