

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 126

Senator Nettle asked the following question at the hearing on 13 February 2007:

- a) How does the AFP intend to use the Access Card and related database in its operational work?
- b) Is it envisaged that the AFP will need to obtain a warrant before accessing information on the central database?
- c) How are leak investigations in relation to government agencies and public service usually instigated?
- i) Are they based on referrals or in response to media stories?
 - ii) Are there criteria which the AFP just an investigation request?
- d) I note the Minister has provided some information on the number and nature of leak investigations up to 2005 (QoN 106 of 24 March 2005) can you update that information?
- i) QoN 106 dated 24 May 2005 is as follows:
For each of the following years: 1997, 1998, 1999, 2000, 2001, 2002, 2003, and for the year 2004 to date:
 - (1) How many investigations has the Australian Federal Police (AFP) conducted into suspected leaks of information in respect of federal government departments and agencies?
 - (2) How many AFP staff hours were spent on investigating these suspected leaks (if precise figures are not available, please provide estimates)?
 - (3) What was the cost of legal fees incurred by the AFP in relation to the investigation of these suspected leaks (if precise figures are not available, please provide estimates)?
 - (4) Did the AFP incur any costs other than those described in the answers to parts (2) and (3) in relation to the investigation of these suspected leaks; if so, what was the total (if precise figures are not available, please provide estimates)?
- e) Specifically, how many raids have been conducted when investigating public service leaks in the past 3 years?
- f) How many prosecutions resulted from these investigations?
- g) How many convictions have resulted?
- h) I note that last year there was quite a lot of discussion in the media about the how the terrorism laws and powers might interact with the academy. In particular there was one instance where the Attorney General warned an academic who was in receipt of a ARC grant to study terrorism might breach the terrorism laws. Can you inform me about what the AFP's approach is to this issue of academic freedom versus the desire to suppress terrorism?
- i) Have you had discussions with the universities about this issue?
 - ii) The particular academic raised by the AG has he been subject to an investigation?

- iii) More generally, how many academics have been questioned about their research or had their premises raided
- iv) How are investigations of academics instigated and what criteria are there for judging whether such investigations are necessary?

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

- a) The legislation governing the Access Card and the related database has not yet been enacted. On this basis, the AFP is unable to provide a response to this question.
- b) Refer to answer (a).
- c) The investigation of unauthorised disclosure allegations, in relation to government agencies and the public service, is usually instigated:
 - by way of a formal referral by a private person, organisation or government department; and/or
 - the identification of the offence of unauthorised disclosure during the investigation of another criminal offence.
 - i. Media reports of allegations of serious criminal activity, including unauthorised disclosure of information may, where appropriate, be reviewed by the AFP where such reports are combined with independent supporting information.
 - ii. Each referral is evaluated against a number of criteria including the issue of jurisdiction, nature of the alleged crime, the complexity of the alleged crime, the effect of the criminality involved, the current investigational workload and available resources. Each referral is evaluated in conjunction with the AFP Case Categorisation and Prioritisation Model (CCPM), available on the AFP website, at www.afp.gov.au.
- d) The AFP has provided data that, where possible, has been collated from the AFP computer systems and relates to the investigation of unauthorised disclosure allegations.

As an update to the information previously provided, the AFP can advise:

- 1) Between 31 May 2005 (date reported to in QoN 106 dated 24 May 2005) to 20 March 2007 the AFP commenced 19 investigations into allegations of unauthorised disclosure.
 - 2) Between 31 May 2005 (date reported to in QoN 106 dated 24 May 2005) and 20 March 2007, approximately 6709.5 hours were attributed to investigating these 19 matters.
 - 3) As reported in response to QoN 106 dated 25 May 2005.
 - 4) There are no other specific costs recorded against these cases for the period 31 May 2005 to 20 March 2007. However, there are general operating costs incurred by the AFP in the course of all investigations and these cases would be no exception.
- e) It is not possible to conclusively state the number of search warrants executed in relation to unauthorised disclosure investigations without manual extraction and examination of data. This would be extremely labour intensive and could not be determined with absolute accuracy.

- f) Between 1 July 2004 and 5 March 2007, six prosecutions resulted from investigations into allegations of unauthorised disclosure.
- g) Between 1 July 2004 and 5 March 2007, one of these prosecutions resulted in a conviction (of one person).
- h)
 - i) The AFP has regular contact with academics on a number of issues, including terrorism-related matters, and regards academia as a significant contributor to its understanding of the counter-terrorism environment. The AFP also engages academics in the delivery of courses.
 - ii) No.
 - iii) One university student has been questioned. The matter was not pursued.
 - iv) Refer to answer (c) ii.