

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 20

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

Senator LUDLAM: When you go through the earlier chapters of the annual report, there are breakouts by topic for intercepts and for stored communications warrants, whether for organised crime, drug offences, terrorist related stuff. They actually tell you for those categories of warrants and there is no such thing for the quarter of a million interception authorisations. Do you hold that data for the AFP and can you table it for us?

Mr Phelan: I know where you are coming from. It is possible, because obviously when we go through the authorisation, there has to be put down a Commonwealth offence as to what it is for. Whether or not they are categorised in our system, I cannot tell you that, but I can take that on notice. It may be possible, but I am not quite sure whether or not we would be able to disaggregate that data for you down to the level of detail that you want.

Senator LUDLAM: Just the degree of detail that is provided earlier in that annual report for the other kinds of warrants.

Mr Phelan: We will take that on notice and we will do our best.

Senator LUDLAM: Can you provide us with a blank form, or what the template is if I am an officer and I am needing some of this data? Can you show me what it is that I need to fill out—just a blank one?

Mr Phelan: I think we could probably provide that. That is no problem.

Senator LUDLAM: I would greatly appreciate that.

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

The AFP retains historical requests for telecommunications information that have been authorised under Section 178(2) or 179(2) of the *Telecommunications (Interception and Access) Act 1979* in an electronic format.

Each request by an AFP case officer requires the relevant criminal offence to be specified, and authorisation by an officer at the rank of Superintendent, or above.

Due to the manner in which fields within the authorisation templates operate, the AFP is unable to disaggregate the purpose for the disclosure by offence. The breakdown by offence type does not form part of the reporting requirements as specified in section 186 of the *Telecommunications (Interception and Access) Act 1979*.

Please see the attached sample Section 178(2) authorisation templates utilised by AFP case officers.