

Commissioner – Hot Issues Summary

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Repatriation of individuals from Syria

- The AFP acknowledges the Government’s decision to repatriate women and children from internally displaced persons camps in Syria.
 - A cohort consisting of **4 women and 13 children** were repatriated from the Al Roj Internally Displaced Persons Camp (IDP) on Thursday 27 October 2022.
- The AFP continues to work with our partners, including the Department of Home Affairs, the Department of Foreign Affairs and Trade and the Attorney-General’s Department to manage the repatriation of women and children to Australia from Syria and the region.
- The availability and sufficiency of evidence in relation to any possible criminal conduct, as well as an assessment of risk an individual presents to the Australian community, determines the treatment options available to police to mitigate risk and threat these individuals may pose following return to Australia.
- Treatment options are determined by the **availability and sufficiency of evidence** in relation to possible criminal conduct and an **assessment of risk** to the Australian community should these individuals return to Australia. For example:
 - Arrest/charge where sufficient admissible evidence exists;
 - Ongoing investigations by Joint Counter Terrorism Teams;
 - Control Order applications;
 - Temporary Exclusion Orders and conditions for return; and
 - Countering Violent Extremism initiatives and other community programs.

- Should any individuals who return to Australia and engage in any form of criminal activity, the AFP will not hesitate to act to maintain its role in ensuring community safety.
- Policy decisions on repatriation are a matter for Government.

If asked about the cost of monitoring:

- The figures referred to in the media were taken from my evidence at Senate Estimates in March this year. I was referring to a particular high risk terrorist offender.
- The particular resourcing required to monitor an individual depends on the individual circumstances of threat and risk.

Background

- Commissioner Kershaw at 31 March 2022 Estimates, in relation to released terrorist offenders:
 - *Mr Kershaw:You saw those two attacks in New Zealand and the UK, where convicted terrorism offenders finished their sentences and were out and about. They do present a serious threat to the community, so we have to spend a lot of time and effort. I won't say the name, but for one recently released defender we were required to deploy, with the state police, **close to 300 police over a period of two weeks, at a serious cost to the Australian tax payer of about \$3.8 million over one year on one individual.** The reason we do that is that we know that they present an enduring threat to the community.*

Cybercrime (Medibank and Optus)

- I want to reassure the Committee that investigating the recent data breaches at Optus and Medibank are a high priority for the AFP and our partners.
 - I have personally spoken with the CEO of Optus to discuss this matter.
 - We are aggressively pursuing all lines of enquiry to identify those behind these attacks.
 - The AFP and state and territory police have set up Operation GUARDIAN to supercharge the protection of Australians whose data has been compromised.
 - These are ongoing investigations that will be complex and protracted.
- In March 2022, the Joint Policing Cybercrime Coordination Centre (JPC3) was launched at its purpose built facility in Sydney.
 - JPC3 utilises the powers, experience, and capabilities of all Australian policing jurisdictions to inflict maximum impact on high harm high volume cybercrime affecting Australians.
- In 2021-22, AFP Cyber Command **charged 6 offenders** with 11 Commonwealth offences, and carried out 35 disruption activities (onshore and offshore).
- To date in the 2022-23 financial year, AFP Cyber Command has **charged 5 offenders** with **15** Commonwealth offences, and carried out **19** disruption activities.

Background

- The Australian Government Ransomware Action Plan states:
 - *The Australian Government **does not condone the payment of ransoms to cybercriminals**. Australia is, and must continue to remain, a hard target for ransomware gangs. Payment of a ransom does not guarantee the victim access to its system or data and puts other Australians at greater risk.*

Human Trafficking

- The AFP specialist Human Trafficking teams lead the investigation of Criminal Code offences, and work closely with Commonwealth partners, state and territory police.
- AFP have a key role in awareness and training programs, including the 'Look a Little Deeper' program to equip agencies with the skills to identify and respond to indicators of trafficking and enhance safety of victims.
- The extent of human trafficking and slavery in Australia is difficult to quantify and is considered to be significantly under-reported due to a number of factors including:
 - victims being unaware they are a victim according to Australian law;
 - vulnerability of victims;
 - perpetrators may often be family members or part of the same community - victims reluctant to assist with a criminal justice response.
- The AFP takes a victim-centric approach in dealing with all human trafficking matters.

If asked about AFP views on adequacy of Commonwealth trafficking and slavery offences

- AFP welcomes the review of Commonwealth trafficking and slavery offences to ensure they remain fit for purpose.
- These offence provisions are complex, and in some circumstances we may not be able to take investigative action.
- AFP will participate in the Attorney-General's Department-led review of Divisions 270 and 271 of the *Criminal Code* – in response to the National Action Plan to Combat Modern Slavery (2020 – 2025).
- AFP has also attended consultations as part of statutory review of the *Modern Slavery Act 2018* led by Professor John McMillan AO.

If asked, were Commissioner's June comments (at FELEG) about countries turning a blind eye to proceeds of crime directed at China?

- No it was not directed at any one particular country.

s 47E(d), s 47F(1)

If asked: would AFP support stronger security requirements for Committees / security clearances for committee members etc.

- Maintaining the security of AFP information and methodologies is critical.
- This is ultimately a question for Government and for the Parliament, and AFP would welcome providing input to any future discussions on the management and security of sensitive information.

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Respect@Work

- AFP has a 5 year strategic partnership with the Australian Human Rights Commission.
- We have set up an AFP Taskforce to systematically implement changes anticipated under the Respect at Work Bill 2022.
 - AFP is already on track to deliver against one anticipated legislative shift under Respect@Work – requiring Commonwealth public sector organisations to report to the Workplace Gender Equality Agency.
 - We voluntarily reported data this year, ahead of this becoming mandated across the Commonwealth.
- There is also ongoing work to improve internal complaint handling mechanisms in AFP.
 - The Workplace Issues and Complaints Resolution Team is a new capability, working closely with Professional Standards to deliver a people-centric Integrated Complaints Management Model.

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Machinery of Government

If asked, were you consulted on the Machinery of Government / Administrative Arrangement Order (AAO)?

- No, that is a matter for Government.

If asked, what impact has the machinery of Government had on AFP?

- AFP is an independent statutory authority and our operational decision-making, including the use of police powers, is not directed by the Government or any particular Minister.
- However, we now report to the Attorney-General as the Minister responsible for the AFP.

If asked, has the split of national security / cyber caused challenges?

- No. 'Law enforcement operations' clearly sits under the Attorney-General's responsibilities.
- AFP continues to liaise with a range of Departments and agencies, both within and outside our portfolio.

If asked about the addition of 'cybercrime' to the AG's responsibilities

- From AFP's perspective the addition of 'cybercrime' in the AAO provides additional clarity around the Attorney-General's responsibilities - but it has no material impact on AFP operations.

Background

- On 1 June 2022, the Prime Minister issued a new AAO with a commencement date of 1 July 2022.
- Between 1 June and 1 July 2022, the Mr Dreyfus MP was cross-sworn as a Minister in the Home Affairs portfolio to enable the AFP to commence reporting to him immediately.
- On 13 October 2022 the AAO was revised to include 'cybercrime' (not previously mentioned) as a policy responsibility under the Attorney-General Portfolio. 'Cyber policy co-ordination' remains with Home Affairs.

Drug Decriminalisation – Law Enforcement Perspectives

- The AFP is concerned about the threats and impacts from the increasing volume of illicit drugs reaching our communities.
 - Of particular concern was the recent (August 2022) 11kg fentanyl seizure at the Port of Melbourne - the largest shipment of the deadly opioid ever detected in Australia.
 - This joint operation with Australian Border Force prevented over five million potentially lethal doses entering our community.
 - Fentanyl is a fast-acting opioid, which can be fatal from a dose of just 2mg - or about the same weight as two grains of salt.
- In 2021-22, the AFP seized a total of **21.6 tonnes** of illicit drugs **domestically** or at the border, resulting in **\$7.2 billion in avoided harm** to the Australian community.
- With **AFP assistance**, a total of **25.1 tonnes** of illicit drugs were seized by International law enforcement partners.

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Drugs of Dependence (Personal Use) Amendment Bill 2021

If asked about drug quantities in Drugs of Dependence (Personal Use) Amendment Bill

- The current proposed quantities for methylamphetamine and heroin are far higher than what ACT Policing’s operational and intelligence insights suggest are considered as reasonable personal use.
 - ACT Policing resources continue to target drug trafficking and criminality driven by drug use, not drug possession offences.
 - Any decriminalisation efforts must not inadvertently make it easier for drug traffickers, growers or manufacturers to exploit vulnerable elements of our community.
- ACT Policing adopts a harm minimisation and diversionary approach to illicit drugs.

Operating Environment

- Australians are among the highest per capita users of illicit drugs in the world, particularly cocaine and methamphetamine.
- Australia is an attractive target due to high demand and high relative prices.
- Those involved in the illicit drug trade are callous to the devastation caused in the community - the health and societal costs, as well as the associated drug-related crime.

Domestic drug seizures

Domestic Drug Seizure Statistics*		
Drug Group	Reporting Net (kg/lt)	DHI Value (\$m)
Cannabis	1284.1	11.84
Cocaine	3041.4	1960.91
Hallucinogen	222.7	50.95
Opiate/Opioid	1162.3	1523.98
Precursor	1396.8	553.01
Sedative	981.6	445.31
Steroid	6.3	1.51
Stimulant	13807.5	3159.02
Other	237.4	0

**Note – these statistics were calculated after the 2021-22 Annual Report was prepared and may vary from statistics published.*

Reporting Drug Net by State/Territory (kg/lt) *									
Drug Group	VIC	NSW	WA	QLD	SA	NT	ACT	TAS	TOTAL
Cannabis	145.5	537.4	177.7	365.7	0.1	0.1	21.5	0.1	1,284.10
Cocaine	666.2	1506.6	392.4	173.1	303.1	0	0	0	3,041.40
Hallucinogen	39.2	141.5	4.2	22.8	3.1	12	0	0	222.70
Opiate/Opioid	873.8	260.8	5	22	0.7	0	0	0	1,162.30
Precursor	4	1389.8	3.1	0	0	0	0	0	1,396.80
Sedative	336.9	516	56.9	35.1	0	36.3	0.4	0	981.60
Steroid	1.5	3.9	0.2	0.4	0	0	0.3	0	6.30
Stimulant	7706.8	5385.3	464.9	189	60.7	0	0.9	0	13,807.50
Other	101.3	106.6	0.1	19	10.1	0	0.2	0.1	237.40
Total	9,875.2	9,847.9	1,104.4	827.1	377.7	48.3	23.3	0.2	22,104.10

*Note – these statistics were calculated after the 2021-22 Annual Report was prepared and may vary from statistics published.

Previous Annual Report Domestic drugs seized

Previous Annual Report Illicit drugs and precursors seized at the border or domestically		
Year	Tonnes	Avoided Harm (billions)
2020-2021	38.4	15
2019-2020	18.6	6
2018-2019	14.9	5.8
2017-2018	17	-

International drug seizures

International Disruptions Drug Seizure Statistics*	
Top 6 drug type	Seizure Weight (kg)
Methamphetamine	12,259
Cocaine	7,856
Cannabis (THC,CBD)	1,855
Acetone	1,500 + (1,254 ltr)
Ketamine	1,047
Heroin	202

Top 5 Countries Recorded as a Drug Source*		
		Seizure Weight (kg/lt) by Source Country
1	*Yet to be determined	11,396
2	Myanmar	10,885
3	Peru	2,754
4	Brazil	633
5	Malaysia	406

*Source country has yet to be determined or recorded.

Note: This table displays drug seizures by the top 5 countries which were seized overseas by local police services with AFP assistance during 2021–22.

Previous Annual Report International drugs seized with AFP assistance

<i>Previous Annual Report Illicit drugs seized by overseas police services with AFP assistance</i>		
<i>Year</i>	<i>Tonnes</i>	<i>Avoided Harm (billions)</i>
2020-2021	19.4	7
2019-2020	23	6
2018-2019	40	2.9
2017-2018	28	-

ACIC Wastewater Report

- An estimated **15.7 tonnes** of methylamphetamine, cocaine, MDMA and heroin (four major drugs) was consumed in 2020–21.

If asked, about the ACT's Drugs of Dependence (Personal Use) Amendment Bill:

- Legislative reform in the ACT is a matter for the ACT Government – questions on their illicit drug policies and the status of this Bill should be directed to the ACT Government.
- ACT Policing is providing a critical law enforcement perspective on the implementation of this reform.
- Police see first-hand the connections between illicit substances such as methylamphetamine (ice) and heroin, with the cycles of crime, including violent and organised crime, placing the broader community's safety at risk.
- From a law enforcement perspective, we would not want the potential for the ACT (or any location in Australia) to become a safe haven for organised crime to engage in illicit drug supply and trafficking (or narco-tourism) and the consequences that brings of other serious offending and criminal activity.
- On 20 October 2022, the Drugs of Dependence (Personal Use) Amendment Bill 2022 was debated within the ACT Legislative Assembly and passed.
 - The Bill will come into effect in late 2023.

Illicit Drug Campaign – "Have a Conscience"

- The AFP is deeply concerned of Australia's illicit drug use affecting national security, money laundering, organised crime, the economy and our vulnerable communities.

- The AFP's illicit drug campaign focused on drugs such as **heroin, cocaine and methamphetamine**.
- The campaign was **not to stigmatise** drug users but to bring to the fore real impacts of illicit drug use in the community.

If asked: Why is the AFP commenting on Health matters?

- The AFP's illicit drug campaign focused on restarting the conversation about illicit drug use in Australia.
- The AFP believes frank and honest conversations with the public about the impacts of illicit drug use will raise awareness and assist law enforcement in keeping Australians safe.

If asked: Did the AFP consult with the Department of Health?

- Yes, the AFP consulted with the Department of Health before launching the campaign. Consultation also took place with the Fertility Society of Australia and New Zealand.

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Impacts arising from International Jurisdictions Drug Decriminalisation

The Netherlands

- The Netherlands maintains a policy of ‘tolerance’ to the use and sale of ‘soft’ drugs, such as cannabis.
- This policy, has created a ‘narco-tourism’ industry, leading to increased public nuisance, fights and drunkenness.
- The supply-side issue has previously gained prominence because ‘coffee shops’ were increasingly selling domestically grown cannabis that organised criminal groups were facilitating.
- As coffee shops do not pay Value Added Tax (VAT) on cannabis sales, organised crime groups have exploited this vulnerability for illicit money laundering activities.

United States

- Police in the United States (US) make more arrests for drug possession than for any other crime, representing a significant contributor to mass incarceration in the US.
- Primary arguments for decriminalisation focus on cost reduction benefits, eliminating racial bias and supporting those struggling with addiction to seek appropriate recovery support.
- As of 2022, 26 US states plus the District of Colombia have decriminalised the possession of small amounts of marijuana with other jurisdictions exploring diversion programs.
- In 2020, the State of Oregon became the first state to decriminalise possession of small amounts of almost all hard drugs including cocaine, heroin, LSD and methamphetamine in favour of a health focused system. Those in possession of small amounts of illicit substances receive citations and fines, which can be waived for attendance at health and recovery programs.
- While conceptually popular in the state, there are ongoing implementation problems including insufficient capacity in the health system to cope with the additional patients presenting with addictions. The pressures from the pandemic exacerbated this issue.

- The current debate in the US on drug policy is characterised by the balancing of personal freedoms and responsibility with public health risks of death, disease and addiction.
- While decriminalisation may lead to a reduction in criminality, incarceration and black markets, it does not eliminate the cartels and criminal activity associated with the manufacture, distribution and sales of drugs.

Portugal

- The Portuguese Drug Policy Model (PDPM) was implemented in 2001.
- The PDPM decriminalised the public and private use, acquisition, and possession of all illegal drugs, which do not exceed the amount required for an average individual's use for 10 days.
- The distinction between soft and hard drugs was also abolished.
- Drug use became an administrative misdemeanour, possible of sanction but not a crime, and placed under the jurisdiction of the Commissions for the Dissuasion of Drug Addiction.
- This shift moved the solution to drug use from the public order to the public health domain - hence differentiating between the user and the dealer.
- The PDPM is wide-ranging and broad, and drug decriminalisation forms one part of the broader strategy to reduce the use of illicit substances and the associated harms.
- The results and effectiveness of this strategy are still subject to debate.

Canada

- In 2018, Canada legalised the cultivation, possession, sale and consumption of cannabis.
- The Canadian Association of Chiefs of Police (CACCP) report 'Decriminalization for Simple Possession of Illicit Drugs' (attached) found that the decriminalisation of simple possession and use of alternative sanctions and diversion programs could be effective in the reduction of public health and safety harms associated with substance use.

- This report also recommended that all police agencies in Canada recognise substance abuse and addiction as a public health issue to help reduce overdoses and endorsed decriminalisation of personal possession of illicit drugs.

Attachments

A: Canadian Association of Chiefs of Police - Decriminalisation - Report - July 2020

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Budget

- The AFP's **total resources for 2022-23 is \$1,842.7m**
 - This is \$100.6m higher than 2021-22 actual resources.
 - This comprises of \$1,284.5m departmental, \$143.7m capital, \$392.5m own-sourced revenue, \$5.0m administered, and \$16.9m special accounts.
- **New Measures October Budget 2022-23 [Total - \$32.1m/4 years]**
 - **Pacific Security and Engagement Initiatives: Solomon Islands' Assistance Force (SIAF) - \$45.7 million/2 years.**
 - For the AFP to maintain its existing SIAF contingent (25 ASL) to January 2024 to maintain law and order and support the Solomon Islands to prepare for and host the Pacific Games, as well as increasing support to build the Royal Solomon Islands Police Force's operational response capabilities.
 - **Fraud Fusion Taskforce - \$4.96 million/4 years.**
 - For the AFP to provide support to the NDIA-led Fraud Fusion Taskforce to better combat fraud in the NDIS, through triaging and assessment of intelligence referrals and supporting the ACIC-led Fraud Fusion Centre to deliver operational and strategic intelligence analysis.
 - **Quad Leaders' Summit Policy Priorities and Hosting Proposal – \$4.7m funding held in Contingency Reserve for cost-recovery post-event.**
 - For the AFP to provide security and policing support for the 2023 Quad Leaders Summit that will be held in Australia. The AFP will deploy members before and on the day of the Summit, as well as provide a range of capabilities and support.
 - **Savings from External Labour, and Savings from Advertising, Travel and Legal Expenses: -\$18.46m in 2022-23.**
 - This was identified through savings from external labour, advertising, travel and legal expenses. Forward year impacts to be determined in 2023-24 Budget. More details are found on page 3.
 - Additionally, there was an **Estimates variation** [not for publication] s 33(a)(iii)
s 33(a)(iii)
- **New Measures March Budget 2022-23 [Total - \$159.3m/4 years]**
 - Commonwealth's Countering Violent Extremism Initiatives: **National Convicted Terrorist Offender Scheme (Register) (NCTOS/R) - \$19.8m/4 years**
 - Establishing a National Convicted Terrorist Offender Scheme (Register) will allow for the long term monitoring of terrorist offenders once they are released into the community, where they are not categorised as high-risk.
 - **Transnational, Serious and Organised Crime Package- \$111.6m/4 years**
 - For the AFP to scale up specialist operational capabilities for Project SLAYED, expand the Criminal Asset Confiscation Taskforce, and establish a formal Intelligence System of Record and surveillance capability.
 - s 33(a)(i)

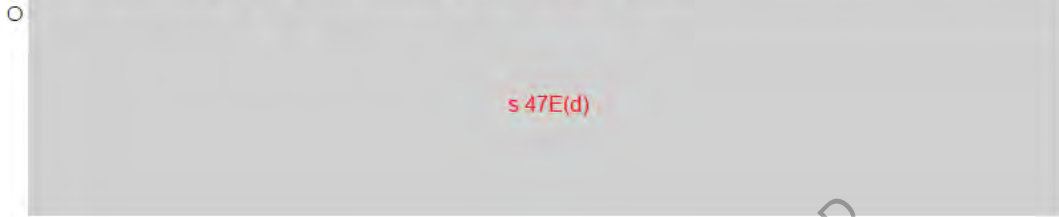
WoG Savings Measure

AFP Impact

- As part of the *Government's Plan for a Better Future*, the AFP has been allocated savings of **\$18.46m in 2022-23**.
- This amount reflects *approximately* 17% of the AFPs 2021-22 expenses in the categories subject to this measure (approximately \$100m).
- Noting it is a new measure, the AFP has not determined how the savings will be allocated.
- However, we will look to implement the savings through minimising non-operational travel and cutting back on external contractors and consultants. Achieving a saving of this size will be challenging, but the AFP will ensure that frontline activities are not impacted.
- Ahead of these Government savings, the AFP has been proactive in finding some savings in these areas already:
 - Contractor Conversions – Conversion of current labour hire contractors to AFP appointees reducing costs through access to better conditions (leave, flexible working arrangements and job security).
 - Investing in Internal Capability - Piloting an AFP Project Manager Bench where we deploy suitably qualified AFP staff across the enterprise to deliver Programs and Projects. This reduces the need for more expensive labour hire contractors.
 - Contactor Approvals – COO approval is now required for contractor procurements where a contractor rate is at or above \$190/hr (inc. GST); and
 - Change Management Centre of Excellence – Building internal AFP capability to manage change across the enterprise, which reduces the need for more expensive labour hire contractors.
 - In July 2020, the AFP established the Policing Development and Innovation team to deliver on the Commissioner's strategic intent through connecting innovative solutions to AFP Strategy and building a mindset of continuous improvement across the organisation. Since implementation, the team have conducted various process reviews in the following areas to reduce red tape and further streamline process:
 - AFPs Corporate Credit Card use and acquittal;
 - Implementing a digital upgrading or revalidation of security clearance;
 - Corporate enabling systems and information architecture;
 - AFPs procurement processes; and
 - Utilising Lean Continuous Improvement and Human Centred design methodologies.

