

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. AE16/059

Senator Xenophon asked the following question at the hearing on 9 February 2016:

1. Have any federal politicians been the subject of an AFP initiated metadata domestic preservation order in the last 12 months? If so, how many?
2. Have any federal politicians phone or internet metadata been accessed by the AFP in the last 12 months? If so, how many?
3. Have any federal political staffers been the subject of an AFP initiated metadata domestic preservation order in the last 12 months? If so, how many?
4. Have any federal political staffer's phone or internet metadata been accessed by the AFP in the last 12 months? If so, how many?
5. Have any journalist information warrants been requested by the AFP within the last 12 months? If so, how many?
6. Have any journalist information warrants been granted to the AFP within the last 12 months? If so, how many?

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

1. The Australian Federal Police is unable to provide the Hon. Senator with this information as doing so would be an offence under section 133 of the *Telecommunications (Interception and Access) Act 1979*.

This section makes it an offence to communicate preservation notice information to another person. Preservation notice information is defined in section 6EAA to include the giving of a preservation notice, the existence or non-existence of a preservation notice, or the expiry of a preservation notice.

2. The Australian Federal Police is unable to provide the Hon. Senator with this information as doing so would be an offence under section 181B of the *Telecommunications (Interception and Access) Act 1979*.

This section makes it an offence to disclose whether a Division 4 authorisation to access telecommunications data has been, or is being, sought. Further it is an offence to disclose information about the making of a Division 4 authorisation, the existence or non-existence of such an authorisation, the revocation of such an authorisation, or the notification of such a revocation.

3. Please refer to the answer provided in response to question one.
4. Please refer to the answer provided in response to question two.
5. The Australian Federal Police is unable to provide the Hon. Senator with this information as doing so would be an offence under section 182A of the *Telecommunications (Interception and Access) Act 1979*.

This section makes it an offence to disclose whether a journalist information warrant has been, or is being, requested or applied for. It is also an offence to disclose information about

the making of a journalist information warrant, the existence or non-existence of such a warrant, or the revocation of such a warrant.

6. Please refer to the answer provided in response to question five.