

Supplementary Senate Estimates – October 2019

Opening Statement

Introduction

- Good morning Chair, Committee members I thank you for the opportunity to make a brief opening statement.
- I appear before you today acknowledging the establishment of the AFP some 40 years ago and since that time we have been responsible for safeguarding the Commonwealth's interests and leading international and national policing efforts to combat crime.
- It's an honour to return to the AFP and a privilege, as Commissioner, to lead the women and men of the AFP, who are dedicated to serving and protecting the Australian community.
- My efforts during my term as the 8th Commissioner will be focused on ensuring that the AFP is the best performing police force we can possibly be, and to reinforce and reassure to our partner agencies that we are shoulder to shoulder in delivering outcomes for the community.
- We do incredibly important work in the AFP every day. Our dedicated members continue to serve the community daily, both at home and overseas, often risking their own safety.
- The AFP enforces and upholds the law and our establishing Act, the *Australian Federal Police Act 1979*, specifically sets out the functions of the AFP. As the Commissioner and accountable authority I remain committed to delivering policing services as effectively and efficiently as possible.
- In order to do so, I have embarked on a 100 day plan of action to ensure our structure is fit for purpose now and into the future, our processes are as efficient as they can be and to identify opportunities to improve the support for our frontline police.
- I have engaged an expert team to improve the operating model of the organisation to better align with the AFP's purpose and priorities; and stakeholder expectations. This will involve reorganising our structure and streamlining our processes.
- Further, in light of my public commitment to improve the processes around the recent investigations involving NewsCorp and the ABC, I

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have enlisted the services of former CEO of the Australian Crime Commission, Mr John Lawler AM, APM to conduct a review into all sensitive investigations.

- This incorporates matters relating to unauthorised disclosure; the application of Parliamentary Privilege; espionage and foreign interference; and war crimes.
 - The review will not be an audit into the current matters at hand but rather a holistic approach to ensure we have in place investigative policy and guidelines that are fit for purpose.
- Mr Lawler will provide my Office with options around opportunities for interventions and strategies to ensure the AFP is best placed to address sensitive investigations in the future. This will include:
 - Baselineing of what constitutes a sensitive investigation
 - Articulation of the human resources, skills, training, technology and facilities required
 - Reformation of governance and business processes (including alternative mechanisms for referring entities beyond the AFP)
 - Organisational structures.
- After this statement I will table a copy of the Terms of Reference to the review for the Committee's information.
- I also aim to improve our internal business processes and ensure the placement of staff align with a renewed operational model.
- I will be working with State and Territory partners to deepen our relationship to maximise our operational impact and effect. I value the importance of true partnerships with law enforcement and other agencies, both domestic and international. I recognise that harnessing these partnerships and resources is critical in targeting the criminal environment and those people and groups seeking to harm Australians and our community.
- We will continue to work closely and look for enhanced opportunities while working with our colleagues from the Home Affairs Portfolio.
- The whole-of-government arrangement strengthens our ability to work together to combat the evolving threats from terrorism, serious

organised crime, foreign interference and challenges posed by technology and a rapidly changing environment.

Priorities

- As I have stated publicly, what is critical to the AFP's success is:
 - To provide frontline officers with the appropriate training, technology and equipment;
 - The operating model of the organisation is fit for purpose and supports our frontline policing and investigations now and into the future; and
- The best strategies and support mechanisms to ensure the health and wellbeing for all staff.

AFP performance targets

- I would like to thank Minister Dutton and the Government for its resource commitment to the AFP. The AFP's total net resourcing has increased between 2018-19 and 2019-20 by \$112m.
- The 2019-20 budget provided certainty and consistency over the forward estimates. This certainty is critical to allow us to effectively plan and ensure we continue to protect Australia and Australia's interest.
- As an organisation we continue to work on long-term sustainable funding models to achieve the objectives of sustainability and flexibility.
- In the last financial year the AFP has met or exceeded the majority of our performance criteria. My intention is to continually strive to improve our performance in the area of community confidence.
- I will review how we align our benchmarks with other state and territory police organisations. I will also look to enhance the community's confidence in the AFP through increased community engagement and awareness of the exemplary work being done by the AFP.
- As highlighted in our 2018-19 annual report some of our significant achievements for this year included:
 - 502 people arrested for Commonwealth offences;

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- 6 people charged as a result of terrorism investigations;
 - 60 people charged as a result of child protection operations;
 - 40 tonnes of illicit drugs seized by overseas police with assistance from the AFP; and
 - 14.9 tonnes of illicit drugs and precursors seized at the border and domestically.
- I would now like to take a brief moment to address some current matters and a few key issues.