Background - Methodology

- The AFP note the Government’s methodology to deliver the \$500.0 million savings in 2022-23 from **external labour**, and that the levy has been applied to the departmental funding appropriation of entities in the General Government Sector (GGS) for which the ongoing Efficiency Dividend applies.



- To deliver the \$142.5 million savings in 2022-23 from **advertising** (\$12.5 million), **travel** (\$100.0 million), and **legal expenses** (\$30.0 million), the Government is applying a levy to entities’ departmental appropriations for 2022-23. Savings are to be delivered by entities in line with their past advertising, legal and travel expenditure – those with the greatest expenditure on these services will be responsible for the greater level of savings.
- The savings measure is currently only for the 2022-23 financial year, however it is highly likely this will be extended into the out years in future budget processes; and information to inform savings required from this measure in future years will be considered using more granular data, including data collected through the labour hire collection survey.

Current AFP funding


The Government has provided the AFP with the following funding over the forward estimates:

Appropriation Item	2022-23 \$'000	2023-24 \$'000	2024-25 \$'000	2025-26 \$'000
Departmental Appropriation	1,284,500	1,274,691	1,274,301	1,282,147
Departmental Capital Budget	82,132	84,555	86,458	88,875
Equity Injection	61,575	33,120	24,364	21,639
Administered Appropriation	4,950	4,656	4,758	4,848
Special Appropriation	50	0	0	0
Total Appropriation	1,433,207	1,397,022	1,389,881	1,397,509
Rounded \$m	1,433	1,397	1,390	1,398
Own-Sourced Revenue	392,530	330,150	331,732	328,767
Special Accounts	16,918	16,918	16,918	16,918
Total Resources Available	1,842,655	1,744,090	1,738,531	1,743,194
Rounded \$m	1,843	1,744	1,739	1,743



If asked: Why is appropriation not flat-lined?

Appropriation decreases by **-\$36.2m** between 2022-23 and 2023-24

-  s 47E(d)
- And decreases in existing measures (**-\$23.2m**), mostly in equity due to a large asset purchase in 22-23 in the TSOC measure.
- Offset slightly by a large increase in WCI in 2023-24 (currently 3.9%).

Appropriation then slightly increases each year after 2023-24.

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Appropriations movements in October PBS 2022-23

Appropriation Item	PBS Actuals 2021-22 \$'000	PBS Budget 2022-23 \$'000	Movement \$'000
Departmental Appropriation	1,251,150	1,284,500	33,350
Own-Sourced Revenue	347,554	392,530	44,976
Departmental Capital Budget	81,008	82,132	1,124
Equity Injection	39,898	61,575	21,677
Special Accounts	15,972	16,918	946
Administered Appropriation	6,512	4,950	-1,562
Special Appropriation	0	50	50
Total Current Year Resources	1,742,094	1,842,655	100,561
Prior Year Appropriations	134,702	134,891	189
Total Resources Available	1,876,796	1,977,546	100,750

High Level Explanation of the Movements

Note movements in the above reflect table 1.1

- **Departmental Appropriation (\$33.4m)** - relates to new Measures – see appropriations table for details on new measures.
- **Own-Sourced Revenue (\$45.0m)** - relates mostly to large rollovers of Confiscated Asset Account (CAA) funding, plus increases in existing Office of the Special Investigator (OSI) and ACT Policing funding.
- **Departmental Capital Budget (\$1.1m)** – relates to movements in indexation.
- **Equity Injection (\$21.7m)**: Relates to new Measures - see appropriations table for details on new measures.
- **Special Accounts: (\$0.9m)** – relates to 2021-22 surpluses in AIPM & APG.
- **Administered Appropriation (-\$1.6m)** – relates to termination of PNG administered funding which was not rolled into base in the Funding Model.
- **Special Appropriation (\$0.05m)** – nil spend recorded in 21-22 against ongoing annual budget of \$50,000.
- **Prior Year Appropriations (\$0.2m)** – relates to small increase in goods and services receivable.



Average Staffing Levels (ASL)

	2021-22 Actuals	2022-23 Budget	2023-24 Budget
Average Staffing Level	7,066	7,472	7,315

Figures are per 2022-23 October PBS

The increase of 406 ASL between 2021-22 and 2022-23 is due to:

- 2021-22 is actuals, while 2022-23 is the ASL budget. The budget is traditionally higher than affordable ASL for the AFP (**174 ASL**).
- New measures received in the 2022-23 October Budget (**31 ASL**)
 - Fraud Fusion Taskforce 3 ASL
 - Solomon Islands' Assistance Force (SIAF) 25 ASL
 - 2023 Quad Leaders' Summit 3 ASL
- New measures received in the 2022-23 March Budget (**247 ASL**)
 - High Risk Terrorist Offenders (HRT0) 110 ASL
 - National Convicted Terrorist Offenders Register (NCTOR) 8 ASL
 - Transnational Serious Organised Crime (TSOC) 32 ASL
 - s 33(a)(i)
- Offset slightly by movements in existing measures (**-46 ASL**)

The **decrease** of **-157 ASL** between 2022-23 and 2023-24 is due to:

- Terminating Measures (**-207 ASL**)
 - High Risk Terrorist Offenders (HRT0) **-110 ASL**
 - s 33(a)(i)
- Offset slightly by increases in existing measures, and new measures received in the 2022-23 March & October Budgets (**50 ASL**)

In addition, the AFP has a number of s74 revenue funded positions which do not come with an associated increase to the ASL cap.



Efficiency Dividend (ED)

Rates in 2022-23 and 2023-24

- As an Australian government department, the AFP is subject to efficiency dividends.
- The AFP’s total ED rate is detailed below.

	2022-23 \$'000	2023-24 \$'000
Efficiency Dividend	1.0%	1.0%
Total ED	1.0%	1.0%

Year on Year Impact

	2022-23 \$m	2023-24 \$m
Efficiency Dividend*	(14.3)	(13.8)

*Total appropriation per table 1.1 in PBS multiplied by the above %s.

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Measures Table

No.	Funding Summary	Received	Status	22/23 \$m	23/24 \$m	24/25 \$m	25/26 \$m	Total	Total 7 years
1	Pacific Faculty of Policing at the AIPM	MYEFO 2018/19	Terminating	3.8				3.8	3.8
2	2019/20 Additional Fundin Measure	Bud et 2019/20	Terminatin	194.2				194.2	194.2
			s 47E(d)						
3	Whole of Government Drug Strategy	Budget 2019/20	Terminating	31.3				31.3	31.3
4									
5			s 47E(d)						
6	Provision of Investitive Services at Hobart Air ort	Bud et 2019 20	Terminatin	0.3	0.3			0.5	0.5
7			s 47E(d)						
8	Cyber Security Strategy	Budget 2020/21	Ongoing	25.5	25.8	25.8	25.8	102.9	154.5
9	AFP additional resourcing (Funding Model)	Budget 2020/21	Ongoing	24.2	246.8	247.4	246.3	764.7	1,257.3
	Police Health Model (SHIELD)			21.8	20.7	21.4	20.5	84.4	125.6
	AFP Reserve Force			2.4	2.9	2.8	2.6	10.7	15.7
	Sustainment			-	223.2	223.2	223.2	669.6	1,116.0
10			s 47E(d)						
11	National Strategy to Prevent Child Sexual Abuse - Enhance national law enforcement	Budget 2021/22	Ongoing	11.3	8.4	8.5	8.5	36.7	53.6
12	National Strategy to Prevent Child Sexual Abuse - Strengthen regional policy	Budget 2021/22	Terminating	1.3	1.1	1.2	-	3.6	3.6
13									
14			s 47E(d)						
15	National Strategy to Prevent Child Sexual Abuse - Enhance national law enforcement	MYEFO 2021/22	Ongoing	4.6	4.5	4.6	4.6	18.3	27.5
16			s 47E(d)						
17	High-Risk Terrorist Offenders Regime Implementation	MYEFO 2021/22	Terminating	25.6	-	-	-	25.6	25.6
18	Cwth's Countering Violent Extremism Initiatives (NCTOR)	Mar Budget 22/23	Terminating	7.8	7.5	2.3	2.3	19.8	19.8
19									
20			s 47E(d)						
21									
22									
23	Pacific Security and Engagement Initiatives (SIAP)	Oct Budget 22/23	Terminating	31.1	13.9	-	-	45.0	45.0
24	Fraud Fusion Taskforce	Oct Budget 22/23	Terminating	0.9	1.3	1.3	1.3	4.9	4.9
25	Quad Leaders' Summit Policy Priorities and Hosting Proposal	Oct Budget 22/23	Terminating	-	-	-	-	-	-
26	Savings from Ext. Labour, Advertising, Travel & Legal Exp.	Oct Budget 22/23	Terminating	- 18.5	-	-	-	- 18.5	- 18.5
	Total Measures			434.5	359.3	326.9	322.1	1,442.8	2,018.0
	Base Funding			993.7	1,033.1	1,058.2	1,022.7	3,085.0	6,544.7
	Total Current Funding			1,428.2	1,392.4	1,385.1	1,344.9	4,205.7	8,240.5

Measures Details

1. **Australian Institute of Police Management (AIPM)** - Establishment of a Pacific Faculty of Policing (PFP) at the AIPM. The PFP provides leadership development opportunities to senior police executives from the Pacific region.

2. [Redacted]

s 47E(d)

3. **Whole of Government Drug Strategy:**

National Anti-Gangs Squad (NAGS) \$68m: Continuation of the 2016-17 measure, the squad was established in 2013 to detect, deter, and disrupt the activities of outlaw motorcycle gangs.

Keeping Illegal Guns off our Streets and our Communities Safe \$28m: Continuation of the 2016-17 measure to extend the National Forensics Rapid Lab (NFRL). Matins the existing capability, and establishes a mobile laboratory.

4. [Redacted]

5. [Redacted]

s 47E(d)

6. **Provision of Investigative Services at Hobart Airport** - Provision of border and policing services at Hobart Airport, for the planned commencement of International flights from December 2020.

7. [Redacted]

s 47E(d)

8. **Cyber Security Strategy** - Bolster the AFP's ability to investigate and prosecute cyber criminals.

9. **AFP additional resourcing (Funding Model)** - Bolster the AFP by: \$300.2m over 4 years (\$1,040.1m over 7) from 2020-21 to effect a new Funding Model and enhance its baseline funding profile.

10. [Redacted]

s 47E(d)

11. **National Strategy to Prevent Child Sexual Abuse - Enhance national law enforcement** - Funding for the AFP to bolster frontline national law enforcement efforts to prevent, disrupt, investigate and combat online child sexual abuse and exploitation.
12. **National Strategy to Prevent Child Sexual Abuse - Strengthen regional policy** - Funding to uplift the AFP's contribution to the Republic of the Philippines' law enforcement efforts to combat live online child sexual abuse (LOCSA).
13. [REDACTED]
14. [REDACTED] s 47E(d)
15. **National Strategy to Prevent Child Sexual Abuse - Enhance national law enforcement** - National Action Plan portion of the measure.
16. [REDACTED] s 47E(d)
17. **High Risk Terrorist Offenders Regime Implementation** - The AFP will establish and sustain the capabilities necessary to implement legislation that supports managing of the evolving threat of terrorists reoffending.
18. **Commonwealth's Countering Violent Extremism Initiatives (NCTOR)** - Establishing a National Convicted Terrorist Offender Register will allow for the long term monitoring of terrorist offenders once they are released into the community, where they are not categorised as high-risk.
19. [REDACTED]
20. [REDACTED] s 47E(d)
21. [REDACTED]
22. [REDACTED]
23. **Pacific Security and Engagement Initiatives: Solomon Islands Assistance Force (SIAF)** – to extend AFP-led SIAF also known as Operation Skyray, until January 2024. SIAF supports the Royal Solomon Islands Police Force (RSIPF) to protect life and key infrastructure, and maintain order in Honiara.
24. **Fraud Fusion Taskforce** - For the AFP to provide support to the NDIA-led Fraud Fusion Taskforce to better combat fraud in the NDIS, through triaging and assessment of intelligence referrals and supporting the ACIC-led Fraud Fusion Centre to deliver operational and strategic intelligence analysis.
25. **Quad Leaders Summit Policy Priorities and Hosting Proposal** [REDACTED] s 47E(d)
[REDACTED] s 47E(d) For the AFP to provide security and policing support for the 2023 Quad Leaders Summit that will be held in Australia. The AFP will deploy members before and on the day of the Summit, as well as provide a range of capabilities and support.
26. **Savings from External Labour, and Savings from Advertising, Travel and Legal Expenses** This was identified through savings from external labour, advertising, travel and legal expenses. [REDACTED] s 47E(d)
[REDACTED] s 47E(d)

2021-22 Financial Results

	2020-21	2021-22
Financial Results	\$30.8m deficit	\$6.3m surplus

2021-22 Results Explanation

- The result in 2021-22 was very close to budget with a small reported surplus.
- The result for 2021-22 reported by the AFP is a departmental comprehensive loss of \$117.4m. After adjusting for the impact of depreciation expense of \$234.5m then including the impact of lease payments of \$112.8m and the revaluation of non-financial assets of \$1.9m, the AFP recorded a surplus for the year of \$6.3m.

2020-21 Results Explanation

- The deficit in 2020-21 was partially a result of the recognition of an additional provision in respect of unpaid superannuation totalling \$8.0m.
- The deficit was also a result of Operation Protect (in response to COVID-19), Operation Ironside, increased close personal protection activity and increased Comcare premiums.
- The result for 2020-21 reported by the AFP is a departmental comprehensive loss of \$136.4m. After adjusting for the impact of depreciation expense of \$209.1m then including the impact of lease payments of \$103.6m and the revaluation of non-financial assets of \$0.2m, the AFP recorded a deficit for the year of **\$30.8m**.

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2022-23 Portfolio Budget Statements (PBS)
Table 1.1: AFP resource statement – Budget estimates for 2022–23 as at Budget October 2022

	2021-22 Estimated actual \$'000	2022-23 Estimate \$'000
Departmental		
Annual appropriations - ordinary annual services (a)		
Prior year appropriations available (b)	134,702	134,891
Departmental appropriation (c)	1,251,150	1,284,500
s74 External Revenue (d)	347,554	392,530
Departmental capital budget (e)	81,008	82,132
Annual appropriations - other services - non-operating (f)		
Prior year appropriations available (b)	-	-
Equity injection	39,898	61,575
Total departmental annual appropriations	1,854,312	1,955,628
Special accounts (g)		
Opening balance	15,972	16,918
Appropriation receipts (h)	5,100	5,275
Non-appropriation receipts	7,926	11,167
Total special accounts	28,998	33,360
<i>less departmental appropriations drawn from annual/special appropriations and credited to special accounts</i>	<i>(13,026)</i>	<i>(16,442)</i>
Total departmental resourcing	1,870,284	1,972,546
Administered		
Annual appropriations - ordinary annual services (a)		
Outcome 1	988	1,024
Outcome 3	5,524	3,926
Total administered annual appropriations	6,512	4,950
Total administered special appropriations (i)	-	50
Total administered resourcing	6,512	5,000
Total resourcing for Australian Federal Police (j)	1,876,796	1,977,546
	2021-22	2022-23
Average staffing level (number)	7,066	7,472

All figures shown above are GST exclusive - these may not match figures in the cash flow statement.

Prepared on a resourcing (i.e. appropriations available) basis.

- (a) Appropriation Bill (No. 1) 2022-23, Supply Bill (No. 3) 2022-23 and Supply Act (No. 1) 2022-23.
- (b) Excludes funds subject to administrative quarantine by Finance or withheld under section 51 of the *Public Governance, Performance and Accountability Act 2013 (PGPA Act)*.
- (c) Excludes departmental capital budget (DCB).
- (d) Estimated External Revenue receipts under section 74 of the *PGPA Act*.
- (e) Departmental capital budgets are not separately identified in Appropriation Bill (No.1) and form part of ordinary annual services items. Please refer to Table 3.5 for further details. For accounting purposes, this amount has been designated as a 'contribution by owner'.
- (f) Appropriation Bill (No. 2) 2022-23.
- (g) Excludes trust moneys held in Services for Other Entities and Trust Moneys (SOETM) and other special accounts. For further information on special accounts, please refer to October Budget Paper No. 4 - Agency Resourcing. Please also see Table 2.1 for further information on outcome and program expenses broken down by various funding sources, e.g. annual appropriations, special appropriations and special accounts.
- (h) Amounts credited to the special account(s) from AFP's annual and special appropriations.
- (i) Special appropriation provided for the purpose of repayments under section 77 of the *PGPA Act*.
- (j) Total net resourcing comprises prior year and current year appropriations. The following table provides a summary of these two elements:

	2021-22 Estimated actual \$'000	2022-23 Estimate \$'000
Total resources provided for in current year Budget	1,742,094	1,842,655
Prior year appropriations available	134,702	134,891
Total net resourcing for AFP	1,876,796	1,977,546

Total resourcing

- As a result of new measures, AFP's total resourcing increases to **\$1.83 billion** in 2022-23 (per note J, excludes prior year appropriations).
- The ASL cap for 2022-23 increases to **7,472** as a result of new measures received at October Budget 22-23, March Budget 22-23, and MYEFO 21-22. See above section for details on the new measures.

Table 1.2

- Table 1.2 outlines new measures since Budget (that are suitable for publication).
- Estimates Variations (EVs) are not shown in this table.
- The AFP received 4 publicly available measures at October Budget 22-23:
 - Fraud Fusion Taskforce
 - Pacific Security and Engagement Initiatives
 - Quad Leaders' Summit Policy Priorities and Hosting Proposal
 - Savings from External Labour, and Savings from Advertising, Travel and Legal Expenses

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Tables 2.1.1, 2.2.1, and 2.3.1 – Budgeted Expenses by Outcome

Item	2021-22	2022-23	2023-24	2024-25	2025-26	Explanation of movements
Program 1.1: Federal Policing – Investigations						
Administered expenses	955	1,024	1,063	1,085	1,106	Admin funding for CT & Cyber is ongoing, only impacted by WCI
Special appropriation s77	-	50	-	-	-	Budget for estimated claims on lost monies
Departmental appropriation	645,161	657,784	663,416	669,120	670,710	Increase in 22-23 related to new measures including TSOC & NCTOR.
S74 external revenue	72,260	103,791	41,239	40,729	36,670	Drop in 23-24 associated with rollovers of CAA funded measures heavily building upon 22-23, and termination of OSI funding. Expected to flatten with funding in new Budget rounds, and further CAA rollovers.
Special accounts	15,972	16,374	12,493	12,493	12,493	AI/PM NPP terminates in 23-24.
Expenses not requiring approp.	115,886	86,394	101,526	101,000	103,712	Non-ROU Depreciation & Resources received free of charge.
Total expenses for program 1.1	850,234	865,417	819,737	824,427	824,691	
Program 2.1: ACT Community Policing						
S74 external revenue	191,873	201,173	203,375	203,497	203,533	ACT Policing funding via ACT Government. Additional funding received for ACTP in latest ACT Budget.
Expenses not requiring approp.	7,562	8,655	8,404	8,406	8,432	Non-ROU Depreciation & Resources received free of charge.
Total expenses for program 2.1	199,435	209,828	211,779	211,903	211,965	
Program 3.1: Specialist Protective Services						
Departmental appropriation	457,864	456,415	436,551	440,130	442,783	s 47E(d)
S74 external revenue	71,776	61,803	64,105	66,476	67,832	Flat lined. Mostly Defence protection establishments.
Expenses not requiring approp.	2,479	24,932	25,970	22,538	18,423	Non-ROU Depreciation & Resources received free of charge.
Total expenses for program 3.1	532,119	543,150	526,626	529,144	529,038	
Program 3.2: International Police Assistance and External Territories						
Administered expenses	5,487	3,926	3,810	3,673	3,742	Drop in 22-23 associated with PNG terminating. PPDP funding is ongoing.
Departmental appropriation	142,911	165,094	173,398	163,725	167,328	Movements in WCI & ED, and termination of SIAF in 24-25.
S74 external revenue	10,183	14,455	8,133	7,790	7,528	Drop in 23-24 associated with termination of Timor-Leste & Vanuatu.
Expenses not requiring approp.	5,079	5,283	4,014	3,212	1,922	Non-ROU Depreciation & Resources received free of charge.
Total expenses for program 3.2	163,660	188,758	189,355	178,400	180,520	

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AFP Workforce

- The AFP is complying with the Australian Public Service Commission advice to delay bargaining activity until a new Public Sector Workplace Relations Policy is published.
- The AFP has a Workplace Determination in place - signed by the Commissioner on 16 December 2020. The third and final pay increase under the workplace determination is due on 23 May 2023.
 - The AFP will apply the 3% determined by the Government.
- The AFP affirms its commitment to working with the Government and the AFP Association to ensure we have a modern industrial instrument.

