

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
AUSTRALIAN FEDERAL POLICE

**Question No. 17**

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

**Senator WRIGHT:** Thank you for your time today. I would like to ask you some questions today about surveillance of environmental protest groups. Does the AFP monitor the activities of environmental issues motivated groups and activists that undertake peaceful protests at coal mine sites, power stations, coal export facilities and other related sites?

...

**Mr Negus:** It is very difficult to give you an answer on that. If there is an allegation of criminal offences that would be conducted, we do conduct surveillance, and of course we do it across a wide range of different criminal activity, from the serious organised crime spectrum right through. It is not something we do routinely, but I could not give you a categorical answer. We do not really confirm who or other we may or may not be investigating or conducting surveillance on. But it is not a primary activity of what the AFP does.

**Senator WRIGHT:** I am not asking you for identities. I would understand that. What I am asking about is the process by which you would make a decision. If you do that surveillance—and I understand that you are essentially saying that you do—

**Mr Negus:** We would certainly consider it. If there were an allegation of a criminal offence that may be committed or something that may threaten public safety, we would certainly work with other government agencies to make sure that we were getting across that to the best of our ability.

**Senator WRIGHT:** So has that occurred in the past?

**Mr Negus:** Looking at the table here, not in our knowledge. This is why I am being a bit circumspect about it, because, again, most of our activity where we deal with protest groups is very much upfront and we try to work with them to get a proper outcome which satisfies the need to protest but also protects public safety. There is no covert, underhanded nature going on, but if there were an allegation of a criminal offence, a terrorist offence or some other matter then I could not categorically say that the AFP would not conduct surveillance, because it is something that is in our remit to do.

**Senator WRIGHT:** When you say 'not in your knowledge', do you mean the knowledge of the four gentlemen who are here today or do you mean generally? In that case, I guess I would ask you to take it as a question on notice.

**Mr Negus:** Yes, I am looking across my deputies here. Unfortunately, the deputy commissioner who is responsible for our protection intelligence area is on leave at the moment and he is not here, but I am very confident in saying that the four of us would know about it if it were taking place, and that has not happened.

**Senator WRIGHT:** In that case I will ask you to take the question on notice, because I think you can probably understand that the allegations that were raised in the article are of great concern to citizens, a lot of whom—or not a lot, but there are certainly some citizens in Australia—participate in peaceful protests, and in fact it is a tenet of our democracy that it is possible to do that. The idea that there may be some kind of surveillance occurring is obviously something that we would like to know more about if that is the case.

**Mr Negus:** I understand and respect that and am happy to take that on notice.

**Senator WRIGHT:** Thank you.

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

The AFP receives information on and liaises with environmental/issues motivated groups and activists that undertake peaceful protests at coal mine sites, power stations, coal export facilities and other related sites. The AFP does this to ensure public safety, the safety of those involved and safety of people and places it is responsible for protecting.

The AFP does not conduct routine surveillance of these people or groups. Where serious Commonwealth criminal offences are identified and an AFP investigation is commenced the AFP may consider the use of surveillance resources to collect evidence to support a prosecution of those involved.

There has been no AFP criminal investigation of environmental issues motivated groups and/or activists that undertake peaceful protests at coal mine sites, power stations, coal export facilities and other related sites and therefore no surveillance undertaken.