

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 114

Senator Ludwig asked the following question at the hearing on 31 October 2006:

Regarding the powers provided to the AFP under the *Anti-Terrorism (No. 2) Act 2005*, provide a breakdown indicating each power and showing:

- a) The number of times it has been used.
- b) The occasions on which it was used.

The answer to the Honourable Senator's question is as follows:

The new powers provided under the *Anti-Terrorism (No. 2) Act 2005* include the powers to Stop, Question and Search; Notices to Produce, Control Orders and Preventative Detention.

- a) Preventative Detention Orders and the Stop, Question and Search powers have not been used. One Control Order has been issued and Notices to Produce have been used on several occasions.
- b) The AFP was granted one interim Control Order in the matter of Mr Joseph Terrence (Jack) Thomas. Notices to Produce are the only other power to have been utilised by the AFP. The AFP maintains records of Notices to Produce, as it does with all records related to operational matters, in accordance with its general record keeping requirements as a Commonwealth agency. However, there is no obligation to keep any specific records under the provisions of the *Crimes Act 1914*. Maintaining such records would be time consuming and resource intensive given they provide no additional insight into matters such as operational performance. Notices to Produce have been used several times but detailed statistics are not kept on the specific occasions of their use.