If asked on what we are doing to enhance our recruitment efforts

- Like many organisations, recruitment and retention is an area of focus for the AFP.
- The AFP does have a number of vacancies but has:
 - Increased the number of sworn courses in the College to 14 (approx. 420 recruits) in 2022 compared to 7 (approx. 186 recruits) in 2019.

YEAR	FPDP	PSOP	FPLP	FPTP	TOTAL
2019	3	3	-	1	7
2020	4	5	3	1	13
2021	2	4	5	1	12
2022	7	4	2	1	14

- Undertaken a recruitment review to identify areas to improve our systems, processes and polices.
 - Started to survey both our workforce and candidates more regularly to better understand the barriers we face when recruiting, as well as the positives that we should build on.
- The AFP is also looking to:
 - Enhance our attraction and sourcing strategies, improve our candidate experience, create efficiencies and reduce timelines in our recruitment processes, and to generally contemporise the way in which we recruit.
 - Continue reviewing our processes for any barriers that may disproportionately impact diverse groups.
 - Use the detailed workforce segmentation analysis, conducted as part of its Strategic Workforce Plan, to identify priority roles for targeted recruitment and retention efforts.

If pressed

- The AFP has grown by 835 since 30 June 2019 (6663 to 7498, 266 sworn).
- The AFP has approximately 390 funded vacancies at end September 2022 against an ASL of 7472.
 - (Note: the AFP grew by almost 300 in 21/22 (Sworn 106, unsworn 208)).
- Up until 30 June 2019 the AFP’s sworn police numbers had been declining (as high as 3550 in 2015).
- Sworn Protection officer numbers had increased slightly by June 2019 (733) but followed years of decreases (1066 (2011) to 639 (2014)).
- Since June 2019 Sworn Police have increased by 126 since and Sworn Protection Officers have increased by 140 since.
- The AFP’s attrition has increased to 6.1% in the FY 2021-22 compared to 4.3% in FY2020-21.
- As at 30 September 2022 AFP’s attrition rate is at 6.3%:

○ 8.3% Unsworn ○ 3.6% Sworn PSO ○ 4.7% Sworn Police

Enterprise Agreement

- On 16-22 November 2020, all non-SES were invited to participate in a staff survey to indicate their preferred workplace agreement option, either:
 - A workplace determination providing increases to base salary and specific allowances in lieu of enterprise bargaining; or
 - Commence bargaining for a new enterprise agreement.
- **94.13% of Band 1-8 employees voted in support** of the Workplace Determination.
- **96.62% of Executive Level employees voted in support** of the Workplace Determination.
- The Workplace Determination was signed by the Commissioner on 16 December 2020, and observing the Government’s six-month wage increase deferral, the first pay increase was paid to all eligible non-SES employees on 25 November 2021.
- The third and final pay increase under the workplace determination for all eligible employees is on 23 May 2023.
- The AFP is preparing to undertake negotiations for the next Enterprise Agreement, but awaiting further advice from the Australian Public Service Commission.

If asked does the 3% public sector pay rise apply to the AFP?

- Yes. Under Interim Arrangements put in place by the Government in September 2022, the 2% wage increase for AFP employees (Bands 1 to 8 and ELs) scheduled for 25 May 2023 will be increased to 3%.
- This increase will be funded from within the existing budget.

Background

- [REDACTED] s 47E(d)
- [REDACTED] s 47E(d) and apply to the AFP.
- They provide for a one-off 3% annual pay increase for Commonwealth public sector employees during the operational period of the arrangements.
- During the period of operation, the APSC has committed to consulting broadly on the development of a comprehensive Workplace Relations Policy, which will include consideration of negotiating common terms across the Commonwealth.

If asked about the AFPA’s campaign for Workplace Relations Policy exemption

- The AFP acknowledges the concerns raised by the AFP Association on behalf of their membership in relation to the limitations the Workplace Relations Policy 2020 sets to changing and enhancing the AFP employment framework.
- The AFP is complying with the Australian Public Service Commission advice to avoid taking any significant steps towards replacing current arrangements until a revised Public Sector Workplace Relations Policy is published.
- The AFP affirms its commitment to working with the Government and the AFP Association to ensure we have in place a modern industrial instrument

ACT Policing

	Sworn Police	Sworn PSO	Unsworn	TOTAL
Headcount [As at 30 September 2022]	706	11	241	958
FTE [As at 30 September 2022]	686.0	11.0	221.9	918.9

If asked about ACT Policing's low staffing numbers as previously reported in the media:

- While police numbers vary over time based on recruitment cycles and departures, the 2020-21 financial year saw the highest number of police within ACT Policing in recent times, increasing to 219 from 206 operational staff per 100,000 people in 2019-20. (Note 2021-22 operational staff per capita figures are not yet available).
- Through the ACT Policing Futures Program, and with the continued support of ACT Government, ACT Policing will be better placed to deliver a sustainable, efficient and effective policing service to meet the current and long-term needs of the ACT community.
 - A key component of the program is ACT Policing's transition to a new community focused model of police service, supported by an investment of \$33.9 million over four years from the ACT Government in May 2019.
- Further, we have recently engaged PwC to undertake a review of ACT Policing which will consider, amongst other things, resources required to police the ACT today and over the next 10 years in response to the current and future environment.
 - *Further information can be found in SB22-000091 - ACT Policing Matters Brief.*

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Flexible Work

- The AFP is committed to providing a flexible working environment to support our employees achieve a healthy work-life balance while still meeting operational requirements.
- The AFP's flexible working arrangements, both during COVID and into the future, are consistent with whole of government policies and the Fair Work Act 2009 (Cth), as far as possible given the operational nature of our work.
- If employees have a need to work from home regularly and continuously, they are required to formalise this through a flexible working arrangement.
- As at 30 September 2022, **907 (12.1%)** members had an active Working from Home agreement in place.

If asked, how does the AFP manage health and wellbeing for employees working remotely?

- The AFP has a range of services to support employees including:
 - SHIELD Psychological Services.
 - Employee Assistance Program (Benestar).
 - The Welfare Officer Network (WON).
 - AFP Chaplaincy.
- The SHIELD Hub model strengthens support for staff members by providing a multi-disciplinary approach; greater connectivity with Commands; and access to enhanced health and wellbeing services in the regions. This ensures delivery of best practice interventions and facilitates access to appropriate care, working in partnership with State and Territory Mental Health Services.

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AFP Reserve

- The AFP Reserve was launched in April 2020 to support the AFP to respond to current and emerging needs.
- The AFP Reserve provides access to former AFP appointees with policing, protective service officer (PSO) and professional/unsworn experience to fill urgent, short-term support to the workforce.
- The AFP Reserve provides an opportunity for former appointees to re-engage with the AFP, and existing AFP appointees seeking to transition to retirement, to continue fulfilling their sense of public duty and commitment to the Australian community.
- As at 30 September 2022, there are 94 AFP Reserves in the pool.
 - This is a transient number noting Reserves have been removed from the pool and placed on alternative employment contracts.
- At the completion of contracts, Reserves return to the pool which accounts for fluctuations in numbers.

If asked, are AFP Reservists a source of cheap labour? Will they replace police?

- AFP Reservists do not replace permanent staff, but rather provide additional administrative support to allow permanent AFP appointees to focus on higher priority or more complex operations and/or investigations.
- Since the program's inception in April 2020, Reserves have provided administrative support to help deliver key AFP priorities, as required. Areas worked in, but not limited to include:
 - administrative support to National, ACT Policing investigations and partner agencies
 - supporting AFP operations, including the AFP's response to the COVID-19 pandemic under Operation Protect, and Operation IRONSIDE
 - helping select, train and plan for police officer and protective service officer recruits
 - providing support to the AFP National State Service Operations Centre
 - assistance for emergency management and major events planning
 - governance and policy work
 - assisting with Recognition, Ceremonial and Protocol events
 - administrative and project support work.
- The maximum hourly rate for AFP Reserves is equal to an AFP Band 5.1 plus a 20 per cent casual loading (currently \$53.05 an hour inclusive), which increases according to the AFP Enterprise Agreement (EA).
- Lower hourly rates are available dependant on role criteria, responsibilities and requirements (Band 3.1 \$38.65, Band 4 \$45.12 – inclusive of 20% loading)

If asked why the target for 200 reserves by December 2020 was not met

- AFP Reserves are required to undergo clearance gateways to ensure suitability to provide administrative support to the frontline.
- Progression of AFP Reserves through these gateways is balanced against other operational resourcing requirements such as new recruits and graduates.

- The AFP has also been developing a fit-for-purpose governance framework which has required significant consultation with internal and external stakeholders to assess applicable legal, operational and health and wellbeing considerations.
- We are aiming to maximise recruitment in the Reserve space aiming for a minimum target of 200 Reserves by 2024 noting the Reserve Pool is a target rich environment for alternate contract types to fill operational gaps.

Background

- In October 2020, the Government announced \$11.7 million over four years to formally establish the AFP Reserve.
 - Costs are largely associated with requirements needed to ensure a readily deployable pool of AFP Reserves, including the progressing through gateways, necessary re-training, equipment and technology.
- The AFP established the AFP Reserve in April 2020 to support frontline operations in response to COVID-19, predominantly as a surge capability and to enhance the AFP effort for future scenarios across AFP business areas.
- The AFP Reserve comprises retired and former employees engaged on a casual basis, who bring experience and policing/corporate knowledge to complement the existing workforce.
- AFP Reservists do not replace permanent staff, but rather provide much-needed support to the frontline.
- The AFP Reserve program is also part of our police health model, and funding will be used to develop and implement a transition to retirement program for current AFP members wishing to continue their service through the AFP Reserve.

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If asked how will the AFP meet the 7476 FTE.

- Current FTE is 7,163.8 (at 26 October 2022).
- Year to date ASL is 7,106 (at 26 October 2022).
- 7,476 ASL budget as reported in PBS, represents prior year PBS ASL budget plus new NPP funded positions.
- AFP are in the process of recruiting additional members however the market is challenging to attract candidates in both the sworn and unsworn space. AFP have 8 recruit courses planned over the remainder of 2022-23, to fill sworn and PSO roles.

Attachments

A: AFP Total Headcount

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Comcare (incl. Presumptive Legislation)

- The AFP is committed to the health and wellbeing of its members.
- The AFP works closely with Comcare (who is responsible for compensation liability decisions), to maximise outcomes for AFP employees whenever possible.
- The AFP are implementing a range of measures to improve health services for AFP employees including:
 - the **SHIELD** program to deliver a forward leaning focus on prevention, education, early intervention, treatment and transition support
 - an **Early Access Program** which includes access to miscellaneous leave with pay for physical and psychological injuries likely to otherwise result in 'low cost' claims
 - initiatives to **improve the workplace safety culture** including delivery of a collaborative leadership training package, and
 - **streamlined access to effective mental health treatment** tailored to police and PSOs for Victorian-based members through Blue Hub.

Comcare

- Legislation currently prescribes AFP's coverage under Comcare - any change is a matter for Government.
- The AFP's total Comcare premium in 2022-23 is approximately **\$48 million**.
- The average claim acceptance rate over the past 4 years is around 78%.
- We are working with Comcare to improve existing arrangements including **fast-tracking of claims** and collaborative delivery of **leadership training** for Work Health and Safety.

Presumptive Legislation

- Changes to the legal framework, including to introduce presumptive legislation, are a matter for Government.
- The AFP considers that presumptive legislation would have significant benefits for AFP and its members.

Blue Card

- We are aware the AFPA has advocated for the introduction of a "Blue card."
- We have engaged with the AFPA to understand the details of their proposal.
- This is ultimately a matter for government.

Matters involving individual members

- The AFP does not comment on specific cases for privacy reasons.

Member Experience with Comcare

- I will not comment on specific cases to protect the privacy of employee's personal information.
- Policing requires members to be placed in high-risk environments and exposed to harmful experiences we seek to protect our communities from.
- I understand for some employees the Comcare process can be challenging, at a time when they are recovering from injury.
 - Ultimately, issues surrounding Comcare processes, coverage and accessibility are a matter for Comcare.
- I am committed to ensuring the AFP develops and maintains the depth and breadth of organisational health support services required to minimise the broad spectrum of impacts this can have on employees.
- Under current legislation, Comcare provides coverage for AFP members and employees who sustain compensable work related injuries.
- Comcare accepts the majority of claims by AFP employees. The average claim acceptance rate is around **78%**.

If asked about media reporting on experiences of AFP members and views of AFPA on the efficacy of the existing Comcare model?

- I am aware of media reporting (**Attachment A**) suggesting the model is not fit-for-purpose for policing claims management and promotes adverse outcomes for AFP members with psychological injuries.
- We are working to improve AFP employee experiences, including:
 - investing in early intervention services to minimise claims
 - working with Comcare to fast-track claims, and
 - collaborating with the AFPA in pursuing presumptive legislation to streamline claims for psychological injury such as post-traumatic stress disorder (PTSD).

Comcare Premium Drivers (including EY review)

- The AFP's total Comcare premium in 2022-23 is approximately **\$48 million**.
- In the short term, the AFP anticipates the Comcare premium may rise due to an increase associated with the number and costs of psychological claims.
 - **Attachment C** includes overall breakdown of accepted claims by claim type.
- The AFP's Comcare premium is dependent on a number of different drivers, including staffing levels and many factors outside of the AFP's control.
- The AFP engaged Ernst and Young (EY) to undertake a review of the AFP's injury prevention and injury management systems and processes, as well as considering the AFP's Comcare premium.
- EY developed a series of recommendations and scenarios, with a focus on improved health outcomes for AFP employees and, reductions to AFP claims costs/rates. The AFP has made significant progress on addressing the recommendations made by EY, including:
 - expanding the AFP's Early Access Program
 - developing a Manager's 'toolkit' and training package to enhance leadership capability in relation to workplace injuries
 - developing Work Health & Safety (WHS) Key Performance Indicators (KPIs)
 - enhancing the AFP's Work, Health and Safety Management System (WHSMS) framework
 - developing communication and training plans for the workforce and practitioners
 - launching a WHS Due Diligence training program for leaders; and
 - enhancing the consistency of hazard and incident reporting.

Collaboration with Comcare

- The AFP is collaborating with Comcare to improve the overall relationship and AFP employee experience. For example, we have worked on measures to fast track claims and deliver leadership training.

Fast-tracking of claims

- We are fast-tracking claims by reducing the need for an independent medical examination if there is supporting medical evidence from a legally qualified medical practitioner.
 - This undertaking was recommended in the Senate Committee report: *The People behind 000: mental health of our first responders*.

Delivery of leadership training

- The Joint AFP/Comcare Work Health and Safety (WHS) training initiative launched in March 2022.
- The training is designed to enhance AFP leaders' understanding of their role in due diligence, prevention, rehabilitation and return to work for injured or ill members.
- It is anticipated this will contribute to a reduction in injuries, claim costs and workers' compensation premiums, while improving workforce productivity and participation.

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Presumptive Legislation

- Changes to the legal framework, including to introduce presumptive legislation, are a matter for Government.
- **'Presumptive legislation'** would enable the acceptance of certain trauma-related psychological injury claims based on diagnosis, without a requirement for the employee to prove a link between the injury and their employment upfront.
 - This will assist employees to recover from psychological injury and avoid further deterioration of mental health, by ensuring an efficient compensation claims process and faster access to treatment.
- The AFP considers that presumptive legislation would have significant benefits for AFP and its employees.
 - It would assist in the recovery of employees suffering from trauma-related psychological injuries arising from the course of their duties and the unique nature of policing at the AFP.
- The AFP supports the development of a presumptive legislation scheme to streamline the compensation claims process in the *Safety, Rehabilitation and Compensation Act 1988* (Cth) for certain workers including police officers, who are suffering from trauma-related psychological injuries.
 - The AFP is currently exploring options to progress a presumptive legislation scheme, including engagement with relevant stakeholders.
- The AFP is progressing a number of initiatives to improve the experience for injured employees, including:
 - establishing SHIELD health hubs
 - implementing an early intervention program which provides readily accessible treatment with shorter assessment processes, and
 - working in partnership with Comcare to expedite the processing of PTSD claims.

Blue Card

If asked, does the AFP support the introduction of a 'Blue Card'?

- The AFP continues to engage with the AFPA on initiatives to improve employees' wellbeing.
- The introduction of SHIELD Hubs and the Early Access program have made significant progress in this area.
- Ultimately, the introduction of a Blue Card is a matter for Government.

Background

- The AFPA, Senator Lambie and Senator Pocock are strong supporters of the Blue Card, which would be similar to the existing DVA 'White Card' for ADF members.
 - The proposal has received media attention - **Attachment B**.
- Historically, some AFP overseas deployments were covered under the *Veterans' Entitlements Act 1986*, resulting in access to the DVA white card.
- This arrangement ended with the introduction of the *Military Rehabilitation and Compensation Act 2004*, which excluded police from the Act.
- Police on overseas deployments are now covered under the *Safety Rehabilitation and Compensation Act 1988*.

Other proposals

If asked about moving coverage from Comcare (previous Senator Lambie QoN):

- The AFP is a Commonwealth entity and covered by the *Safety, Rehabilitation and Compensation Act 1998*.
- This coverage cannot be revoked without legislative amendment.
- The AFP has been working with external experts to identify areas of improvement in our management of claims etc.
- The AFP is also actively working to deliver measures that will assist in continuing to reduce the Comcare premium including SHIELD and collaborating with Comcare on training and fast-tracking of claims.

If asked about the use of external assessors (previous Senator Lambie QoN):

- The AFP utilises external assessors to provide **independent assessments** in key workplace health, safety and rehabilitation matters, including assessments such as fitness for continued duty and invalidity retirement.
- The AFP is conscious of the significant impact these processes can have on employees and has worked in partnership with Comcare to reduce the requirement for independent medical assessments for workers' compensation claims.
- Programs such as SHIELD, the Welfare Officer Network, and collaboration on training with Comcare are allowing the AFP to support members and continuously improve their overall health experience.

If asked about specific Comcare matters or workplace injury incidents (including matters raised in recent media reporting)

- For privacy reasons, the AFP does not comment on specific cases or incidents.

Attachments

A: Herald Sun Media Article – February 2022

B: Canberra Times Reporting – April 2022

C: Health Data

D: QoN from PJCLE private introductory briefing

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People Smuggling (OSB)

- The people smuggling threat to Australia is assessed as **HIGH for Sri Lanka** and LOW to VERY LOW for other traditional maritime pathways.
 - The maritime people smuggling threat from Sri Lanka is driven by the current socio-economic crisis in Sri Lanka.
 - The AFP has surged capacity to support the Sri Lanka Police to support disruption activities.
- In the 2022 calendar year to date, Operation Sovereign Borders (OSB) has **intercepted 6 people smuggling ventures** bound for Australia from Sri Lanka.
 - There were **no offshore disruptions** of people smuggling ventures targeting Australia in 2021 and **2 disruptions** in 2020.
- Since the establishment of OSB in 2013, the AFP has supported regional partners to **disrupt 101 maritime people smuggling ventures targeting Australia, affecting 3,332 potential illegal immigrants**.
 - These disruptions mainly occurred in Indonesia, Sri Lanka and Malaysia.

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Operating Environment

- The offshore operating environment is largely dependent on host country actions. The AFP has strong and positive engagement with foreign partners; however, the decisions on actions rest with the host country.
 - Host countries face multiple competing priorities, such as terrorism and often coupled with insufficient resources and capability.

If asked, has the Taliban's resurgence resulted in increased people smuggling activity?

- There are currently no indicators showing people smuggling syndicates are planning for the resumption of illegal maritime ventures involving Afghan nationals to Australia.
- The AFP continues to monitor the environment, through liaison with other Australian Government agencies and foreign law enforcement.
- If increased people smuggling activity was identified, members of the Disruption and Deterrence Task Group would focus efforts to mitigate this.

