

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 78

Senator Brown asked the following question at the hearing on 20 October 2008:

Paula Doneman, Crime Editor on the *Sunday Mail* newspaper, reported on 5 October 2008 that the Australian Federal Police had seized her personal mobile telephone records in response to her investigation into the AFP's investigation into Dr Mohamed Haneef. In the article she outlined the chilling effect such actions have on freedom of speech in this country and a journalist's ability to protect their sources.

- a) Why were Ms Doneman's personal call records accessed by the AFP?
- b) If the AFP suspected an officer of leaking information to a journalist why weren't the officer's call records accessed rather than the journalist's?
- c) How would identifying that a crime reporter spoke to a member of the police force, something she must do daily as part of her job, establish whether information has been leaked inappropriately?
- d) What guidelines/protocols does the AFP have in place to govern the the access of such records?
- e) Does the AFP monitor the calls of journalists to uncover potential leaks?
- f) Has the AFP monitored Ms Doneman's calls in the past?

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

- a) The Australian Federal Police (AFP) does not disclose investigative information.
- b) Please see a).
- c) Please see a).
- d) The *Telecommunications (Interception and Access) Amendment Act 2007* (the Act) governs the access to call records including:
 - who can apply for access to such information;
 - who can authorise a request for access to such information; and
 - the grounds which must exist for the request of such information.

The AFP is an enforcement agency within the definition of the Act. An authorised officer, also defined in the Act must be satisfied that the disclosure is reasonably necessary for the enforcement of criminal law.

- e) No.
- f) The AFP does not disclose investigative information.