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Nicholas Craft  
Senate Environment and Communications Legislation Committee  
PO Box 6100  
Parliament House Canberra ACT 2600

Via email: [ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au)

Dear Acting Committee Secretary Craft,

**Inquiry into the Telecommunications Legislation Amendment (Information Disclosure, National Interest and Other Measures) Bill 2022 – Australian Federal Police submission**

1. The Australian Federal Police (AFP) welcomes the opportunity to provide a submission to inform the Committee's Inquiry into the Telecommunications Legislation Amendment (Information Disclosure, National Interest and Other Measures) Bill 2022 (the Bill). This submission focusses on the current operational limitations in the information available to state and territory police in the investigation of missing persons, specifically those considered to be 'high risk'.

**AFP Role**

*National Missing Persons Coordination Centre*

2. The AFP is the host of the National Missing Persons Coordination Centre (NMPCC). The NMPCC was established in 2006 to drive national coordination in response to missing persons in Australia, and to complement the investigative role of state and territory police.
3. The mandate of the NMPCC is to reduce the incidence and impact of missing persons in Australia. This is done by:
  - a. Working in partnership with, and strengthening cooperative arrangements between State and Territory police, government and non-government agencies.
  - b. Driving national coordination, policy, and best practice in Australia's response to missing persons.
  - c. Driving and commissioning national research, and identifying trends and issues associated with missing persons.
  - d. Managing the Australian missing persons website and Public Register of Long-term Missing Persons at [www.missingpersons.gov.au](http://www.missingpersons.gov.au).

- e. Developing support packages and frameworks for families and friends of missing persons.
- f. Educating the Australian community and raising awareness of the issues and impacts of missing persons in Australia; particularly vulnerable groups at-risk of going missing.
- g. Profiling of long-term missing persons through program initiatives and corporate supporter arrangements.

#### *Investigations*

- 4. Preliminary investigations into missing persons may lead to state and territory police classifying the missing person as a 'high risk' missing person. The ANZPAA Policy for Missing Persons Investigations (2020) defines 'high risk' as "the risk posed to the missing person is immediate and there are substantial grounds for believing that they are in danger as a result of their own vulnerability (i.e. age, illness); suspicious circumstances; their behaviour being out of character; or indications of a serious criminal offence (e.g. abduction, homicide)."
- 5. In these circumstances, while investigators believe the circumstances surrounding a person's disappearance are sufficiently suspicious to warrant further investigation, they may lack sufficient information or evidence to reach the required threshold to form a reasonable suspicion that an offence has been committed, which would allow the exercise of powers under the *Telecommunications (Interception and Access Act) 1979*.
- 6. In such circumstances, police efforts are inhibited as it is not an offence or crime to be a missing person. For example, where it is suspected a missing person has met with foul play and police need to gather sufficient evidence of the commission of an offence in order to exercise powers under the *Telecommunications (Interception and Access Act) 1979*, in the time it takes to gather this evidence, lives and other crucial evidence may be lost.
- 7. High risk missing person investigations and attempts to locate the missing person are further hampered where there is insufficient information to reasonably believe there is an imminent threat to the life or health of the missing person. Without this belief, there can be no authorisation for disclosure of information detailing the missing person's handset location under Section 287 of the *Telecommunications Act 1997*. Tragically, in some cases the imminent threat has passed as a missing person has met an untimely demise.
- 8. The AFP provides community policing services to the ACT, and ACT Policing receive several missing persons reports each month where there are some concerns of self-harm, however not sufficient to meet the threshold of being an imminent threat to life or the missing person's health. This demonstrates the limitations on police service and support to vulnerable members of the community.

#### **Benefits of the Bill**

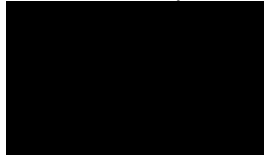
- 9. The Bill introduces operational benefits by removing some barriers that officers face in the lawful performance in their duties when requesting information from carriers in relation to missing persons considered to be 'high risk'.

10. In particular, the proposed amendment to s285 of the *Telecommunications Act 1997* would allow carriers to disclose information to law enforcement as part of Integrated Public Number Database (IPND) checks when the request relates to an **unlisted** landline or mobile number. As identified at item 13 of the Explanatory Memorandum, only five per cent of 72 million active phone numbers are currently listed, with mobile numbers unlisted by default. The current requirement that only listed numbers may be disclosed has been an impediment to investigations.
11. The amendments to sections 287 and 300 of the *Telecommunications Act 1997* will be of significant benefit to law enforcement when investigating missing persons considered to be 'high risk'. Removal of the word 'imminent' in particular, will remove ambiguity and make it more straightforward for officers to understand when they can and cannot disclose or use such information.
12. These amendments acknowledge that the community expect the highest level of efficiency in these investigations. The amendments would also better address the need to, at the earliest opportunity, locate high risk missing persons (often women and children) in order to prevent an outcome averse to the missing person's life and safety.

#### Conclusion

13. We hope this information assists your understanding of the benefits of the amendments. The AFP would welcome the opportunity to expand on this submission if needed.

Yours sincerely,



Lesla Gale APM

Performing the duties of Deputy Commissioner Operations