

Additional Budget funds for AFP to be used for deploying 'hacking' Bill warrants

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Image: ACT Policing

Australian Federal Police (AFP) Commissioner Reece Kershaw told senators on Thursday morning that additional funding from this year's Budget would allow his law enforcement agency to start deploying the warrant powers it received in [recently passed "hacking" laws](#) shortly.

Outlined in the [annual federal Budget](#) released on Tuesday night, the Coalition plans to hand over AU\$142.2m across four years to the AFP for upping its specialist operational, intelligence, collection, and criminal asset confiscation capabilities, which includes these new warrants.

The *Surveillance Legislation Amendment (Identify and Disrupt) Bill 2020* was enshrined late last year, giving the AFP the ability to issue three types of warrants.

The first of the warrants is a data disruption one, which can be used to prevent "continuation of criminal activity by participants, and be the safest and most expedient option where those participants are in unknown locations or acting under anonymous or false identities".

The second is a network activity warrant that would allow the AFP and ACIC to collect intelligence from devices that are used, or likely to be used, by those subject to the warrant.

The last warrant is a hostile account takeover warrant that would allow the agencies to take control of an account for the purposes of locking a person out of the account.

Kershaw told senators that the hostile account takeover warrant would primarily be used in child protection in instances where predators refuse to hand over their identity.

He added that the funding would hopefully allow the AFP to become better equipped at monitoring how criminals use cryptocurrencies.

"The environment is getting more complex with cryptocurrencies so this will help us with identifying where the money and the flows [are] in the Australian system, at least, where we can work with AUSTRAC, Home Affairs, our other partner agencies, the Australian Criminal and Intelligence Commission, and Australian Border Force on dealing with hitting them where it hurts," Kershaw said.

The Department of Home Affairs in recent years has steadily pushed for law enforcement agencies, such as the AFP, to receive more powers. Alongside these new warrants, the AFP gained the ability to request or demand assistance from communications providers to [access encrypted communications](#) last year.

Last week, the AFP also launched a new AU\$89 million cybercrime centre.

With the increased powers and resources, Kershaw said the AFP has seized, on average, AU\$250 million in criminal assets annually over the past two years. By comparison, the AFP previously seized around AU\$60 million worth of criminal assets per year.

Given these new capabilities, the AFP is now considering a "stretch target" of seizing AU\$1 billion of criminal assets per year.

Last night, the Australian Federal Police (AFP) also set up a new taskforce specifically for protecting high-office holders and parliamentarians in the upcoming federal election, which is expected to be held in May. Among its numerous responsibilities, the taskforce will monitor online material that targets these key figures.

"Hiding behind a keyboard to issue threats against politicians does not ensure anonymity," the AFP said.

"The AFP has world-leading technology to identify individuals who break the law by harassing, menacing or threatening to kill politicians."

The taskforce, consisting of hundreds of investigators, intelligence officers, and protective security specialists, will conduct its operations in a new "incident coordination centre".

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