Freedom of the Press

- In regards to the recent inquiries and media reporting on the freedom of the press: as I have previously stated, police independence and freedom of the press are both fundamental pillars that co-exist in our democracy. I strongly believe in these two pillars and this is the approach I intend to take.
- I welcome the Direction from the Minister for Home Affairs outlining his expectations in terms of taking into account the importance of a free and open press.
- In support of the direction, the AFP has finalised an internal National Guideline on investigations of unauthorised disclosure of material made or obtained by a current or former Commonwealth officer.
- I am also aware of the direction issued by the Attorney-General to the Commonwealth Director of Public Prosecutions.
- The Attorney-General's direction reaffirms the importance of the AFP to thoroughly investigate these matters and to collect all relevant information and evidence to ensure the Attorney General and CDPP can make a fully informed decision, where relevant.
- As I mentioned earlier, the outcomes of the review conducted by John Lawler into sensitive investigations will better inform the AFP on how to deal with these matters.
- I look forward to working with you and your Parliamentary colleagues to ensure the review takes into account the deliberations of other Parliamentary inquiries currently underway.

Al-Araibi matter

- Recently, there has been media reporting on Mr Hakeem Al-Araibi which is a matter the AFP has addressed with this committee at previous Estimates.
- I would like to assure the Committee and the public that the AFP has been working with the Department of Home Affairs to address the lack of connectivity between border systems and the INTERPOL database to reduce the likelihood of this happening again.
- I have delivered a letter to Mr Al-Araibi to extend the AFP's apology for his unfortunate detention in Thailand and to reassure Mr Al-Araibi that the AFP is continuing to review and improve processes in consultation with other relevant agencies to ensure we respond appropriately to these matters in the future.
- The AFP is working closely with the Department to resolve the overarching policy and legal questions arising from this matter.
- The AFP will continue to work with the Department to implement any new policies through systems and operational changes, taking into account competing priorities and resourcing.
- Our international relationships, including those facilitated through INTERPOL, remain vital to the AFP's efforts to protect Australians and Australian interests. Last week I attended the 88th INTERPOL General Assembly where I reaffirmed the AFP's commitment to our international partners to cooperate in our global fight against all transnational crime types to protect communities and bring those who would seek to do us harm to justice.

AWU v ROC matter

- I would also like to briefly touch on the AFP's assistance in the Registered Organisation Commission's (ROC) investigation into the activities of the Australian Workers' Union, noting the court outcomes two weeks ago.
- The AFP's involvement in this matter has been limited to the provision of search warrant assistance and the AFP has not conducted a separate investigation into the AWU.

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- As always the AFP acted in good faith to assist another agency in this matter. The search warrants were applied for by the ROC and issued to the ROC with respect to AWU premises.
- The AFP has had no further involvement in this matter.

Superannuation

- A whole-of-government issue that the AFP is also facing is the appropriate calculation of allowances reflected in member's superannuation payments.
- The AFP's issue arose from an omission in the drafting of a prior Enterprise Agreement, and this will be addressed in all future negotiations and agreements.
- To deal with the matter, the AFP has also undertaken a systemic review into this issue, which identified that some allowances should have been considered as salary for superannuation.
- The AFP has been working diligently over a number of months to ensure all affected members are aware of the plan to rectify the problem. This includes an update to our recording systems to ensure that this does not happen again.
- The process to re-pay our members will take time due to the complex nature of the calculations, the span of years involved and the large number of employees affected.
- I want to reassure the organisation, and the community, that we are working hard towards resolving this matter as a priority.

Aviation

- I would also like to acknowledge the passage of the *Crimes Legislation Amendment (Police Powers at Airports)* Bill last week. The AFP strongly supported the measures in the Bill, particularly following counter-terrorism Operation Silves in 2017.
- In summary, the new measures will enhance public safety in the aviation environment and enable AFP officers at major airports to:
 - direct a person to produce evidence of their identity;
 - direct a person to leave the airport and/or not take any flights for up to 24 hours;

- direct a person to do anything else necessary to facilitate an identity check direction or move on direction where necessary to prevent or disrupt risks to public order and personal safety at airports.
- Prior to commencement in the coming months, the AFP will work closely with the Department of Home Affairs to ensure proper implementation, including developing guidelines and standard operating procedures, and training for officers at major airports.
- I want to commit to the Australian public that the new powers will be used appropriately, proportionally and in a manner that is in accordance with community expectations.

Conclusion

- I hope that this information is helpful to the Committee and the public, in providing an overview of my new term as the 8th AFP Commissioner, and some of the priorities and matters that I will be addressing in my 100 day plan.
- Finally, I would like to acknowledge the recent anniversary on October 12 of the 2002 Bali Bombings; it's difficult to believe this tragic event occurred 17 years ago resulting in 202 deaths which included 88 Australians, 38 Indonesians, 23 Britons and people of more than 20 other nationalities.
- The AFP and Australian Law enforcement partners have a long history of working with the Indonesian National Police, including the joint establishment of the Jakarta Centre for Law Enforcement Cooperation, to help protect our communities now and in the future.
- Chair, I will now do my best to answer any questions that the Committee has on these, or other matters.

Thank you.