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Operation BOWFIN

- On 19 October 2001, SIEV X carrying approximately 400 potential irregular immigrants sank on-route to Christmas Island from Indonesia.
 - 353 people are believed to have died.
- Iraqi citizen Maythem RADHI was identified as one of the people responsible for facilitating the venture and Australia and subsequently sought his extradition from New Zealand.
- On 18 October 2019, RADHI was extradited from New Zealand to Australia where he was charged with people smuggling offences and remanded into custody.
- On 26 October 2022, RADHI was sentenced for his role in a syndicate responsible for organising the transportation of people on a fishing boat, known as Suspected Illegal Entry Vessel X. See **Attachment A** – AFP Media Release.

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AFP contribution to OSB

- The AFP contributes to OSB by leading the Disruption and Deterrence Task Group (DDTG) with the AFP representing law enforcement agencies who undertake intelligence and strategic communications functions.
- The DDTG aims to tackle maritime people smuggling activities targeting Australia as a destination country.
- The DDTG collaborates across agencies to deliver innovative deterrence and disruption activities to support broader Operation Sovereign Borders objectives.
- OSB involves a Joint Agency Task Force drawing upon **16 agencies**, including the AFP.

s 22(1)(a)(ii)

AFP staffing

- In Asia and South-East Asia, the **AFP has 16 officers** whose priority is engagement in transnational serious and organised crime, which includes counter people smuggling.
 - 3 in Jakarta, Indonesia;
 - 4 in Colombo, Sri Lanka;
 - 3 in Kuala Lumpur, Malaysia;
 - 3 in Islamabad, Pakistan;
 - 1 in New Delhi, India; and
 - 2 in Yangon, Myanmar.
- Other AFP members deployed within the region surge to provide support based on operational priorities.
- AFP **surged domestic capacity** by assigning an additional intelligence officer and policy officer to support OSB.
 - Other sworn and support staff have been reprioritised as required.

- Current domestic footprint (**6 FTE**):
 - Commander (TSOC and People Smuggling)
 - Superintendent (Maritime Border Command and People Smuggling)
 - 1 Policy Officer
 - 1 Sergeant (People Smuggling)
 - 2 Intelligence Officers (People Smuggling)

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AFP Support to the Sri Lankan Police

- AFP Colombo Post has a strong partnership with the Sri Lanka Police's (SLP) Human Trafficking, Smuggling Investigation and Maritime Crime Investigation Division (HTSIMCID) and engages daily in relation to intelligence and operational matters.
- The AFP work with the SLP to investigate venture organisers and facilitators, and support the SLP with prosecutions relating to recent Suspected Illegal Entry Vessels (SIEVs).
- AFP also build SLP's capability through training and providing equipment.
- In 2022, the AFP has provided the SLP with AUD \$0.7 million in support for the establishment of the HTSIMCID:
 - 4 motorbikes,
 - 2 mobile device exploitation kits,
 - 10 digital voice recorders; and
 - Funding for people smuggling training in Jakarta.
- AFP has provided training to Sri Lankan counterparts:
 - 2 people smuggling and human trafficking investigations programs in (March and July 2022);
 - One people smuggling intelligence (Social Media Investigation) course (August 2022); and
 - One media training course for 20 SLP officers (August 2022).
- The AFP will provide additional operational equipment and training to Sri Lanka in 2022-23, including investigations, criminal intelligence and other specialist training.

Attachments

s 22(1)(a)(ii)

Federal Election and Allegations Relating to Parliamentarians

- The AFP's role in upholding the integrity of the 2022 federal election included:
 - **Protecting** participants in the election (including candidates),
 - Providing law enforcement advice on electoral integrity issues, and
 - **Investigating** allegations of election-related criminal activity.
- The AFP takes action where **behaviour meets criminal thresholds**:
 - The AFP respects the right to free and robust political discussion and communication, however, threats of violence, harassment and political interference of a criminal nature will be investigated.
 - There are a range of offences that may be considered in the context of criminal activity in an election.
- AFP's Operation WILMOT focussed on **investigations** into reports of electoral-related criminal activity, including **security threats to parliamentarians and candidates**.
 - **82** matters were considered for investigation
 - Of these, **39** matters were **accepted for investigation**.

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2022 Election

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s 47E(d)

s 47E(d)

Rod Culleton

- The man, 58, was charged as a result of an AFP Operation Wilmot Taskforce investigation launched following a report from the AEC. The man was charged with:
 - Gave information to a Commonwealth entity, namely the Australian Electoral Commission, knowing that the information was false, contrary to section 137.1(1) of the *Criminal Code 1995* (Cth).
- The AFP will allege the man made a fraudulent claim on nomination forms as part of an attempt to be elected as a senator in the recent Federal Election.
- An arrest warrant was issued after the man failed to appear in the Perth Magistrates Court on 30 September 2022.
- The AFP are unable to provide further information as the matter is before the court.

Background

- Section 44(iii) of the Australian Constitution states that any person who is an undischarged bankrupt or insolvent shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.
- The maximum penalty for the offence is 12 months' imprisonment.

Senator Paul Scarr (Operation WILMOT matter)

- [REDACTED] s 47E(d)

If asked why didn't this proceed to a prosecution?

- The decision to progress criminal charges or take other action is a matter for police and the CDPP.
- I am satisfied the AFP made the appropriate decision in all the circumstances.
 - The decision was endorsed by the AFP's Sensitive Investigations Oversight Board.

Background

- In April 2022, the AFP commenced an investigation into a report concerning the disposal of Senator Scarr's campaign letters by an Australia Post employee, which he was required to deliver to constituents in Queensland.
- In May 2022, the AFP spoke to the person responsible.
- On 7 July 2022 [REDACTED] s 47E(d)
 - The Sensitive Investigations Oversight Board endorsed this decision.
- On 7 July 2022, the AFP contacted Senator Scarr's office to inform the Senator of the conclusion of the investigation, and the decision to [REDACTED] s 47E(d) **(Attachment A)**.
- On **8 July 2022** AFP provided a letter to the Senator outlining the outcome of the investigation.

Dr Andrew Charlton MP (Operation WILMOT matter)

- The AFP conducted an investigation. No offence was identified, and the matter has now been closed.
 - The decision was endorsed by the Sensitive Investigations Oversight Board.

Background

- On 18 May 2022, the AFP received a complaint from Senator Hollie Hughes in relation to discrepancies in Mr Charlton's electoral registration.
- On 9 August 2022, AFP officers attended the NSW Electoral Office and met with Mr Charlton.

-

s 47F(1), s 47E(d)

Operation PHONIX

- The Operation Phonix Incident Coordination Centre operated between **4 April 2022** and **31 May 2022**, which:
 - Allocated over **5,140** tasks across the AFP, including **734** matters tasked directly to Command Election Response Teams.
 - Recorded more than **3,228** Close Personal Protection movements.
 - Assessed **904** event assessments of parliamentarians and candidates based on an assessment of threat, risk, and vulnerability.
 - Produced **87** Protection Operations Forecasts.
- Throughout the election, the AFP worked closely with intelligence partners, and state and territory police to ensure that threat assessments provided appropriate security treatments for Parliamentarians.
 - The AFP **will not** comment on specific protective arrangements.

Allegations related to Parliamentarians

Clive Mensink (relative of former MP Clive Palmer)

- In March 2017, the Federal Court of Australia requested AFP assistance to execute **2 warrants** issued by the Federal Court of Australia for Mr Mensink (to be brought before the court for examination and for contempt of court).
- Information and media reporting suggested Mr Mensink departed Australia in June 2016.
- The AFP has strong law enforcement partnerships with foreign counterparts globally, and draws on these partnerships to share information on issues of common interest.

If asked, what is status of the AFP investigation into Clive Mensink?

- AFP is assisting the execution of outstanding warrants for Mr Mensink.

If asked, is the AFP investigating Clive Palmer for assisting the alleged offender to evade law enforcement?

- AFP is assisting the execution of outstanding warrants for Mr Mensink.
- I am not going to comment further about potential investigations.

Alleged Visa Fraud by former MP Craig Thomson (Operation VESPASIAN-ALBORADA)

- Mr Thomson was arrested in November 2021, charged with offences under the *Migration Act 1958* relating to providing false or misleading documents, obtaining a financial advantage by deception and proceeds of crime.
- Operation VESPASIAN-ALBORADA is an AFP-led joint investigation with Home Affairs, ABF and AUSTRAC.
- As the matter is currently before the courts, it is inappropriate for AFP to provide further comment.

If asked, is the AFP aware of the arrest of Craig Thomson in December 2021 for breaching his apprehended violence order?

- The AFP is aware of the arrest. Further questions should be directed to NSW Police Force.



SENATE ESTIMATES BRIEF

SB22-000120 – Deputy Commissioner Operations

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The Hon Christian Porter (former MP and former Attorney-General)

- The AFP first became aware of the dossier containing historical allegations on **24 February 2021**.
- The AFP took steps to secure the information that had been provided to an MP, and followed standard internal processes for receiving a report of alleged criminality.
- The AFP made appropriate inquiries with ACT Policing, NSW Police Force and the South Australian Coroner, before referring the matter, with the full dossier, to NSW Police Force on **13 March 2021**.
- AFP Timeline and previous evidence can be found at **Attachment A**.

If asked, why did the AFP take so long to refer the matter to NSW Police Force?

- The AFP first became aware of the allegations on **24 February 2021** and a comprehensive summary of allegations was sent to NSW Police Force on **25 February 2021** as part of discussions on whether to refer the matter.
 - The AFP then formally referred the allegations to NSW Police Force on **13 March 2021**.
- During this time, AFP Investigators:
 - Reviewed the dossier to consider potential Commonwealth nexus and jurisdiction.
 - Made inquiries with NSW Police Force (including on 25 February), ACT Policing and the South Australian Coroner, to determine the appropriate jurisdiction to investigate.
 - Considered the allegations at the Sensitive Investigations Oversight Board, as is the AFP's usual process for sensitive investigations.

If asked, why isn't the AFP investigating?

- The alleged conduct occurred in NSW and relates to a state offence. The NSW Police Force is the appropriate agency to investigate these allegations.

If asked, is the NSW Police Force currently investigating the matter?

- This is a matter for NSW Police Force.

If asked: Is the AFP investigating the source of Porter's legal funding?

- The AFP has not received reports of criminal conduct relating to Mr Porter's legal funding.

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George Christensen and anti-vaccination commentary by parliamentarians

- Matters in relation to the *Adverse decision by Office of the Australian Information Commissioner - Kearsley and AFP* are detailed in SB22-000143 (COO).

If asked, is AFP investigating any MPs (including George Christensen MP) relating to anti-vaccination views or threatening behaviour online?

- The AFP takes action where **behaviour meets criminal thresholds**.
- AFP investigates online platforms, including open-source social media and the dark web.
 - AFP are interested in comments online when they are criminal in nature or provide evidence of a crime.

If pressed on progress of ALP referral relating to Christensen's Signal channel:

- This matter has been finalised.
 - The AFP comprehensively assessed the matter overseen by the Sensitive Investigations Oversight Board.
- Posts by other individuals were not considered to constitute an offence. Threats were not related to an individual and there was no evidence of any intent to commit a criminal act. Certain posts were reported to the Victoria Police for consideration.

Background

- George Christensen MP (Qld LNP), Senator Matt Canavan (Qld Nationals), and Senator Alex Antic (Qld Nationals) have made anti-vaccination comments online and attended/supported anti-lockdown and anti-vaccination events.
 - They have been accused of undermining public health messages.
- In November 2021, s 47F(1) wrote to AFP raising concerns about comments and images in a Telegram chat forum purportedly controlled by George Christensen MP.
 - AFP considered a range of offences but determined not to pursue the investigation as no offence was identified based on the available information.

- In late 2021, SA Liberal Senator Alex Antic was directed to quarantine at an Adelaide medi-hotel after returning to SA after the sitting period in Canberra.
 - The ACT does not require Parliamentarians to prove vaccination status before entering the ACT or Parliament for sitting weeks.
- Other states have different travel restrictions. State police are responsible for enforcing those laws.

Attachments

A: Letter to [REDACTED]

s 47F(1)

B: Letter to [REDACTED]

C: Porter – AFP Timeline and Previous Evidence

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Other High Profile Investigations

Elly Warren

- The AFP continues to liaise with Ms WARREN’s family, the Victorian Coroner and Mozambique authorities into the death of Ms Elly WARREN.
- Mozambique authorities have jurisdiction for the investigation into the death of Ms Elly WARREN and their investigation remains open.
- AFP officers have travelled to Mozambique on a number of occasions since 2016 in relation to this matter, with the support and permission of local authorities. The most recent travel was in October 2022.
- The AFP and DFAT continue to liaise with Mozambique authorities regarding Ms WARREN’s death. Beyond acknowledging our continued interest in the matter, nothing of significance has been provided by Mozambique.

Disappearance of Melissa Caddick

- On 12 November 2020, Melissa Caddick disappeared from her home in Dover Heights, Sydney.
- On 11 November 2020, AFP members executed a section 3E *Crimes Act 1914* (Cth) search warrant at Ms Caddick’s home.
 - The search warrant was applied for and executed on behalf of **ASIC**, commonly referred to as an “agency assist” warrant.
- In the months following Ms Caddick’s disappearance, extensive searches were conducted by the NSWPF in an attempt to locate Ms Caddick.
- An Inquest into the Disappearance and Suspected Death of Melissa Caddick is being heard before Deputy State Coroner Elizabeth Ryan in the NSW Coroner’s Court.
- The AFP Commissioner was granted leave to appear at the Inquest. The Coroner is considering a number of matters, including the following issues of relevance to the AFP:
 - Were the actions of ASIC and AFP during the execution of the search

warrant at Ms Caddick’s home on 11 November 2020 appropriate?

- Are the processes and procedures of ASIC and the AFP appropriate so as to ensure the wellbeing of a person who is the subject of the execution of a search warrant?
- It would not be appropriate for the AFP to comment further while the matter remains before the Coroner.

Grace Hughes

- On 7 August 2022, 5 year old Grace HUGHES was taken forcibly from her father by her mother during a supervised visit under a Federal Family Court order.
- The AFP provided support to the Northern Territory Police Force in order to ensure her safe return to her family.

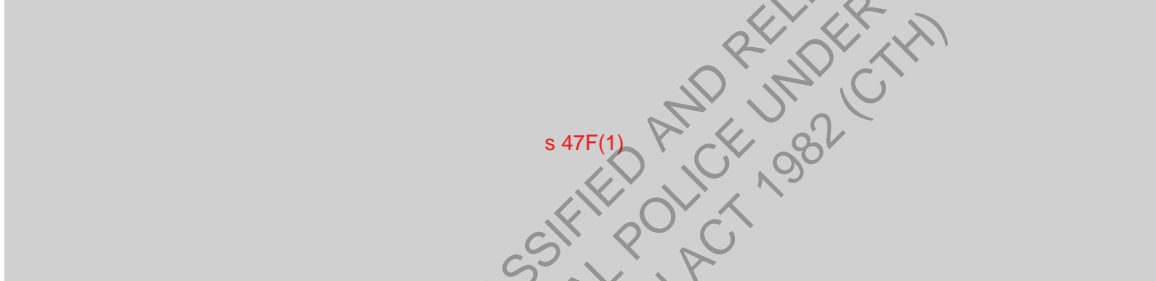
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Elly Warren

Key Issues

- The AFP's Senior Officer in Pretoria continues to engage with the Mozambique authorities on an ongoing basis, most recently on 18 October 2022.
- The AFP Senior Officer Pretoria met with Mozambique National Criminal Investigation Service (SERNIC) on 11 October 2022, seeking an update in relation to the status of their investigation and reaffirming previous offers of assistance by the AFP.
- 
s 47F(1)
- The responsiveness of Mozambique authorities to AFP requests on behalf of the Victorian State Coroner will determine the timeframes for future court proceedings. The Coroner has indicated that there will be a potential Directions Hearing in late 2022.

Background

- The AFP continues to assist the Coroner with the Inquest into the death of Elly WARREN and is currently responding to a request from the Coroner which has been made in accordance with section 42 of the Victorian Coroners Act 2008.
- The AFP and DFAT have made a number of offers of assistance to Mozambique authorities; sharing information, statements, forwarded timelines and questions proposed by Elly WARREN's 
s 47F(1)
- to assist the Mozambique investigation.
- Head of Mission from the Australian High Commission Pretoria met with Mozambique Ministry of Foreign Affairs and Cooperation officials on 29 September 2022 and made representations on behalf of the Australian Government. Reassurance was provided that Mozambique authorities will continue to cooperate in relation to SERNIC's investigation.

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s 47F(1)

- Attorney-General QTB on Elly Warren can be found at **Attachment A**.

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Villawood Detention Centre

If asked about Villawood Detention Centre

- The AFP can confirm it received a report about an incident involving two detainees at Villawood Detention Centre in May 2022.
- All reports made to the AFP are assessed in relation to a number of factors, including the nature of the alleged crime, the extent of the alleged criminality, the prospects of a successful prosecution and the availability of AFP resources, compared to other operational priorities.
- AFP members conducted a number of enquiries, including a visit to, and interviews at the centre.
- After considering the available evidence and the circumstances of the matter, a decision was made to not proceed with further investigation.

Background

- On May 14 2022, an incident occurred between two detainees at Villawood Detention Centre in Sydney. During the incident it is alleged one detainee suffered severe burns after another detainee poured hot coffee over him.
- In August 2022, the Guardian queried whether the AFP was aware of the incident and what action had been taken against the alleged perpetrator.

Inquest into the Disappearance of Melissa Caddick

- The Inquest into the Disappearance of Melissa Caddick is being heard before Deputy State Coroner Elizabeth Ryan in the NSW Coroner’s Court. The matter was listed from 12-16 September 2022, and 26-30 September 2022.
- The hearing has not concluded and an additional two hearing days have been listed for 28-29 November 2022.
- The Commissioner of the AFP was identified by the Coroner as having sufficient interest in the Inquest to be legally represented, and was granted leave to appear.
- The Coroner is considering a number of issues, including whether Ms Caddick is deceased, the manner and cause of death and whether the NSW Police investigation was adequate.
- Of relevance to the AFP are the following issues, which ask:
 - Were the actions of ASIC and AFP during the execution of the search warrant at Ms Caddick’s home on 11 November 2020 appropriate?
 - Are the processes and procedures of ASIC and the AFP appropriate so as to ensure the wellbeing of a person who is the subject of the execution of a search warrant?
- The Coroner is considering a number of issues, including whether Ms Caddick is deceased, the manner and cause of death and whether the NSW Police investigation was adequate.
- It would not be appropriate for the AFP to comment further while the matter remains before the Coroner.

Background

- Since Ms Caddick’s disappearance in November 2020, the matter has attracted significant and ongoing media attention.
- On 11 November 2020, AFP members executed a section 3E *Crimes Act 1914* (Cth) search warrant at Ms Caddick’s home.
 - The search warrant was applied for and executed on behalf of ASIC, commonly referred to as an “agency assist” warrant.

- Ms Caddick ran an investment business and was being investigated by ASIC for the suspected defrauding of her investors of upwards of \$20 million. Ms Caddick's investors included a number of friends and family members, including her elderly parents Edward and Barbara Grimley.
- Ms Caddick, Ms Caddick's husband (Anthony Koletti), and her son (Witness B), were the only persons present during the execution of the warrant, apart from representatives from the AFP and ASIC.
- Ms Caddick was last seen during the evening of 11 November 2020. She is believed to have left her home in the early hours of 12 November 2020 and has not been seen since.
 - Ms Caddick was reported as missing to the NSW Police Force (**NSWPF**) at around midday on 13 November 2020.
 - In the months following Ms Caddick's disappearance, extensive searches were conducted by the NSWPF in an attempt to locate Ms Caddick, however she has not been found.
- On 21 February 2021, a running shoe containing a human foot was found at Bournda Beach, on the NSW South Coast. DNA comparison confirmed that the foot was that of Ms Caddick. No other remains have been found.

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AFP Support to NT Police Taskforce – Grace Hughes Missing Person

- On 7 August 2022, 5 year old Grace HUGHES was taken forcibly from her father by her mother during a supervised visit under a Federal Family Court order. A Commonwealth Family Law Court recovery order was issued on 10 August 2022.
- The Northern Territory Police Force (NTPOL) commenced a major operation to investigate the alleged abduction of HUGHES with assistance from the AFP acting on the Commonwealth recovery order.

