

Question on notice no. 48

Portfolio question number: SQ23-000411

Budget estimates

Community Affairs Committee, Services Australia Portfolio

Senator Janet Rice: asked the Services Australia on 31 May 2023—

Senator RICE: Perhaps you could take on notice the number that were approved and potentially the number that were denied. When devices are seized with warrants, are people under investigation made aware that Cellebrite is going to be used on their phones?

Mr Birrer: People are always given the opportunity to participate in an interview, so they are aware that their devices will be examined.

Senator RICE: Examined is different from using technology that allows them to copy all the data on the phone.

Mr Birrer: What I don't know and I'll take notice is whether the specific technology is referred to, because Cellebrite is one technology.

Senator RICE: I'm particularly interested in Cellebrite. It's Israeli spyware that generally is only used by police in other jurisdictions. Perhaps you might like to take on notice what other similar technologies you are using. That would be interesting information. If you are interviewing them—they're given an offer of an interview to be told what's going to happen—is there a standard process for communicating with them that these spyware technologies are going to be used in their phone and there's a potential that all of the data on their phone is going to be copied?

Mr Birrer: We'll take on notice what we say in that instance.

Answer —

Please see attached answer.

Senate Community Affairs Legislation Committee

Budget Estimates – 31 May 2023
ANSWER TO QUESTION ON NOTICE

The Hon Bill Shorten MP
Minister for the National Disability Insurance Scheme
Minister for Government Services

Topic: Cellebrite and similar technologies

Question reference number: SQ23-000411

Outcome Number: 1

Senator: Janet Rice

Type of Question: Spoken. Hansard Page/s: 28

Date set by the Committee for the return of answer: 14 July 2023

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Mr Birrer: We'll take on notice what we say in that instance.

Answer:

Search warrants are obtained and executed by Law Enforcement officers who act as the warrant holders and are responsible for explaining the search warrant process.

A property seizure record is created as part of this process to record the property seized under the warrant and a receipt is issued to the owner.

Cellebrite is an overt, standard forensic tool, it is not spyware. It does not have the capability to remotely access and extract information from a device.

Digital forensics is a component of Services Australia's (the Agency) investigation capabilities and these capabilities are only deployed in cases of suspected criminal activity.

It is not appropriate to publicly discuss details about the Agency's criminal investigation capabilities. To do so could disclose lawful methods for preventing, detecting, or investigating possible breaches of the law, which could prejudice their effectiveness by alerting offenders of the capabilities of the Agency.