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SECRETARY
DEPARTMENT OF HOME AFFAIRS
Opening Statement – Office of the Special Investigator
Legal and Constitutional Affairs Legislation Committee

Friday, 4 December 2020

I would like to make a brief statement on the establishment of the Office of the Special Investigator.

On 12 November the Prime Minister, with the Minister for Defence, announced that the Office of the Special Investigator would be established in response to the Afghanistan Inquiry by the Inspector General of the Australian Defence Force.

As the Prime Minister outlined, the Office will address the alleged criminal matters raised in the Inspector-General's report, investigate allegations made about the conduct of current and former serving ADF members, gather evidence, and where appropriate, refer briefs to the Commonwealth Director of Public Prosecutions for consideration.

On 19 November, the Chief of Defence Force, GEN Angus Campbell, announced the release of the Inspector General's report.

I will make some comments outlining the role of the Department in relation to the Office of the Special Investigator.

The Department is responsible for establishing the OSI within the Home Affairs Portfolio and has commenced the administrative tasks necessary to do so.

The OSI will be staffed with experienced investigators, legal counsel and other support personnel. The OSI will draw from the AFP's pool of experienced investigators and work closely with it through a cooperative framework that will leverage the AFP's investigative capability and powers. Once established, the Department will continue to provide ongoing corporate support services directly to the OSI, but will have no involvement with the investigative activity, case

management, or adjudication relating to the alleged criminal matters raised in the Afghanistan Inquiry Report.

These matters will be dealt with independently by the OSI and the Commonwealth Director of Public Prosecutions.

The separation of these matters from the Department is complete. For example, Defence will provide the relevant case files directly to the Office of the Special Investigator; the Department of Home Affairs will not even be a conduit for case material.

There will be many aspects of the work of the OSI that will be relevant for other agencies and Departments, including DFAT, the Attorney-General's Department, the AFP, and of course Defence.

But essentially, the role of the Department of Home Affairs is limited to an enabling function – setting up the Office of the Special Investigator and the provision of ongoing corporate services support.

I am of course happy to take questions on that role.