If asked about the AFP's involvement with the matter

- To ensure effective communication and control of actions leading to the safe recovery of HUGHES, the AFP Central Command (CeC) with assistance from the Australian Centre to Counter Child Exploitation (ACCCE) provided the following assistance to the NTPOL led investigation:
 - Four (4) Darwin investigators embedded with NTPOL
 - One (1) Darwin Field Intelligence Officer
 - Two (2) Adelaide Investigators deployed to Darwin between 17-21 August to support the investigation
 - Specialist capabilities from the ACCCE including Intelligence Fusion Cell analysts, financial investigations by embedded AUSTRAC investigators and covert on-line support and
 - Other physical and electronic AFP specialist capabilities were preparing to deploy to Darwin prior to the successful recovery of HUGHES.

National Strategy to Prevent and Respond to Child Sexual Abuse

- Under the *National Strategy to Prevent and Respond to Child Sexual Abuse (National Strategy)*, the AFP has received \$3.9 million to enhance child protection investigations in the NT (First Commonwealth Action Plan, Measure 23).
- This will directly increase investigation resources into the NT Joint Anti Child Exploitation Team (JACET) to expand the focus of the multi-agency approach in recognition of the increasing connections between online and in-person offending against children.

- The AFP’s enhanced presence in the NT will include investigative, prevention and intelligence officers which will continue to work with stakeholders to:
 - Investigate online child sexual exploitation;
 - Enhance outreach and community engagement; and
 - Develop online safety education programs.
- The future AFP commitment to child protection in the NT will be one Sergeant, three JACET Investigators, one Prevention Officer and one Intelligence Officer.

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Hindutva hate groups

- AFP recognises Australia’s society is enriched by the contributions of our multicultural population.
- A key priority for the AFP is to counter religiously motivated and ideologically motivated violent extremism, and disrupt espionage and foreign interference affecting Australia’s national interests.
- The AFP actively engages with community groups and diaspora communities through the AFP Community Liaison Teams (CLTs). CLTs work to ensure police legitimacy and trust, through engagements which strengthen social cohesion and community resilience, and inform and support the well-being of vulnerable and at-risk members of diverse communities.
- However, hate speech is not a Commonwealth offence. State and Territory legislation covers hate speech; therefore, it is a matter for the relevant State and Territory police service.

Background

- On 31 August 2022, Senator Shoebridge wrote to the AFP Commissioner raising the issue of Hindutva hate groups and protecting the Indian diaspora.
 - He raised concerns that members of the community had experienced hate speech, social discord and violent extremism, and annexed examples, including screenshots.
- On 6 October 2022, DC McCartney responded to Senator Shoebridge.
 - See **Attachment B**.

Attachments

A: QTB – Elly Warren

B: Correspondence - Shoebridge to C and DCI LoR

Counter Terrorism

- The counter terrorism threat is enduring, increasingly complex and diversified.
- The AFP takes all terrorist and extremist groups seriously, targeting criminality regardless of the background or motivations of the perpetrator.
- We continue to see the predominant terrorism threat as Religiously Motivated Violent Extremism (RMVE).
- The number of individuals who adhere to Ideologically Motivated Violent Extremism (IMVE) continues to increase and spread across the country.
- The AFP's response to the threat of terrorism is multi-faceted. The prevention and disruption of terrorism and the protection of Australians and Australian interests are our primary objectives.
- The AFP conducts Counter-Terrorism investigations through Joint Counter Terrorism Teams with state and territory police, the intelligence community and international law enforcement partners.
- Available disruption and treatment strategies range from prosecution for terrorism offences, disruption using state laws such as firearms and drug offences, application of Control Orders, and supporting the Attorney-General's Department in consideration of Post Sentence Orders, including Continuing Detention Orders and Extended Supervision Orders.

High Risk Terrorist Offenders

- High Risk Terrorist Offender (HRTO) investigative teams are located in the ACT, NSW and Victoria.
- It takes significant AFP resources to monitor HRTOs once released into the community; this is compounded by an increased caseload of High Risk Terrorist Offenders recently released or scheduled for release in upcoming years.
 - **54** offenders currently serving custodial sentences for terrorism offences, **21** of which are scheduled for release within 5 years (2023-2027) with 1 currently subject to a Continuing Detention Order and one subject to an Interim Supervision Order.

- **5 offenders have been released in 2022 to date and 8 offenders in total are due for release in 2022.**
 - *If asked:* As at 18 October 2022, Mr Blake PENDER was issued with an Interim Supervision Order on 7 October and was released from custody on 18 October 2022. A final hearing for an Extended Supervision Order will be held on 5 December 2022. The NSW ERI Team continue to monitor PENDER'S compliance with the order.

Repatriation

- The AFP acknowledges the Government's decision to repatriate women and children from internally displaced persons camps in Syria.
- A cohort consisting of **4 women and 13 children** were repatriated from the Al Roj Internally Displaced Persons Camp (IDP) on Thursday 27 October 2022. The AFP continues to work with our partners, including the Department of Home Affairs, the Department of Foreign Affairs and Trade and the Attorney-General's Department to manage the repatriation of women and children to Australia from Syria and the region.
- The availability and sufficiency of evidence in relation to any possible criminal conduct, as well as an assessment of risk an individual presents to the Australian community, determines the treatment options available to police to mitigate risk and threat these individuals may pose following return to Australia.

Foreign Fighters

- Since 2012, around **230** Australians have travelled to Syria or Iraq to fight with or support groups involved in the conflict. Of those, around **120** Australians are assessed to be deceased.
- Around **50** people have returned to Australia after travelling to Syria/Iraq and joining groups involved in the conflict.
 - The vast majority returned before 2016.
- Around **65** Australian men and women are currently in the Syria/Iraq region and have fought with, or were otherwise associated with religiously motivated violent extremist groups.

- A number of these individuals are in Internally Displaced Person camps or otherwise detained.
- An unidentified number of minors – the children of those Australians – are believed to be in the Syria/Iraq region.
- Since 2012, around **250** Australian passports have been cancelled or refused in relation to the Syria/Iraq conflict.
- Any Australian suspected of the commission of a criminal offence while in the conflict zone will be investigated by the AFP.

Ideologically Motivated Violent Extremism

- The AFP takes all extremist activities seriously - we target criminals and criminal activity, not ideologies or backgrounds.
- Since September 2014, there have been **11** domestic terror attacks and **21** major Counter-Terrorism disruptions.
 - Of the **21** major disruptions, **2** were related to Ideologically Motivated Violent Extremism
- Since January 2020, **52 people** have been charged from **34 operations** are alleged to adhered to IMVE.
 - **15** individuals across **11** operations were IMVE.

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Statistics and Powers

Whole of Government Statistics (most current – as at 29 July 2022)

11	Attacks
21	Disruptions
154	POIs charged since threat level raised to 'Probable' (12 Sept 2014)
97	Convicted POIs since 2001
27	Matters before the court
6	Current orders (including 1 Continuing Detention Orders (CDOs); 1 Confirmed Control Order (CCO); 2 Interim Control Orders and 2 Interim Supervision Orders (ISO))
65	Australians currently in the Syria/Iraq region and have fought with/associated with Islamist Extremists groups which remain in the region
230	Number who have travelled to Syria
120	Deaths in the conflict zone
250	Passports cancelled
50	Returned from the conflict zone

* From Whole-of-Government Talking Points on Australia's Response to terrorism.

Powers

- The limited use of some powers does not indicate a lack of utility. Some powers are intended for very specific circumstances, which to date have not arisen.
- AFP will only use extraordinary powers where traditional criminal justice methods, such as arrest and prosecution, may not yet be achievable.
- A full list of powers are outlined in **Attachment A**.
- On 8 September 2022, the Attorney-General introduced the *Counter-Terrorism Legislation Amendment (AFP Powers and Other Matters) Bill 2022* into Parliament to extend the Control Order, Preventative Detention Order and the Stop, Search and Seizure framework in the *Criminal Code Act 1995* and the *Crimes Act 1914* to extend these powers for one year.
- **Further questions on this can be directed to AGD.**
 - Background: This will allow the new government to consider the recommendations made by the Parliamentary Joint Committee of Intelligence and Security based on its review of police powers in relation to

terrorism, the control order regime, the preventative detention order regime and the continuing detention order regime.

Control Orders

- Seeking a Control Order is considered at various stages in CT investigations and in exceptional circumstances for post-release management of terrorist offenders.
- Control orders are an effective tool for managing persons who present a terrorism risk to the community, but for whom there may not be sufficient evidence to arrest and charge at a particular point in time.
- The resources required to obtain a Control Order are comparable to that of a complex investigation resulting in arrest and charges, with the latter being preferred.
- The use of Control Orders is judicious and only considered when traditional criminal justice methods cannot mitigate the risk posed by the individual.

Stop, Search and Seizure Powers

- These emergency powers are designed to meet particular circumstances, which have fortunately not materialised.
- Many of these powers can only be used in specific areas (Commonwealth places e.g. designated airports and military bases), which narrows their use.
- There are also a range of stop, search and seize powers in states and territories. This is appropriate, as state and territory police are almost always first responders in emergency situations involving terrorism incidents.

Preventative Detention Orders

- While Commonwealth Preventative Detention Orders have not yet been used, the increased threat of smaller-scale opportunistic attacks by lone actors often means little to no intervening period to prevent a spontaneous attack.
- Police need the ability to act quickly to disrupt terrorist activity, and prevent potentially catastrophic consequences.
- Joint Counter Terrorism Teams have used Preventative Detention Orders in states and territories that have introduced their own Preventative Detention Order scheme:

- Three NSW Preventative Detention orders were used by the NSW Joint Counter Terrorism Teams in 2014
- One Victoria Preventative Detention Order was used by the Victoria Joint Counter Terrorism Teams in 2015.
- Some state and territory Preventative Detention Order schemes allow detention for longer periods (than the maximum 48 hours under Commonwealth law).
- Operational decisions are made jointly between agencies in the Joint Counter Terrorism Teams on how to proceed with any particular matter, taking into account the full suite of available Commonwealth and state and territory laws and powers.

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High Risk Terrorist Offenders and National Register

Key Statistics (most current – as at 30 September 2022)

Individuals charged (CT-related)	154 people charged from 80 operations
Convictions (since 2001)	101 (seven were juveniles when charged)
Before the court	27
Current serving custodial sentences	54
Convicted offenders due for release in 2022	7
Offenders to be released between 2023-2027	21 (including one offender on a CDO and one on ISO)
Current Control Orders (as at 26 August 2022)	3
Control orders granted since September 2014	25
Control order granted since January 2019	21 orders relating to 15 individuals
Charged for breaching Control Orders (since July 2020)	9
Individuals considered for Control Orders in 2021 (Initial and successive)	18

High Risk Terrorist Offender Case Load

- The current AFP High Risk Terrorist Offender caseload is significant and increasing, including:
 - 54 convicted terrorism offenders in prison;
 - 24 people before the courts for terrorism-related offences;
 - 1 active confirmed control order (NAMOA);
 - 2 interim control orders (DAKKAK and NAIZMAND);
 - 1 continuing detention order (BENBRIKA);
 - 1 interim supervision order (KHAN); and
 - Nine individuals have been arrested and charged for breaching their control order since July 2020 (NAMOA, M KAYA, NAIZMAND, DACRE, GRANATA, KHAZAL, DAKKAK, BROOKMAN, BIBER).
- Control orders are for a maximum 12 month period, and the AFP considers successive control orders for High Risk Terrorist Offenders. The legislation requires an annual

review of High Risk Terrorist Offenders on Extended Supervision Orders, greater than 12 months. These considerations require similar resourcing to the initial application process. The caseload will continue to grow, with a compounding effect on AFP resources.

s 47E(d)

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Caseload 2023-2027

- There are **21** terrorist offenders due to be released between 2023 and 2027.

Control Orders

- **The Federal Court of Australia has granted 27 control orders since 2005, relating to 20 individuals. Of these:**
 - **6** were preventative to manage the threat of CT persons of interest (HICKS, THOMAS, SALIHY, OSMAN, NAIZMAND, CAUSEVIC).
 - **19** were granted to manage the risk of convicted terrorist offenders:
 - The AFP obtained **13** control orders against individuals **before they were released** (E. BIBER, NAMOA 1st and 2nd order, M. KAYA, NAIZMAND, THORNE, KHAZAAL, BENBRIKA, ZAK 2nd order, BIBER, PENDER, DAKKAK 1st and 2nd order);
 - The AFP obtained **8** control orders against individuals **after they were released** from custody and in the community (ZAK 1st order, DACRE, GRANATA, K. KAYA, BROOKMAN, THORNE successive order, DACRE successive order, NAIZMAND 3rd order).
- **21** control orders relating to 15 individuals convicted for an offence related to terrorism have been granted since January 2019.

Breaches of Control Orders

- Breaches of control orders are a criminal offence under the *Criminal Code Act 1995* (Cth) and subject of a maximum of five years imprisonment.
- Since July 2020, the AFP has charged **nine** people for breaching control orders:
 - **Four** are before court; and (BIBER, BROOKMAN, KHAZAAL, DACRE) all control orders expired since they were charged;
 - **Three** have been convicted for breaching their control order (DAKKAK, NAIZMAND, NAMOA); and
 - **Two** matters have been finalised (discontinued - GRANATA, M.KAYA).

How does the AFP monitor High Risk Terrorist Offenders?

- The AFP created dedicated High Risk Terrorist Offender investigative teams in the ACT, NSW and Victoria with responsibility for the monitoring and enforcement of offenders considered under the High Risk Terrorist Offender scheme.
 - The NSW High Risk Terrorist Offender team is co-located with the NSW Police Terrorism High Risk Offenders Unit - responsible for NSW HRTO scheme.
 - The Victorian High Risk Terrorist Offender team is located in the AFP Melbourne office and works closely with their Victoria Police counterparts. There is currently no similar High Risk Terrorist Offender/Terrorism High Risk Offenders scheme under Victorian legislation.
 - A national coordination team is located in AFP headquarters to manage Commonwealth agency relationships, policy consultation and reporting while providing ongoing assistance to the NSW and Victoria High Risk Terrorist Offender teams. There are currently no ACT based offenders for High Risk Terrorist Offender consideration.
- The AFP has redirected internal resources and surged additional capabilities to undertake High Risk Terrorist Offender related activities across regional Commands.

Additional Resources

- The AFP has established new **pre-release investigation teams**, dedicated to collecting and sharing available evidence and intelligence on an ongoing basis for the range of incarcerated High Risk Terrorist Offenders.

- This evidence will **enhance capacity** to inform the Attorney-General’s Department in considering Continuing Detention Orders and Extended Supervision Orders, and **AFP capacity to consider control orders and investigate terrorism offences relating to High Risk Terrorist Offenders.**

If asked about Extended Supervision Orders:

- The *Counter-Terrorism Legislation Amendment (High Risk Terrorist Offenders) Act 2021* strengthens the High Risk Terrorist Offender scheme. It introduced Extended Supervision Orders to manage the risk posed by terrorist offenders following their release from prison on completion of their sentence.
- The Act enables a State or Territory Supreme Court to make an Extended Supervision Order in respect of an eligible offender.
- The applicant for an Extended Supervision Order and Continuing Detention Order is the Attorney-General, supported by the Attorney-General’s Department and the AFP’s monitoring of compliance with relevant controls.
- The Court may issue an Extended Supervision Orders if is satisfied on the balance of probabilities and based on admissible evidence, that the offender poses an unacceptable risk of committing a serious Part 5.3 offence.
 - Orders may be made for up to three years, and must be reviewed annually.
- To date, the Commonwealth has made applications for two Extended Supervision Orders:
 - The Victorian Supreme Court issued on order on 25 August 2022.
 - A final hearing for the other Extended Supervision Order will be held on 5 December 2022.

If asked about Continuing Detention Orders:

- Questions relating to Continued Detention Orders should be directed to the Attorney-General’s Department.
 - The applicant for a Continued Detention Order is the Attorney-General, supported by the Attorney-General’s Department.

- The AFP is consulted on the decision and application for a Continued Detention Order.

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Repatriation

- On Saturday 29 October 2022, four women and 13 children arrived in Sydney, NSW following repatriation by the Australian Government from the Al Roj IDPC in Syria.
 - None of the children are currently under investigation.
- At all times, the focus has been the safety and security of all Australians, as well as the safety of those involved in the operation.

If asked, how many individuals in Syria is the AFP investigating?

- It is not appropriate to outline the specific number of individuals AFP is investigating.
 - Both men and women are the subject of active investigations by the AFP and our domestic and offshore law enforcement and intelligence partners.
- The AFP, works collaboratively with our partners to continuously assess potential risks to the community.
- Those who are or have been in the conflict zone are being investigated for a range of terrorism offences, in addition to foreign incursion related offences, including:
 - Membership of a terrorist organisation;
 - Providing support to a terrorist organisation;
 - Foreign incursions, including entering or remaining in a declared area; and
 - Collecting or making funds available to facilitate or engage in terrorist acts.

If pressed

- The NSW Joint Counter Terrorism Team, comprised of the Australian Federal Police, Australian Security Intelligence Organisation, NSW Police and the NSW Crime Commission continue to investigate all individuals in Syria to determine any breach of Australian law.

If asked, what are you doing about women and children in Syria?

- The AFP work closely with Commonwealth, state and territory partners, on a holistic response to this complex, multi-faceted issue.
- The primary consideration for the AFP in managing returning Australians is the risk they pose to the Australian community.
- I won't comment on policy decisions on repatriation as these are a matter for Government. However, I will reinforce that the AFP and its partners take all individuals or groups with extremist beliefs who show support for, or a tendency towards violence, very seriously.
- The AFP continues to work with our partners including the Department of Home Affairs, the Department of Foreign Affairs and Trade and the Attorney-General's Department to manage any repatriation of women and children to Australia from Syria and the region.
 - There are reception plans in place for the remaining Australian women and children currently in Internally Displaced Persons camps, should any future repatriations occur.
- The AFP will continue to work with Commonwealth and State partners to promote successful reintegration into the Australian community.
 - Should any individuals who return to Australia and engage in any form of criminal activity, the AFP will not hesitate to act to maintain its role in ensuring community safety.
- The AFP and its partners seek to minimise harm to the Australian community.
- The repatriation of children is a consular and child welfare issue.
 - State Police will generally lead the reintegration into home jurisdictions.

If asked, of those who have been repatriated, why have they not been charged/placed under varied control orders?

- The availability and sufficiency of evidence in relation to any possible criminal conduct, as well as an assessment of risk an individual presents to the Australian community, determines the treatment options available to police to mitigate risk and threat these individuals may pose following individuals return to Australia.

- There are a number of options available to the AFP, which may be used as appropriate, depending whether criminal offences have been committed and/or the risk an individual may present to the Australian community. These include:
 - charging (and arresting) with a criminal offence if sufficient admissible evidence exists;
 - ongoing investigations by Joint Counter Terrorism Teams to obtain sufficient admissible evidence of criminal conduct;
 - Control Order applications to manage the risk an individual may pose to the Australian community, or there is not sufficient admissible evidence to support a criminal charge;
 - Temporary Exclusion Orders and conditions for return permits to manage the risk an individual may pose to the Australian community; and
 - Countering Violent Extremism initiatives and other community programs, to promote reintegration into the community.
- While the AFP is not responsible for undertaking individual threat assessments, the AFP and its partners play an integral role in repatriation planning and risk mitigation in Australia.
 - AFP will continue to work collaboratively in order to continuously assess potential risks to the community.

If asked about resourcing impacts on the AFP for returning women and children

- While I will not provide specifics on the resources required to monitor particular individuals, I reiterate the AFP will continue to work hand in hand with Commonwealth and State partners to ensure the safety of the Australian community.
- The resourcing required to monitor an individual is determined and allocated on a case by case basis considering any threat or risk they may pose.
- We will continue to work with our partner agencies to better understand the resourcing impacts over the short and longer terms.

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If asked about a report of crime received from Prime Minister and Cabinet (PM&C) of alleged unauthorised disclosure relating to media reporting on Syrian camps and repatriation of women and children:

- The AFP received a report of crime on 27 October 2022.
- On 31 October 2022, members from Special Investigation met with PM&C to discuss the report of crime.
- As the matter is currently being assessed, it would be inappropriate to comment.

If asked, did AFP advise Government not to speak publicly about repatriations?

The release of any public statements regarding the recent repatriation is not a matter for the AFP.

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Foreign Fighters

Overview

- Foreign Fighters, who are Australian citizens travelling offshore to fight with foreign terrorist and extremist groups present an ongoing threat.
- The AFP remains committed to international cooperation to meet the common goal of disrupting, prosecuting and managing foreign fighters.
- The movement of foreign terrorist fighters into South East Asia will remain an ongoing challenge as Islamic State remains networked and continues to influence South East Asia extremist groups.
 - This requires the AFP and its partners to maintain close engagement, share intelligence and undertake joint operations.
- The AFP Posts in the Middle East collaborate with governments, law enforcement and intelligence partners in managing foreign terrorist fighters.
 - There are 7 AFP appointees deployed to middle east countries:
 - 2 in United Arab Emirates (Abu Dhabi and Dubai);
 - 2 in Turkey (Ankara);
 - 2 in Jordan (Amman); and
 - 1 in Lebanon (Beirut).
 - Deployments have improved the AFP capability to exploit evidence and intelligence from the conflict zone.

