

**Senate Legal and Constitutional Legislation Committee
Inquiry into the Telecommunications (Interception) Amendment Bill 2006**

**PUBLIC HEARING
Wednesday 15 MARCH, 2006**

Questions on notice – Australian Federal Police

Question 1

Following the receipt of notice permitting the destruction of all material contained in the general and special registers, how long does it take the AFP to destroy material identified on these registers?

Answer

The destruction of telecommunications interception product, TI product, is guided by the *AFP National Guideline on Telecommunications Interception*. This guideline establishes procedures for the destruction and retention of TI product in accordance with the *Telecommunications (Interception) Act 1979*.

This guideline establishes an obligation on case officers to initiate the destruction or retention of TI product within 30 days of an intercept ending. The Telecommunications Interception Division (TID) of the AFP also monitors the status of all TI product held by the AFP and seeks retention or destruction advice from case officers every six months.

Once a written destruction recommendation is received from the Case Officer, TID undertakes a number of procedural checks of that notification against the general and special registers before seeking the Commissioner's approval to destroy the product. This approval is sought and received in writing.

The destruction of warrants can happen anytime from when the Case Officer determines that the TI product is not required for a permitted purpose. This can range from soon after the telecommunications interception warrant expires until 10-15 years after the warrant has ceased. This time frame depends on the duration of court proceedings, including appeals and cases where suspects have absconded prior to trial, and varies from case to case.

Question 2

Did the proposal to create B-Party interception warrants originate from the AFP's submission to the Blunn review?

The AFP did not raise the issue of B party interception warrants in its written submissions to the Blunn Review, or in consultations with Mr Blunn during the course of the Review. However, the AFP did discuss the issue with Mr Blunn during consultations with him prior to the finalisation of his report.

The AFP raised the issue of B party interception warrants in relation to undercover operatives with the Attorney-General's Department in September 2005.

In summary, while B-Party interception was not initially raised by the AFP during the Blunn Review, the AFP believes that B-Party interception would assist greatly in addressing a number of its operational needs.