The AFP's international footprint and the ability to obtain evidence, collect and share intelligence, and interact with persons of interest in the conflict zone, remains critical to managing foreign terrorist fighters.

If asked, are you concerned about the impact of Afghanistan on Australia's CT threat environment?

- The resurgence of the Taliban in Afghanistan will have a significant impact on the security situation in the Middle East:

- The Taliban's control of Afghanistan may embolden terrorist organisations and their affiliates.
- Opportunities exist for ISIL and AQ to re-establish in ungoverned spaces in Afghanistan and to influence terrorism globally.
- We expect that ISIL will transform and re-establish transnational links to ensure they can increase their ability to direct or influence terrorism in other parts of the globe:
 - There is also the potential for AQ to rebuild its networks, including re-enabling its capability to commit international terrorist acts.
- AFP officers will continue to collect evidence to prosecute Foreign Fighters and assist with intelligence collection specific to threats emanating from Afghanistan.
 - The AFP continues to assess the impact the Taliban's re-emergence will have on Australia's threat environment.
- Australia has strong Counter-Terrorism laws aimed at discouraging Australians from fighting in overseas conflicts, supporting terrorist organisations, and endangering their lives and the lives of others.
- The AFP is well positioned to respond to emerging threats facing Australia and Australians.
 - See **Attachment C** - Home Affairs key brief ISIL-linked Australians in detention or internally displaced persons camps in Syria

If asked, has the AFP seen any impact as a result the conflict in the Ukraine?

- Since late February 2022, the AFP is aware of 47E individuals who have travelled to Ukraine from Australia as 47E (b) have returned as at 30 September 2022).
- While it is not an offence for an Australian to serve with armed forces of the government of a foreign country, the Australian Government advises Australians not to travel to Ukraine due to the volatile security environment and military conflict.
- The AFP and its partners continue to monitor Australians who may be interested in travelling to Ukraine to engage in hostilities, including Australian visa and passport holders offshore.

- The AFP’s Criminal Assets Confiscation Taskforce (CACT) is supporting DFAT’s Sanctions Office, through our skillset and expertise in the pro-active identification of assets frozen pursuant to Australia’s autonomous sanctions laws.

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Ideologically Motivated Violent Extremism

- The number of individuals who adhere to an Ideologically Motivated Violent Extremist (IMVE) ideology continues to grow and spread across the country.
 - Our primary concern is when extremist views develop into planning or facilitation of violent activities. If people commit a crime they will be charged.
- IMVE propaganda with extremist narratives influences a broad audience.
 - This comes in many forms including by spreading disinformation, conspiracy theories, and in some cases to incite violence.
 - The uptake of social media enables like-minded individuals to communicate and spread online messaging to an extent not previously possible.
- Any action by the JCTTs is only one aspect of the response that may be undertaken. This does not capture other operational activity on IMVE related matters undertaken by State and Territory police as part of a standard policing response.
- Law enforcements' range of disruption tools includes:
 - executing search warrants to disrupt activity at an early stage;
 - State firearms legislation, including removal of firearms and execution of Firearm Prohibition Orders; and
 - Conduit between Commonwealth and state-led Countering Violent Extremism programs to assist in identifying and assessing individuals for referral.

Recent CT Charges

- On 13 September 2022, the NSW JCTT an additional four charges against a male young person, who adheres to an IMVE ideology, specifically a nationalist and racist violent extremist ideology s 47F(1)
s 47F(1)
 - The additional charges includes four counts of ‘Using a carriage service to menace, harass or cause offence’ section 474.17(1) of the *Criminal Code Act 1995* (Cth); and one count of ‘Advocating Terrorism’ section 80.2C(1) of the *Criminal Code Act 1995* (Cth).
 - The young person has remained in custody since his arrest on 3 April 2022. Initial charges on 3 April 2022 involved seven counts of ‘Using a carriage service to make a threat to kill’, section 474.15 *Criminal Code 1995* (Cth), and one count of ‘Use a carriage service to menace, harass or cause offence,’ section 474.17(1) of the *Criminal Code Act 1995* (Cth). [OP ERTBRUGGE]
- In August 2022, the WA JCTT charged an individual who remains before the court on various state based offences.
 - These offences include the act of creating false apprehension as to existence of threat or danger, contrary to section 338C(1)(a) of the *Criminal Code Compilation Act 1913* (WA), in addition to one count of possessing prohibited weapon contrary to section 6 of the *Weapons Act 1999* (WA) and the cultivation and possession of cannabis contrary to section 7 *Misuse of Drugs Act 1981* (WA). [OP LUDZA]
- In August 2022, the AFP successfully applied for and obtained an Intensive Supervision Order (ISO) against a Victorian individual.
 - This marks the first use of this legislation.
- In March 2022, the SA JCTT charged a young person with Possess extremist material, section 37 *Summary Offences Act (Extremist Material) 1953* (SA); Possess information for terrorist acts, section 83CA of the *Criminal Law Consolidation Act 1935* (CLCA) (SA); and Take steps in the process of manufacture explosives, section 83N(3) *CLCA*. The matter remains before court. [Op ALDINGHAM]
- In April 2022, the NSW JCTT charged a 44 year old man with Use a carriage service to make a threat to kill, s. 474.15(1) of the *Criminal Code*; and Threatening to cause

serious harm to a Commonwealth Public Official, Section 147.2(1) of the *Criminal Code*. The matter remains before court. [Op ABERYSTWYTH]

- In May 2022, the NSW JCTT charged a young person with ‘Damaging property by means of explosives’, section 195(1)(b) *Crimes Act 1900* (NSW); ‘Possess, supply or making of explosives’, section 93FA *Crimes Act 1900* (NSW); and ‘Possess child abuse material’, section 91H(2) *Crimes Act 1900* (NSW). The matter remains before court. [Op DUNSOGHLY]
- In May 2022, the WA JCTT charged a juvenile with ‘Possess child exploitation material’, section 220 *Criminal Code Compilation Act 1913* (WA); ‘Possessing prohibited drug with intent to Sell / Supply / Offer’, section 6(1)(c) *Misuse of Drugs Act* (WA); ‘Being armed in a way that may cause fear’ section 68(1) *Criminal Code Compilation Act 1913* (WA); and ‘Conspiracy to commit Indictable offence being acts likely to endanger the health life or safety of any person’ section 558(1)(a) *Criminal Code* (WA) by virtue of Section 304 (1)(b) of the *Criminal Code* (WA). The matter remains before the court.
- In June 2022, Cooktown Police on behalf of the QLD JCTT arrested and charged a man with ‘Impersonation of a Commonwealth official’ section 148.1 (2) *Criminal Code*; and ‘Unlawful importation’ section 233 (1)(b) of the *Customs Act 1901* (Cth). The matter remains before the court. [Op BOURSCHIED]

Impact of COVID

- Extremists, whether religiously, politically or ideologically motivated, took advantage of the COVID-19 pandemic’s government restrictions, to exploit public fear and recruit vulnerable individuals.
 - Increased time spent online can lead to further recruitment of individuals who may be more susceptible to online radicalisation and extremist messaging.
 - Extremist groups are deliberately targeting young and vulnerable individuals for radicalisation. This is compounded by other factors such as unemployment, family stress and financial hardships.

Terrorist Organisation Listing

- To date, **three Ideologically Motivated Violent Extremism groups** have been listed as a proscribed terrorist organisation in Australia:
 - On 18 February 2022, the National Socialist Order (NSO) was listed as a terrorist organisation under the Criminal Code.
 - On 18 March 2021, the Sonnernkrieg Division (also known as SKD; Sun War Division) was listed as a terrorist organisation under the Criminal Code.
 - On 10 December 2021, The Base was listed as a terrorist organisation under the Criminal Code.

If asked for AFP's views on the AMAN proposals:

- The decision to publicly describe something as terrorism, or an act of terror, it is a matter for ASIO.
- To activate the counter-terrorism powers contained within Part 5.3 of the *Criminal Code 1995* (Cth) the AFP, and state and territory police, must satisfy various legislated thresholds.
 - Where met, the legislated thresholds enliven a number of **critical counter-terrorism powers that enable police to respond to an incident in a timely manner to protect the Australian community;**
 - **Police cannot and do not enliven counter terrorism powers to draw inferences or so they can comment on an individual's guilt.**
- AFP, and State and Territory Police partners, responds to and investigates terrorism related incidents and activities and brings charges against individuals where offences have been committed.
 - The AFP and State and Territory Partners then provides briefs of evidence to the CDPP and ultimately the **court determines** the guilt and mental state of the accused.
- See **Attachment B** – s 47E(d)

Attachments

A: CT Powers

B: s 47E(d)

C: Home Affairs key brief ISIL-linked Australians in detention or internally displaced persons camps in Syria

D: MHA Media Release on repatriations – 29 October 2022

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Transnational Serious and Organised Crime (TSOC)

- Approximately **70%** of Australia’s serious and organised crime threats are based offshore or have strong offshore links.
- In 2021-22, the AFP was involved in **266** international disruptions.
- Insights from Operation IRONSIDE reaffirmed that trusted insiders are one of the highest threats to the integrity of Australia’s cargo supply chains.
- In 2021–22, the AFP seized **21.6 tonnes** of illicit drugs and precursors; representing **\$7.2 billion in avoided harm** to the Australian community.
- With **AFP assistance**, a total of **25.1 tonnes** of illicit drugs were seized by International law enforcement partners.
- Between 1 July 2021 and 30 September 2022, the AFP charged **85 people** with money laundering offences.

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Dark web

- The dark web increasingly hosts large-scale, complex and anonymous platforms to facilitate the most serious of crimes, including child sexual abuse, drugs and firearms trafficking, extremist content and sale of stolen identification documents.
- A key obstacle to investigating these crimes is attributing criminal activity to particular individuals, organisations, premises or devices due to anonymising technology on the dark web.
- Globally, law enforcement maintains a presence in DarkNet Marketplaces. Through our strong international partnerships, many marketplaces have been taken down.
 - E.g. AlphaBay and Hansa.

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Drugs

- In 2021-22, the AFP seized approximately **21.6 tonnes** of illicit drugs, and charged **153** offenders with **246** drug offences.
 - Drugs seized by the AFP equates to **preventing \$7.2 billion** in drug related harm to the community (Drug Harm Index).
- In February 2022, the Australian Border Force (ABF) detected a poly-drug importation of approximately 28 kgs (11 kgs pure weight) of **fentanyl** and 30 kilograms of methamphetamine.
 - This was the largest fentanyl seizure recorded in Australia.
 - Fentanyl is a synthetic opioid that is up to 50 times stronger than heroin and 100 times stronger than morphine.
 - A fatal dose of fentanyl is 2 mg, which is roughly the weight of two grains of salt, meaning this seizure had the potential to prevent 5.5 million lethal doses entering our community.

If asked about the ACT's Drugs of Dependence (Personal Use) Amendment Bill

- Ultimately, this is a matter for the ACT Government – questions on the ACT illicit drug policies Bill should be directed to the ACT Government.
 - ACT Policing is providing law enforcement perspectives on the proposed reforms.
- Police see first-hand the connections between illicit substance use, with the cycles of crime, including violent and organised crime, placing the broader community's safety at risk.
- From a law enforcement perspective, we do not want to see the ACT (or any location in Australia) become a safe haven for organised crime to engage in illicit drug supply and trafficking (or narco-tourism) and the unintended consequences that brings for other serious offending and criminal activity.

Domestic drug seizures

Domestic Drug Seizure Statistics*		
Drug Group	Reporting Net (kg/lt)	DHI Value (\$m)
Cannabis	1284.1	11.84
Cocaine	3041.4	1960.91
Hallucinogen	222.7	50.95
Opiate/Opioid	1162.3	1523.98
Precursor	1396.8	553.01
Sedative	981.6	445.31
Steroid	6.3	1.51
Stimulant	13807.5	3159.02
Other	237.4	0

*Note – these statistics were calculated after the 2021-22 Annual Report was prepared and may vary from statistics published.

Reporting Drug Net by State/Territory (kg/lt) *									
Drug Group	VIC	NSW	WA	QLD	SA	NT	ACT	TAS	TOTAL
Cannabis	145.5	537.4	177.7	365.7	0.1	0.1	21.5	0.1	1,284.10
Cocaine	666.2	1506.6	392.4	173.1	303.1	0	0	0	3,041.40
Hallucinogen	39.2	141.5	4.2	22.8	3.1	12	0	0	222.70
Opiate/Opioid	873.8	260.8	5	22	0.7	0	0	0	1,162.30
Precursor	4	1389.8	3.1	0	0	0	0	0	1,396.80
Sedative	336.9	516	56.9	35.1	0	36.3	0.4	0	981.60
Steroid	1.5	3.9	0.2	0.4	0	0	0.3	0	6.30
Stimulant	7706.8	5385.3	464.9	189	60.7	0	0.9	0	13,807.50
Other	101.3	106.6	0.1	19	10.1	0	0.2	0.1	237.40
Total	9,875.2	9,847.9	1,104.4	827.1	377.7	48.3	23.3	0.2	22,104.10

*Note – these statistics were calculated after the 2021-22 Annual Report was prepared and may vary from statistics published.



Previous Annual Report Domestic drugs seized

<i>Previous Annual Report Illicit drugs and precursors seized at the border or domestically</i>		
<i>Year</i>	<i>Tonnes</i>	<i>Avoided Harm (billions)</i>
2020-2021	38.4	15
2019-2020	18.6	6
2018-2019	14.9	5.8
2017-2018	17	-

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International drug seizures

International Disruptions Drug Seizure Statistics*	
Top 6 drug type	Seizure Weight (kg)
Methamphetamine	12,259
Cocaine	7,856
Cannabis (THC,CBD)	1,855
Acetone	1,500 + (1,254 ltr)
Ketamine	1,047
Heroin	202

Top 5 Countries Recorded as a Drug Source*		
		Seizure Weight (kg/lt) by Source Country
1	*Yet to be determined	11,396
2	Myanmar	10,885
3	Peru	2,754
4	Brazil	633
5	Malaysia	406

*Source country has yet to be determined or recorded.

Note: This table displays drug seizures by the top 5 countries which were seized overseas by local police services with AFP assistance during 2021–22.

Previous Annual Report International drugs seized with AFP assistance

Previous Annual Report Illicit drugs seized by overseas police services with AFP assistance		
Year	Tonnes	Avoided Harm (billions)
2020-2021	19.4	7
2019-2020	23	6
2018-2019	40	2.9
2017-2018	28	-

Operating Environment

- Australians are among the highest per capita users of illicit drugs in the world, particularly cocaine and methamphetamine.
 - Australia is an alluring target for TSOC due to high consumer demand and high relative prices, the latter influenced by the interplay between law enforcements efforts and the 'risks and prices' framework.
 - The Australian Institute of Criminology (AIC) has reported that higher purity-adjusted drug prices results in reduced drug related harm.
- The Australian Criminal Intelligence Commission's (ACIC) 16th Wastewater Report was released 30 June 2022 and gives insights into drug use in Australia:
 - Methylamphetamine was the most consumed illicit drug.
 - Australia had the highest methylamphetamine consumption per capita compared with 24 other countries.
 - During the reporting period, illicit stimulant markets showed early signs of increased consumption, but not yet to levels recorded previously.
- *Additional information can be found in **SB22-000094 - Drug Decriminalisation: law enforcement perspectives.***

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Money Laundering

- Between 1 July 2021 and 30 September 2022, the AFP:
 - charged **15 people** in dealing with illicit wealth in excess of \$1 million;
 - charged **37 people** with laundering offences of less than a million dollars; and
 - charged **26 people** with dealing in money or property reasonably suspected of being proceeds of crime.
- Professional enablers (including real estate agents, lawyers, accountants) continue to play a significant role in money laundering activities.
 - Targeting of professional enablers remains a key focus for the AFP as a mechanism to disrupt transnational serious and organised crime.
- The AFP hosted a **Senior Officers Money Laundering Conference** in August 2022, to bring together Commonwealth, State, and Territory partners to discuss the money laundering environment and to enhance Australian law enforcement responses.

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National Anti-Gangs Squad

- The National Anti-Gangs Squad has led to:
 - the arrest of more than **1,500 offenders**;
 - seizure of over **6,200 illicit firearms and firearms parts**;
 - seizure of over **\$18 million cash**; and
 - seizure of over **2.5 tonnes of illicit drugs** and precursors.
- In 2021-22, the AFP-led National Anti-Gangs squad:
 - laid **124 charges** against 66 offenders;
 - seized over **\$2.35 million** in cash;
 - seized **96 illegal firearm parts**; and
 - seized approximately 38kg of methamphetamine;
 - 37kg of cocaine;
 - 6kg of cannabis; and
 - 6kg of heroin.
- Outlaw Motor Cycle Gangs members and their associates comprised **110 of the 349 arrests** in Operation IRONSIDE.
 - A number of these arrests included office-holders.

Operating Environment

- The most recent ACIC Outlaw Motor Cycle Gangs Threat Assessment (September 2020), identified **38** 'one percent' Outlaw Motor Cycle Gangs operating in Australia, with more than **4,700 patched members** and 1,000 prospective members.
 - This is similar to previous assessments.
 - NSW has the most Outlaw Motor Cycle Gangs chapters and members by a significant margin.
- Recent trends show that smaller clubs are losing members and the ten main Outlaw Motor Cycle Gangs are attempting to recruit new members.

If asked: does the AFP support the proposed anti-consorting laws in the ACT?

- Ultimately this is a matter for the ACT Government. The AFP supports laws which make illegal activity more difficult.

Operational Results

	FY 2021-22	FY 2020-21	SINCE INCEPTION (2013-2022)
Arrests	66	64	1350
Charges	124	231	4326
Firearms	96	99	6002
Cash	\$2,300,000	\$3,609,018	\$16,861,579

SINCE INCEPTION (2013-2022)				
	Arrests	Charges	Firearm/ parts	Cash
NSW	97	566	183	\$4,292,440
VIC	335	899	5569	\$3,746,225
QLD	510	1710	55	\$1,714,632
WA	193	645	71	\$4,677,356
SA	86	127	20	\$1,929,236
TAS	58	247	77	\$293,425
NT	75	126	25	\$208,265
ACT	1	6	2	\$0
TOTAL	1355	4326	6002	\$16,861,579

Resource Allocation

Location	Strike Teams	Additional National Anti-Gangs Squad NPP funded positions
Sydney		
Melbourne		
Brisbane		
Perth		
Adelaide		s 47E(d)
Canberra		
Darwin		
Hobart		

National Anti-Gangs Squad Funding

\$millions	2019-20	2020-21	2021-22	2022-23	Total
Australian Federal Police – Expense	23.104	21.745	23.292	22.461	90.603
Australian Federal Police Capital	3.115	0.250	0.330	0.080	3.775
Total Impact on Fiscal Balance	26.219	21.995	23.622	22.541	94.378
Total Impact on Underlying Cash	26.219	21.995	23.622	22.541	94.378

Operation IRONSIDE

- In the days of action on 7-8 June 2021, **more than 4,000 AFP, State and Territory Police were involved** in executing warrants across Australia.
- The **second phase** of Operation IRONSIDE commenced on **8 December 2021** and focused on regulatory and preventative activity.
 - A number of targets from Phase 2 have been referred to partner agencies including the Australian Tax Office (ATO), Australian Transaction Reports and Analysis Centre (AUSTRAC), ACIC, ABF and state police.
- Criminal proceedings have commenced with substantive hearings expected in late 2022 and early 2023.
- As at 9 October 2022, statistics for Australian-based activity are as follows:
 - **778** search warrants executed;
 - **388** offenders charged;
 - **2381** charges laid;
 - **29** threats to kill identified;
 - **6** clandestine labs shut down;
 - **131** weapons/firearms seized;
 - **\$55.6** million seized; and
 - **5,565** kg of drugs seized by Australian agencies.
- **International statistics** provided by the EUROPOL Task Force, which includes Australia, reported on 31 August 2021:
 - **993** Arrests;
 - **1041** Search Warrants;
 - **220** firearms seized;
 - **\$58** million USD seized; and
 - **42+** tonnes drugs seized.

AFP spending on Operation IRONSIDE

- As at 30 September 2022, the AFP spent a total of **\$56.1m** on Operation IRONSIDE.
 - As at 30 September 2022, the AFP spent a total of **\$3.2m** on overtime.

	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23 (Sep 22)	TOTAL
Total Op IRONSIDE costs to 30 Sep 2022	\$2,254	\$478,314	\$3,301,653	\$28,758,695	\$21,311,951	\$2,264,073	\$56,116,940

Note: These costs are not marginal. They represent the total effort the AFP applied to Operation IRONSIDE but not the additional cost to the AFP.

Countries and agencies involved in Operation IRONSIDE

1	AUSTRIA	Criminal Intelligence Services Austria (Bundeskriminalamt)
2	AUSTRALIA	Australian Federal Police
3	GERMANY	Federal Criminal Police Office (Bundeskriminalamt) (Germany)
4	DENMARK	National Police of Denmark
5	ESTONIA	Estonian Police and Border Guard BORD
6	FINLAND	National Bureau of Investigation Finland
7	HUNGARY	Hungarian National Bureau of Investigation (HNBI)
8	LITHUANIA	Lithuanian Criminal Police Bureau
9	NETHERLANDS	National Police of the Netherlands
10	NORWAY	National Criminal Investigation Services (NCIS) (Norway)
11	NEW ZEALAND	New Zealand Police
12	SWEDEN	Polisen, Swedish Police Authority & Swedish Customs
13	UK	National Crime Agency (NCA)
14	SCOTLAND	Scotland Police
15	USA	FBI, Drug Enforcement Administration (DEA)
16	CANADA	Royal Canadian Mounted Police

Note: For legal reasons, not all countries involved are named.

Legislative Compliance

- Data was captured under warrants issued in accordance with legislation under the *Surveillance Devices Act 2004* (issued by independent issuing authorities).
- The AFP committed significant resources to support legislative compliance, including a full time, dedicated Compliance Coordinator to provide advice to investigators

across the country and liaise with AFP Legal and, in each AFP command, a local compliance expert has been available 24/7.

- Devices were only available from underground criminal distributors. **They were not available for purchase via legitimate retailers.**

If asked about the number of phones/active users of ANOM:

- The number of Australian-related devices were **1,659**, with the number of Australian-related messages amounting to **19.37 million**.
- The total amount of users is too complex to determine.

If asked how much was the individual paid to develop the ANOM app, and who paid – FBI or AFP?

- This element of the operation was not managed by the AFP.
- The FBI managed the platform and the AFP developed the technical capability that allowed law enforcement to access, decrypt and read communications.

If asked, why did the AFP go public on 8 June 2021? Why not keep monitoring?

- The resolution phase took place at this time due to the expiration of a number of overseas warrants.
- Once it became known that the platform was being run by law enforcement, it was unlikely that the criminals would have continued to use it.

If asked, about the difference between encrypted devices such as ANOM and legitimate encryption services

- ANOM involved the use of customised phone handsets to permit end-to-end encrypted communications exclusively between users of the platform.
- These devices were **only available from underground criminal distributors**. They were not available for purchase via legitimate retailers.
 - These devices could not be used to communicate outside of the encrypted service.

- Devices are provided with a pre-activated foreign roaming SIM card which does not require the provision of any identification and the user can generally pay to have the service and SIM card's activation extended.
- The resellers are not generally registered as an Australian business or do not declare any income derived from these for official business purposes.

If asked, was AFP central to Operation IRONSIDE because it is effectively a work-around for the FBI to do things they couldn't legally do in the US?

- Operation IRONSIDE was the Australian investigation and operated in parallel to the FBI's Operation Trojan Shield and the Europol's Greenlight Taskforce.
- AFP became involved through the partnerships and support it provided to Operation SAFE CRACKING, a joint operation resulting in the takedown of the pioneers of dedicated encrypted communications platforms – Phantom Secure.
- The joint decision to trial the concept of distributing an encrypted platform where Australian law enforcement had first access was due to:
 - AFP's involvement in Operation SAFE CRACKING, and
 - Operation SAFE CRACKING identified Australia as a heavy user of encrypted communications devices encrypted communications.

If asked for details of the threat to life matters

- I am unable to specify these matters in detail; however, they involve threats to burn down homes and threats of violence such as shootings and stabbings.
- These threats were towards people involved with organised crime but the nature of the offending had the capacity to affect innocent members of our community.

If asked about IRONSIDE legal challenges

- As these matters are currently before the Court, it would not be appropriate for the AFP to make any further comment.

If asked about the AFP Press Conference by AC Ryan (related to Italian Organised Crime)

- I am aware of media reporting concerning public statements made by AFP Assistant Commissioner, Nigel Ryan.

- AFP targets criminality not countries or ethnic groups.
- Operation IRONSIDE highlighted new targets to the AFP, such as Italian organised crime.

Taskforce CENTINEL

- Taskforce Centinel (AFP, ABF, Home Affairs, ACIC, and State partners) targets serious organised crime exploitation of border supply chains particularly via trusted insiders.
- Insights from Operation IRONSIDE have reaffirmed that one of the highest threats to the integrity of Australia’s cargo supply chains is trusted insiders.
 - **39 trusted insiders have been arrested** following Operation Ironside and subsequent Taskforce Centinel activities.
- Taskforce Centinel is developing a multi-agency **National Supply Chain Threat List**, to drive treatment activities against trusted insiders and other supply chain threats.
- Since the start of 2022, intelligence has led to the detections of over 8 cocaine importations through the maritime environment.
 - E.g. 149kg of cocaine seized on the Spirit of Sydney container vessel in May.

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Fugitive Apprehension Strike Team (FAST)

- AFP established the Fugitive Apprehension Strike Team (FAST) in 2021 as to pursue and arrest fugitives wanted for serious Commonwealth, State and Territory offences.
- Since establishment, the FAST has supported the following actions:
 - **11** fugitives have been arrested in Australia by the FAST, and the FAST has enabled and facilitated the arrest of 5 alleged offenders overseas.
 - The arrests relate to alleged serious offences, including – murder, child sex offences, drug offences, fraud, and driving offences causing injuries.

If asked about extraditions

- Questions regarding the extradition process, and specific matters should be directed to AGD.

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Operation GAIN

- Operation GAIN is an AFP-led taskforce targeting Australia’s most entrenched and complex offshore TSOC threats.
- The taskforce works with national and international agencies and has achieved:
 - 2 domestic arrests and four arrests of internationally-based TSOC targets;
 - restraint of approximately **AUD \$8 million in assets**;
 - enduring disruption of a high level TSOC target; and
 - the disruption of an importation of approximately **1 tonne of cocaine**.

If asked about Mark Buddle - Operation GAIN-ORION

- I am limited in what I can say in relation to this matter, as it is before the courts.
- The charges relate to the alleged importation of **cocaine** into Melbourne in May 2021.
- This arrest was a significant milestone in our efforts to disrupt transnational serious organised crime.
 - Turkish authorities made the independent decision to deport Mr Buddle to Australia.
- AFP was well placed to respond to the Mr Buddle’s return due to the progress of an ongoing AFP criminal investigation and the AFP’s strong international network.

If asked about AFP’s involvement in the investigation

- Mr Buddle has been a target of the AFP-led Transnational Offshore Disruption Taskforce, known as Operation GAIN, since March 2021.
- The AFP has been methodical and patient in putting together a brief of evidence to ensure the man can face the justice system.
 - AFP provided a full brief of evidence to the CDPP for an assessment in January 2022.

- In mid-July, 2022, a Melbourne Magistrates Court issued an arrest warrant for the man in relation to the alleged importation of cocaine.
- In late July, an Interpol Red Notice for the man was issued in relation to the importation of 160kg of cocaine.

If asked about media reporting on the detention and possible deportation of Mr Buddle's ex-partner:

- I am aware of media reporting that Turkish authorities detained the individual's former partner.
- Any decision by a country to deport a person is solely a matter for that country in accordance with its laws and procedures.
- It would not be appropriate to further comment at this time.

Attachments:

A: Recent drug investigations

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Criminal Assets Confiscation Taskforce

- Since the AFP-led Criminal Assets Confiscation Taskforce (CACT) was established in 2011, it has:
 - restrained more than **\$1.2 billion** (gross) in criminal assets; and
 - recovered approximately **\$500 million** (net) of property for redistribution into crime prevention, law enforcement and community safety measures.
- As at 30 September 2022, the CACT has restrained in excess of **\$620 million** (gross) against the five-year target of \$600 million set by the Commissioner for the period 1 July 2019 to 30 June 2024.
- In 2021-22, CACT restrained in over **\$138.2 million** (gross) in criminal assets, with \$58.7 million confiscated.
- In 2021-22, the Return on Investment (ROI) for assets confiscation was 2.76 against a target of 1.
 - The ROI is based on a total benefit of **\$58.7 million** of confiscated assets against Taskforce costs of **\$21.3 million**.

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Overview

- CACT is AFP-led, and includes the ACIC, ATO, AUSTRAC and ABF.
- CACT’s model of Australia-wide, co-located teams of police, litigation lawyers, financial investigators, forensic accountants and partner agency specialists, is world-leading as a model for criminal assets confiscation.
- In 2021-22, CACT had a total of [REDACTED] s 47E(d)
[REDACTED] s 47E(d)
- Refer to Attachment A for significant CACT matters.

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Cuckoo-Smurfing

- Cuckoo-smurfing is a money laundering typology that uses overseas transfers to give proceeds of crime the appearance of having come from a legitimate source.
 - A person based overseas provides their funds to a money remitter plus a fee to have the money sent to an Australian account.
 - The remitter does not send the money to Australia. Instead, the remitter provides the Australian account details to a criminal syndicate in Australia who deposits 'dirty' money (of the same value) into the Australian account.
 - The overseas money remitter gives the criminal syndicate access to the original money.
- The deposits are often made by cash mules ('smurfs') in amounts less than \$10,000, to avoid Anti-Money Laundering and Counter-Terrorism Financing reporting requirements.
- In addition to taking proceeds of crime action, the AFP is countering this issue by:
 - Targeting money laundering organisations, including the use of cash mules.
 - Partnering with the private sector and Non-government organisations on education campaigns to dissuade cash mules and educate account holders on the signs of this methodology.
 - Contributing to the AUSTRAC led 'Financial Crime Guide' to assist remittance providers, banking and financial services business to identify and report cuckoo-smurfing.

Victim Compensation / Third Party Protections

- *Proceeds of Crime Act (POCA)* does not contain a mechanism for compensation to victims of crime (noting the Commonwealth is often the victim e.g. fraud and tax avoidance).
 - This would require a policy change, which is a matter for government.
- However, the POCA has **provisions for the protection of persons**, in particular third parties, who have an interest in property that is subject to a restraining order, including:
 - **Allowance for expenses**: a court may allow expenses to be met using property covered by a restraining order, where the court is satisfied the person cannot meet the expenses by other means (s.24).
 - E.g. living expenses, business expenses, or a specified debt.
 - **Hardship**: in non-conviction-based matters, a court must make an order directing the Commonwealth to pay money to a dependant, if satisfied that a forfeiture order would cause hardship to a dependant (s.72)
 - Note: for dependant over 18 years old, the court must be satisfied the dependant had no knowledge of the person's conduct, subject of the forfeiture order.
 - **Exclusion**: a court must make an order excluding a person's interest in property from the operation of a restraining, forfeiture order, or statutory forfeiture (respectively), if satisfied the person's interest in the property is neither proceeds of unlawful activity, nor an instrument of the offence/s to which the restraint or forfeiture application relates and will not be required to satisfy a potential pecuniary penalty. Further, in relation to statutory forfeiture, the property is not an instrument of unlawful activity in relation to (ss. 29 and 73, and ss. 94).
 - **Compensation**: a court must make an order for compensation if satisfied the applicant has an interest in the relevant property; and that a proportion of the value of the applicant's interest was not derived from the commission of any offence, nor is an instrument of any offence (s.77)

Attachments

A: Significant Matters

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Telecommunications and Electronic Surveillance

- The AFP operates lawfully, in proportion to the crimes we investigate, and is committed to independent oversight.
 - The AFP acts with propriety, deploying surveillance capabilities in a legal and ethically accountable manner across AFP priority crime types including counter-terrorism, cybercrime, child exploitation and transnational serious and organised crime.
- The AFP is using powers under the *Surveillance Legislation Amendment (Identify and Disrupt) Act 2021* (Cth) (SLAID Act) to detect, deter, prevent and disrupt crime and harm at its source.
- For the first time, the AFP 2021-22 annual report provides statistics on the use of these new warrants. These will be **reported every financial year**, as required by the legislation.
- I am limited in what I can say due to operational sensitivities, as well as secrecy and non-disclosure provisions in the *Surveillance Devices Act 2004* (Cth) (SD Act) and *Crimes Act 1914* (Cth) (Crimes Act).
- AFP are proactively looking for opportunities to use these powers across all AFP's priority crime types, including Counter-Terrorism, organised crime, cybercrime and child protection.

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Commonwealth Ombudsman Inspections

- From December 2019 to present, the Commonwealth Ombudsman has completed **24 inspections** of AFP:
 - Under the *Telecommunications (Interception and Access) Act 1979*, *Telecommunications Act 1997*, *Surveillance Devices Act 2004* and *Crimes Act 1914*.
- The Ombudsman conducted its first digital surveillance inspection for powers introduced under the *Surveillance Legislation Amendment (Identify and Disrupt) Act 2021* (SLAID) in May 2022.

If asked about the Commonwealth Ombudsman's Annual Report tabled on 7 September 2022, in relation to agency compliance with the TIA Act.

- The Ombudsman's Report relates to inspection undertaken by the Ombudsman in January and February 2021, covering historic records for the period 1 July 2019 to 30 June 2020.
- Since this time the AFP has proactively worked with the Ombudsman to address issues raised. The AFP is confident that the findings of the Ombudsman in this report have been addressed.
- The number of findings identified during an inspection is not necessarily an accurate indicator of the strength of a compliance culture, noting the degree and significance of non-compliance varies depending on the nature of the finding.
- In this report, the Ombudsman noted agencies proactively identified and disclosed several issues and that most agencies were receptive to its findings, demonstrating a commitment to continuous improvement.
- The AFP has, in consultation with the Ombudsman transitioned to electronic records, enhancing the ability to identify and prevent administrative issues.
- The AFP welcomes and appreciates the valuable oversight role of the Ombudsman across the AFP's statutory powers and proactively works in partnership with them to ensure compliance and support continuous improvement in the AFP's application of its statutory powers.

- The AFP remains committed to ensuring a robust and transparent compliance culture, including discharging its statutory obligations.

If asked about the media reporting on the Attorney-General's review of an expansion of surveillance powers: See [Attachment A](#)

- The AFP is aware of an article published by The Saturday Paper on 24 September 2022.
- The AFP refutes inferences that the AFP persistently misuses powers afforded under the *SD Act* and the *TIA Act*.
- The AFP welcomes oversight of its use of covert collection powers by the Commonwealth Ombudsman and proactively works with the Ombudsman to improve our application of these powers.
- Senior officers responsible for approving telecommunications data authorisations are required to undertake training annually. Authorising Officers are specifically required to consider whether any interference with the privacy of any person or persons that may result from the disclosure or use of the information/documents specified is justifiable and proportionate having regard to the seriousness of the offence and likely usefulness of the information.
- The AFP welcomes reform to electronic surveillance legislation, as recommended by the Richardson Review in 2020, and is proactively engaging with Australian Government partners, including the Attorney General's Department, to support legislative reform.

ACT Policing telecommunications data breach

- In early January 2020, the AFP identified a significant number of compliance issues, dating back to 2007, in relation to ACT Policing's use of prospective data requests (s 180(2) of the *TIA Act*).
- Once the AFP identified the scope of the breaches, it formally self-disclosed to the Commonwealth Ombudsman on 24 January 2020.
- In March 2020, the AFP engaged PricewaterhouseCoopers, to conduct an audit into these compliance issues.

- The Commonwealth Ombudsman subsequently undertook an Own Motion Investigation. The Ombudsman published its report in April 2021.
- AFP accepted the 8 recommendations of the Commonwealth Ombudsman.
- The Commonwealth Ombudsman assessed AFP’s progress implementing these recommendations in February 2022.
 - Based on actions taken by the AFP, 4 of the recommendations were considered finalised.
 - AFP has made significant progress on the remaining 4 recommendations, with feedback expected during the upcoming scheduled telecommunications data inspection in late February 2023.

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Anonymising Technologies

- While the AFP supports privacy and information security, anonymising technologies are exploited by criminals to avoid detection and access by law enforcement.
 - E.g: encrypted over-the-top apps, custom platforms, the darknet, VPNs
- In 2021-22, **94% of internet data lawfully intercepted by AFP was unintelligible** due to a significant amount of lawfully data intercepted by the AFP is encrypted.
- The AFP is developing innovative ways to address this issue including by using new powers such as Computer Access Warrants introduced by the *TOLA* Act and the 3 new warrants introduced by the *SLAID* Act.

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Telecommunications and other Legislation Amendment (Assistance & Access) Act 2018 (TOLA)

AFP TOLA Statistics – by reporting year		December 2018 - 30 June 2019	2019/20 FY	2020/21 FY	2021/22 (not yet published)
Sch. 1	TARs	5	3	2	2
	TANs (Internal)	0	0	0	0
	TCNs	0	0	0	0
	S/T TANs approved by AFP Comm.	0	0	1	0
Sch. 2	CAWs	7	16	13	12
Sch. 3	Section 3LA	AFP does not record statistics			

Computer Access Warrants

- **20** Computer Access Warrants have been issued for terrorism-related investigations and control order monitoring since their introduction in December 2018.
 - 30 Computer Access Warrants have been issued for other serious offending.

Industry Assistance

- Since TOLA commenced in late 2018, **12** Technical Assistance Requests have been given by the AFP (as of 30 September 2022) for cybercrime, organised crime, drug trafficking and importation, child abuse material and telecommunications offences.
- To date, no internal Technical Assistance Notices or Technical Capability Notices have been given by the AFP.
- On 12 November 2020, the AFP Commissioner approved a Technical Assistance Notice from a State Police Agency.
 - This is the only time a State/Territory Police Technical Assistance Notice considered by the AFP Commissioner.

Journalist Information Warrants

- The AFP has statutory obligations to report to Parliament on the use of journalist information warrants.
 - 6 Journalist Information Warrants were issued in 2018-19.
 - AFP has not obtained any Journalist Information Warrants since 2018-19.
- In March 2017, the AFP identified it had breached the legislation in relation to one Journalist Information Warrant and self-reported the breach which was thoroughly investigated by the Ombudsman.
 - The AFP has significantly enhanced its internal governance to mitigate the risk of further breaches.

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Surveillance Legislation Amendment (Identify and Disrupt) Act 2021

- *SLAID Act* introduced three new warrants:
 - **Data Disruption Warrants** allow the AFP to access and disrupt data in computers, to frustrate the commission of a serious offence.
 - **Network Activity Warrants** allow the AFP to collect intelligence to identify criminal networks operating online and inform applications for evidence-gathering warrants, by accessing the devices used by these networks, even if the individuals have not yet been identified.
 - **Account Takeover Warrants** enable the AFP to gather evidence about criminals and their unidentified associates, by taking control of a criminal's online accounts, and using them alongside existing powers.
- *SLAID Act* also made minor amendments to the Controlled Operations framework, to better facilitate controlled operations in the online environment.

If asked, how did the AFP implement SLAID?

- The AFP has implemented a thorough **internal training and operational awareness campaign**, to ensure all AFP members understand the thresholds and limitations, and obligations when applying for and executing these warrants.
- The AFP consulted the **Commonwealth Ombudsman** and **Inspector-General of Intelligence and Security** during guidelines and training materials development.

If asked will these powers be used on journalists?

- Press freedom considerations are explicitly included in the Act.
- The issuing officer must consider whether the public interest in issuing the warrant outweighs the public interest in (a) protecting the identity of a journalist's sources and (b) in facilitating the exchange of information between the journalist and members of the public on matters of public interest.

s 47E(d)
s 47E(d), s 47(1)

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PJCLE Remit

- The PJCLE is set up by the *PJCLE Act 2010* (Cth). Its functions as related to AFP include:
 - to monitor and review the performance of the AFP of its functions,
 - to examine the AFP's Annual Reports,
 - to examine trends and changes in criminal activities, practices and methods,
 - other related matters referred by Parliament
- The *PJCLE Act 2010* (Cth) explicitly states the PJCLE's functions **do not** include:
 - Investigating criminal activity,
 - Reviewing sensitive operational information or operational methods available AFP,
 - Reviewing particular AFP operations,
 - Inquiring into individual complaints about the AFP.

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National Anti-Gangs Squad

- The National Anti-Gangs Squad has led to:
 - the arrest of more than **1,500 offenders**;
 - seizure of over **6,200 illicit firearms and firearms parts**;
 - seizure of over **\$18 million cash**; and
 - seizure of over **2.5 tonnes of illicit drugs** and precursors.
- In 2021-22, the AFP-led National Anti-Gangs squad:
 - laid **124 charges** against 66 offenders;
 - seized over **\$2.35 million** in cash;
 - seized **96 illegal firearm parts**; and
 - seized approximately 38kg of methamphetamine;
 - 37kg of cocaine;
 - 6kg of cannabis; and
 - 6kg of heroin.
- Outlaw Motor Cycle Gangs members and their associates comprised **110 of the 349 arrests** in Operation IRONSIDE.
 - A number of these arrests included office-holders.

Operating Environment

- The most recent ACIC Outlaw Motor Cycle Gangs Threat Assessment (September 2020), identified **38** ‘one percent’ Outlaw Motor Cycle Gangs operating in Australia, with more than **4,700 patched members** and 1,000 prospective members.
 - This is similar to previous assessments.
 - NSW has the most Outlaw Motor Cycle Gangs chapters and members by a significant margin.
- Recent trends show that smaller clubs are losing members and the ten main Outlaw Motor Cycle Gangs are attempting to recruit new members.

Operational Results

	FY 2021-22	FY 2020-21	SINCE INCEPTION (2013-2022)
Arrests	66	64	1350
Charges	124	231	4326
Firearms	96	99	6002
Cash	\$2,300,000	\$3,609,018	\$16,861,579

SINCE INCEPTION (2013-2022)				
	Arrests	Charges	Firearm/ parts	Cash
NSW	97	566	183	\$4,292,440
VIC	335	899	5569	\$3,746,225
QLD	510	1710	55	\$1,714,632
WA	193	645	71	\$4,677,356
SA	86	127	20	\$1,929,236
TAS	58	247	77	\$293,425
NT	75	126	25	\$208,265
ACT	1	6	2	\$0
TOTAL	1355	4326	6002	\$16,861,579

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Resource Allocation

Location	Strike Teams	Additional National Anti-Gangs Squad NPP funded positions
Sydney		
Melbourne		
Brisbane		
Perth		
Adelaide		6 47E(d)
Canberra		
Darwin		
Hobart		

National Anti-Gangs Squad Funding

\$millions	2019-20	2020-21	2021-22	2022-23	Total
Australian Federal Police – Expense	23.104	21.745	23.292	22.461	90.603
Australian Federal Police Capital	3.115	0.250	0.330	0.080	3.775
Total Impact on Fiscal Balance	26.219	21.995	23.622	22.541	94.378
Total Impact on Underlying Cash	26.219	21.995	23.622	22.541	94.378

Protection of High Office Holders

- The AFP Operational Intelligence Forecast Update 2022-23 has been expanded to now include Protective Security in its considerations. Key to note is:
 - s 47E(d)
 - protest activity that does occur is likely to be with little warning
 - fixated and grievance fuelled individuals will continue to be difficult to detect in advance and can escalate with little warning
 - recent assassinations of former Prime Minister of Japan and British MP Sir David Amess are unlikely to have increased the threat posed to Australian High Office Holders. The attacks do, however, provide stark reminders of the enduring risk posed by lone actors.
- The AFP undertook a review of the safety and security of Members of Parliament in late 2021, developing an internal report.
 - The report goes to the methodology and framework to provide security for Parliamentarians, so I am limited in what I can say.
- The AFP actively engages with parliamentarians and their staff regarding safety and security issues through Security Protection and Diplomatic Liaison teams located within Australian Parliament House and all AFP regional commands.
- AFP Protective Security Advisors are allocated to Parliamentarians with greater security needs due to the profile of their role (NSC member) or specific concerns for the Parliamentarian. The AFP is working with key stakeholders to enhance practices to deliver protective security arrangements for Parliamentarians.

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The threat environment

- From 1 July – 30 September 2022 the AFP received 27* reports of **threats** made against Australian High Office Holders and 143* reports of **harassing, nuisance or offensive behaviour**. See table below:

Harassing/nuisance/offensive	143
Threats - telecommunications, written or in person	27
Total	170
*Please note the total (170) includes 14 matters considered to contain elements of both Harassing/nuisance/offensive and Threats	

- The AFP Operational Intelligence Forecast Update 2022-23 has been expanded to now include Protective Security in its considerations. Key to note is:

- s 47E(d)

- protest activity that does occur is likely to be with little warning
- fixated and grievance fuelled individuals will continue to be difficult to detect in advance and can escalate with little warning
- recent assassinations of former Prime Minister of Japan and British MP Sir David Amess are unlikely to have increased the threat posed to Australian High Office Holders. The attacks do, however, provide stark reminders of the enduring risk posed by lone actors.

If asked, about protest activity?

- With COVID restrictions easing a reduction in protest activity has been observed, however cost of living pressures may see an increase in protest activity.
- Protest activity that does occur is likely to be with little warning.

If asked, is the AFP concerned about the safety of parliamentarians given recent attacks overseas, including in Japan and the UK?

- Fixated and grievance fuelled individuals tend to operate in isolation, making them difficult to detect. These individuals can escalate with little warning resulting in behaviour ranging from persistent letter writing, phone calls or social media comments to making direct contact, or in extreme cases, committing acts of violence on the individual they are fixated or hold a grievance against.
- The recent assassinations of former Prime Minister of Japan Abe Shinzo and British MP Sir David Amess are unlikely to have increased the threat posed to Australian high office holders. The attacks do, however, provide stark reminders of the enduring risk posed by lone actors. Protection interests likely remain attractive symbolic targets for terrorists and fixated and/or grievance-fuelled individuals.

If asked about threats made to Senator Pauline Hanson

- On Friday 21 October 2022, the AFP arrested a man in Brunswick West, after he made a series of online threats, including threats to kill, to Senator Pauline Hanson in September and October of this year.
- AFP officers executed a search warrant at his home, and seized electronic devices.
- The man appeared before Melbourne Magistrates Court on Friday 21 October 2022, and was charged with the following offences:
 - Use a carriage service to make a threat to kill, contrary to section 474.15(1) of the Criminal Code Act 1995 (Cth); and
 - Use a carriage service to menace, harass or cause offence, contrary to section 474.17 of the Criminal Code Act 1995 (Cth).
- He was released on bail and will reappear in court in December.

2021 AFP Internal Report into the security of Australian Parliamentarians

- AFP **continuously reviews** the threat environment and protective security settings.
- In November 2021, AFP finalised an internal report into the security provided to all parliamentarians, including exploring new models to enhance safety.
- The AFP has been engaging with Commonwealth partner agencies to strengthen the protection arrangements of Parliamentarians.

If asked, what were the recommendations or can the Report be made public?

- The report will not be made public as it relates to operational methodologies and practices for the security of Parliamentarians, High Office Holders and Internationally Protected Persons.

If asked, have the review recommendations been implemented?

- Aspects of the review have been implemented, however, I stress - the AFP **continuously reviews** the threat environment and protective security settings to ensure they are fit for purpose in the current threat environment.

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Protection security arrangements

- The AFP continually reviews the threat environment and protective security arrangements for Parliamentarians. The AFP works with state and territory law enforcement, intelligence agencies, and other Commonwealth stakeholders to deliver a scalable and tiered protective security model, that is designed to determine the overall protective security overlay delivered to a Parliamentarian through intelligence-led threat, risk and vulnerability-based assessments.
- The protective security model incorporates Close Personal Protection, Uniform Protection, Security Protection and Diplomatic Liaison members, Protective Security Advisors and other AFP specialist capabilities as required.
- As at September 2022, AFP provides **ongoing** Close Personal Protection to a number of High Office Holders, including:

-
-
-
-
-
-

s 33(a)(i)

If asked, about a particular politician's protection arrangement

- The AFP does not comment on Close Personal Protection arrangements, to ensure the safety and security of High Office Holders.
- The AFP works collaboratively with Commonwealth, State and Territory agencies to provide protective security to High Office Holders.
 - Threat and risk assessments determine the most appropriate use of resources as part of the protective security overlay.

If asked, about the cost of the CPP program

- Due to operational and personal sensitivities, the AFP does not publicly detail resourcing or costs associated with these activities.
- The AFP has a rigorous process to ensure appropriate resources mitigate threats against Australian High Office Holders and diplomatic officials.

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Missing Persons (incl National DNA Program)

- The National DNA Program for Unidentified and Missing Persons (National DNA Program) commenced on 1 July 2020 after AFP received **\$3.594m** in funding from the Criminal Asset Account.
- Under the Program, AFP has conducted a nation-wide case audit that confirmed there are approximately **2,600** long-term missing persons and **800** unidentified human remains across Australia.
- To date, the National DNA Program has matched **6** human remains with long term missing persons, and assisted the Royal Australian Navy to identify the **‘Unknown Sailor’** using new DNA testing methods.

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If asked, about privacy concerns:

- I am aware of media articles in December 2021 that raise concerns about genetic privacy.
- The DNA extracted from unidentified human remains is compared to a database of individuals who have voluntarily taken a consumer DNA test and made their DNA information available for law enforcement searching.
 - This may include the family members who are hoping to be able to identify their loved ones.

- Police never have access to a consumer’s actual DNA data, only to the results of a search showing how much DNA they share with a person of interest.
- A Privacy Impact Assessment was conducted in consultation with the Australian Government Solicitor to manage, minimise or eliminate the privacy impacts of the new DNA techniques introduced by the National DNA Program.

If asked, has the Program been delayed?

- In June 2022, the Program was granted a 12-month extension due to setbacks caused by COVID-19.
- The Program will **continue until 31 December 2023** to allow Program objectives to be met and a greater number of unidentified human remains to be identified.

If asked, has the Program identified any missing persons yet?

- The Program has matched **6** human remains with long term missing persons.
- Prior to the laboratory formally opening in September 2021, the National DNA Program assisted the Royal Australian Navy to identify the ‘**Unknown Sailor**’ using new DNA testing methods.

If asked, how many cases have been referred?

- The Program has **received 56 unidentified human remains**.
 - 10 cases from ACTP, 27 cases from NTPOL, 13 cases from SAPOL, five cases from TASPOL and one case from QPS.
 - 32 of these remains have undergone (or are undergoing) DNA testing.
 - The program is also conducting forensic anthropology examinations and/or radiocarbon dating for 14 remains to assist jurisdictions to determine their coronial significance and suitability for further forensic testing.
- The AFP has appealed to families of missing persons to register to participate in the National DNA Program via an online form.

If asked, is AFP counting the number of missing First Nations people?

- As host of the National Missing Persons Coordination Centre (NMPCC), the AFP receives data from State and Territory police who are responsible for investigating missing persons cases.
- Information is provided by individual State and Territory police agencies, at their discretion, and is reliant on data quality and business processes within each jurisdiction. There are differences in approaches across jurisdictions which lead to inconsistent data reporting.
- The AFP has collated information from State and Territory police agencies regarding Aboriginal and Torres Strait Islander people from annual jurisdictional reports for the calendar years 2019, 2020 and 2021. Prior to this time, the AFP did not receive information relating to Aboriginal and Torres Strait Islander missing person reports.
 - Refer to **Attachment B** – QoN response - Inquiry into First Nations Women and Children.

Background

- The National DNA Program is pioneering a number of identification techniques in collaboration with academic partners and international forensic laboratories.
 - E.g.: Whole Mitochondrial Genome Sequencing, Forensic Genetic Genealogy and Digital Craniofacial Reconstruction.
- The National DNA Program uses the following existing ACIC national databases:
 - National Missing Persons and Victim System
 - National Criminal Investigation DNA Database
 - NCIDD – Integrated Forensic Analysis
- State and Territory police are responsible for investigating missing persons cases, with each police service having a dedicated Missing Persons Unit.

Key Dates – National DNA Program

- 1 July 2020 – Program commenced

- 2 August 2020 – Program officially launched by former Minister Home Affairs, the Hon. Peter Dutton MP
- September 2021 – Dedicated DNA identification laboratory at the AFP Forensic Facility in Canberra becomes operational
- 3 December 2021 – Laboratory officially launched by former Minister Home Affairs, the Hon. Karen Andrews MP
- 30 June 2022 – Notification by Department of Home Affairs to extend the Program for a further 12-months.
- 31 December 2023 – The National DNA Program is scheduled to conclude.

Attachments

A: DNA Media Article

B: QoN - Inquiry into First Nations Women and Children

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Clearview AI

- The AFP has not adopted the Clearview platform as an enterprise product, nor entered into any formal procurement or contractual arrangements.
- Between 2 November 2019 and 22 January 2020, AFP conducted a limited pilot to ascertain its suitability for operational use.
- The AFP has confirmed with Clearview AI that all user accounts associated with the AFP have been deleted, and all user data relating to those accounts has also been removed from Clearview’s systems.
- The AFP acknowledges the Information Commissioner’s finding and declarations, and has commenced actions in response.
 - The AFP will report to the Office of the Australian Information Commissioner (OAIC) on the implementation of the required actions.
- The AFP is committed to using online tools appropriately, and carefully balance the privacy and potential sensitivity of data in an online environment with the important role this information provides to investigate serious crimes, including terrorism and child exploitation.

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Pegasus Spyware

If asked, has the AFP used Pegasus spyware?

- I am aware of previous media reporting on the FBI’s testing of Pegasus spyware.
- The AFP has not tested, purchased or used the Pegasus spyware.

Background

- The FBI confirmed they “procured a limited license for product testing and evaluation only, there was no operational use in support of any investigation” after allegations the FBI purchased the Pegasus software to hack iPhones.
- The Israeli company which owns the software (NSO Group) is currently being sued by Apple for violating its user terms and services agreement.

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Use of Clearview AI by ACCCE

- Between 2 November 2019 and 22 January 2020, members of the AFP-led Australian Centre to Counter Child Exploitation (ACCCE) registered for a free trial of the Clearview AI facial recognition platform and conducted a limited pilot of the system in order to ascertain its suitability for operational use.
- The purpose of the trial was to ascertain the accuracy and effectiveness of the facial recognition algorithm. In particular, the ability of the algorithm to match side profile photographs with front facing photographs, which is a necessary function when dealing with child abuse material.
- The limited pilot by ACCCE members is the extent of the AFP's use.
- In March 2020, the AFP reviewed the handling of personal information by the ACCCE members and as a result all temporary accounts were terminated and all user data was removed to ensure reasonable steps were taken to adequately protect personal information from misuse, interference, loss or unauthorised access, modification or disclosure.

If asked, why did the AFP share photos of child sex abuse victims with Clearview AI?

- Only images of unidentified child victims of sexual abuse were used. Systems like Clearview assist in rapidly identifying victims and rescuing them from their abuser. As offenders adapt to police methodology and use technology to abuse children, the ACCCE remains committed to exploring new and innovative solutions to disrupt this insidious crime, including capabilities for identifying potential offenders and victims.
- No charges were laid against alleged offenders as a result of this limited trial. Any searches for investigative purposes were only undertaken in the interest of protecting children from online child sex offenders.
- Media article – **Attachment A**.

If asked about what the AFP has implemented to ensure this doesn't happen again

- The Information Commissioner's determination recognises the AFP is proactively reviewing and addressing its privacy governance framework and practices, including:
 - The ACCCE has instituted a product owner to undertake software evaluations and compliance regime for all new software and tools being considered so the ACCCE can continue to meet the threats and trends of online child exploitation;
 - Mandatory compliance under the AFP's Better Practice Guide on Assessing and managing privacy impact of AFP projects; and
 - Active technical working groups and oversight through AFP leadership as a measure to safeguard compliance on any initiatives being considered. The AFP has commenced reviewing internal guidance on conducting Privacy Impact Assessments (PIAs).
- The AFP has updated its governance and training material to provide AFP appointees with additional guidance on the issues raised by the Information Commissioner's determination.

If asked whether the AFP is using or considering artificial intelligence in support of investigations?

- Artificial intelligence platforms present opportunities for policing – improving investigative outcomes and minimising officers exposure to distressing content.
 - However, the AFP recognises that privacy and data risks need to be appropriately considered before adopting new technologies.
- An example is the AFP's partnership with Monash University to establish an Artificial Intelligence for Law Enforcement and Community Safety (AiLECS) Lab. This research initiative will help to automate identification of child exploitation material, minimising the need for AFP officers to view this distressing content.
- Bulk data presents challenges for policing, and there are a number of risks around Artificial Intelligence (AI) - informed decision-making in an operational or investigative context.

- The AFP works across government on policy approaches for future use of AI and is collaborating with Macquarie University, to conduct research in the ethical use of AI-based tools in Australian Law Enforcement context.

If asked, what other online tools does the AFP use?

- The AFP uses online tools, to help identify or locate suspects.
- Where the AFP collects personal information about any individuals, this collection and any subsequent handling of the information is subject to the requirements of the *Privacy Act 1988*.

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Privacy in the AFP

- The AFP has established and maintains internal practices, procedures and systems to ensure compliance with the Australian Privacy Principles and the Privacy (Australian Government Agencies – Governance) APP Code 2017.
- The AFP has a **formal Governance Instrument Framework** (GIF) which establishes practices and procedures for identifying and managing privacy risks. These documents include:
 - The National Guideline on privacy which outlines AFP personnel’s obligations arising from the APPs; the role of the Privacy Officer; and, how the AFP should manage privacy complaints;
 - The National Guideline on information management; and
 - The Better Practice Guide on Assessing and managing privacy impacts of AFP projects.
- The AFP has a **current Privacy Management Plan** as required by the Privacy Code.
- The AFP is committed to conducting Privacy Impact Assessments (PIAs) for all high privacy risk projects.
- The AFP **conducts regular training and all-staff communications** around privacy obligations and responsibilities including:
 - Mandatory annual online training;
 - Face-to-face training as needed; and
 - Bulletins from the AFP’s Privacy Champion.
- The Chief Operating Officer (COO) is the AFP’s Privacy Champion, appointed in accordance with the Privacy Code. The role of the Privacy Champion within the AFP is to:
 - Promote a culture of privacy within the AFP that values and protects personal information; and
 - Provide leadership within the agency on broader strategic privacy issues.

- The COO performs the role of Privacy Champion, promoting good privacy culture through two main activities:
 - Communicating with the workforce on privacy issues; and
 - Supporting AFP events which raise internal awareness of the importance of privacy and lessons learned from privacy incidents and issues (such as Privacy Awareness Week, held in May each year).

Background

- The OAIC has completed its investigation. The Information Commissioner's determination was published on 26 November 2021 - **Attachment B**.
- In summary, the determination:
 - Made adverse findings relating to the AFP's compliance with the requirement to undertake a PIA; and
 - Made a number of declarations to ensure privacy risks in using such technologies are carefully identified, considered and mitigating going forward.
- To ensure these breaches are not repeated, the Information Commissioner also made declarations requiring the AFP to:
 - Engage an independent third party assessor to review the AFP's practices, procedures and systems (including training) against the requirements relating to conducting privacy impact assessments, identify any deficiencies and actions to address those deficiencies; and
 - Provide updates and reporting on implementation of the actions set out in the report to the OAIC within specified timeframes.
- The AFP is undertaking actions in response to, and in accordance with, the OAIC declarations - **Attachment C**.
- The OAIC conducted an Information Commissioner initiated investigation under the *Privacy Act 1988* into:
 - The AFP's handling of personal information in relation to its use of the Clearview AI's facial recognition application;

- The AFP’s internal practices, procedures and systems in relation to the conduct of PIAs; and
- The AFP’s failure to undertake a PIA before using the Clearview application.
- As part of that investigation, the OAIC issued the AFP with a notice to provide information and produce documents on 30 March 2021.
 - The AFP responded to this notice on 1 June 2021.
- The AFP cooperated with the OAIC throughout the investigation.

If asked about the Office of the Australian Information Commissioner investigation into Clearview AI (ie separate to the investigation into AFP use of Clearview AI)

- The OAIC conducted an Information Commissioner initiated investigation under the Privacy Act 1988 into the acts and practices of Clearview AI.
- As part of the investigation, the OAIC issued the AFP with notices to provide information and produce documents. The AFP undertook the following actions in response to the notices:
 - 21 April 2020 the AFP provided an initial response;
 - 22 May 2020 the AFP provided a supplementary response;
 - 5 February 2021 the AFP received a request for further information;
 - 19 March 2021 the AFP provided a response; and
 - 1 May 2021 the AFP provided a revised response.
- On 14 October 2021, the Information Commissioner’s determination was published.
- In summary, the determination:
 - Finds Clearview AI had breached Australian’s privacy by scraping their biometric information from the web and disclosing it through a facial recognition tool; and
 - Orders Clearview AI to cease collecting facial images and biometric templates from individuals in Australia, and to destroy existing images and templates collected from Australia.

- The OAIC has completed its investigation and the AFP cooperated with the OAIC at all times.
- Questions On Notice (QoN) to the Minister of Home Affairs dated 8 November 2021 and the responses to QON attached - Attachment D.

Attachments

A: Media Article - 16 January 2022

B: OAIC Determination 26 November 2021 (AFP use of Clearview AI)

C: Summary of actions taken by the AFP following OAIC report December 2021

D: Parliamentary Questions on Notice – Data Brokers

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