



Australian Government

Department of Defence

**Senate Standing Committee on Foreign Affairs,
Defence and Trade Inquiry into Matters Raised by New South
Wales Police Strike Force CIVET**

Department of Defence Written Submission

January 2017

Executive Summary

1. On 28 October 2011, Defence referred a matter regarding inappropriate use of the Defence Restricted Network and the activities of Mr Hastings Fredrickson to Victoria Police. This referral followed an Australian Defence Force Investigative Service investigation into the matter. Due to civilian law jurisdictional limits, Victoria Police referred the matter to the Australian Federal Police which, in 2012, referred the matter to the New South Wales Police for investigation. New South Wales Police subsequently initiated Strike Force CIVET.
2. In April 2013, the Australian Defence Force Investigative Service initiated a second investigation concurrent to Strike Force CIVET, called Operation JARRAH. It had a broader scope than the first investigation and Strike Force CIVET. It concerned the group by then identified as the self-styled 'Jedi Council.' In June 2013, the Chief of Army made a public statement relating to the conduct of this group. Action against the Defence members associated with the Operation JARRAH investigation was initiated following that statement. A more detailed chronology of these events is set out in Annex A to this submission.
3. On 1 December 2016, the Senate issued terms of reference for an Inquiry to the Foreign Affairs, Defence and Trade References Standing Committee, based on a document described as the New South Wales Police Strike Force CIVET post operational assessment.
4. Defence observes that the basis of the terms of reference appears to be a document which is more than three years old, and contains unsubstantiated allegations of serious misconduct that have not been tested. While New South Wales Police have confirmed via letter to Defence on 25 January 2017 that a post operational assessment for Strike Force CIVET was signed by the Commander of Kings Cross Local Area Command on 9 September 2015, Defence does not, at the time of making this submission, have access to a signed copy of the assessment. Nor has Defence had an opportunity to discuss with New South Wales Police the factual inaccuracies and misunderstandings, and misrepresentations of Defence processes, in the unsigned copy of the assessment to which it has had access. However, Defence draws attention to the written confirmation of the Commander, Kings Cross Local Command, dated 25 January 2017, that *As a result of the co-operation of the dedicated ADFIS Liaison Officer, the Kings Cross Commander did not support the recommendation to disseminate the POA [Post Operational Assessment] outside the NSWPF [New South Wales Police Force], which is an internal working document based on the beliefs and opinion of the investigator, because the identified issues had already been addressed.* The Commander's letter to Defence is in Annex B to this submission.
5. Defence is particularly concerned that the Inquiry's terms of reference make serious allegations about the initial investigation into these matters in late 2010 and 2011, as well as later action and the independent inquiries of the Inspector General of the Australian Defence Force. Some allegations, if proven, may amount to criminal offences. The terms of reference allege Defence took actions *to deliberately lie, withhold evidence, fabricate information, and provided members' personal information... to media in breach of their right to privacy and other fundamental human rights.* Defence is not aware of any evidence to support these allegations and New South Wales Police has informed Defence that it considered in 2015, when the Strike Force CIVET investigation was finalised, that the matters raised in the post operational assessment had 'already been addressed.' However, if such evidence were disclosed, Defence would ensure that the allegations were thoroughly investigated.
6. Defence acknowledges that there were shortcomings in its investigation of the activities of the 'Jedi Council.' These shortcomings include the failure of the initial Australian Defence Force Investigative Service investigation in 2010 and 2011 to identify potential breaches of the *Defence*

Force Discipline Act 1982, in part due to the priority placed on identifying potential breaches of civilian criminal laws. However, these shortcomings affected neither the availability of sanctions for involved personnel (administrative and criminal, internal and external to Defence) nor the fairness of the process by which those sanctions were imposed. These matters have previously been brought to the attention of Defence and have been reviewed by the statutorily independent Inspector General of the Australian Defence Force. Defence regards these matters as being finalised. The Kings Cross Local Area Commander, Superintendent Michael Fitzgerald, has also stated that the matters raised by the Strike Force CIVET post operational report have been addressed (Annex B). Defence is aware that the Inspector General of the Australian Defence Force will make a separate submission to the inquiry.

7. Defence appreciates that the decisions made in this matter had serious consequences for many Defence members and their families, which for some were life-altering. The decision-makers did not make the decisions lightly. They applied the principles of procedural fairness throughout and focussed on individual responsibility. Their decisions reflected the gravity of each person's actions and each person's level of responsibility for the ill-treatment and disrespect of the victims.

Introduction

8. On 1 December 2016, the Senate referred the matters raised in a report which appears to have been prepared by New South Wales Police Strike Force CIVET, and other related matters, to the Foreign Affairs, Defence and Trade References Standing Committee for inquiry and report by 7 February 2017. This document is Defence's written submission for the inquiry.

9. The Department of Defence's highest priority is the well-being of its people. Investigations into the activities of a group referring to themselves as the 'Jedi Council' brought to light the unacceptable behaviour of 193 Defence personnel. Such behaviour was, is and will continue to be, incompatible with Defence values and with the evolving Defence culture. The essence of this matter, and what is not in dispute, was the improper use of the Defence information and communications technology system to distribute sexually explicit images without consent and to host a large volume of discussion which demeaned women and other social groups. Defence considers it essential that the dignity of the people who were subject to this abhorrent conduct remains at the forefront of discussion of the activities of this group.

10. The administrative actions taken by Defence, in conjunction with the prosecutions brought by New South Wales Police, were fair and considered. The outcomes reflected the different nature of the evidence about the behaviour of each individual involved and the various levels of responsibility each was expected to take for their actions.

11. The terms of reference for this inquiry includes serious allegations in relation to the initial investigation in late 2010 and 2011 into what was later known as the 'Jedi Council', subsequent action and Inspector General of the Australian Defence Force review. In some cases, the allegations include criminal offences, described in the terms of reference as actions *to deliberately lie, withhold evidence, fabricate information*, and to have provided members' *personal information... to media in breach of their right to privacy and other fundamental human rights*. These allegations were first aired in the media in July 2013 and are stated in an unsigned and variously dated document titled *Post Operational Assessment (POA) Kings Cross Local Area Command Strike Force CIVET*. This document appears to be the report referenced in the Senate Committee's terms of reference.

12. Defence first became aware of this document in June 2016 as a third party to an application for public access to New South Wales Government information. While New South Wales Police has confirmed that a post operational assessment for Strike Force CIVET was signed by the

Commander of Kings Cross Local Area Command on 9 September 2015, Defence does not, at the time of making this submission, have access to a signed copy of the assessment. As a result, this submission addresses matters raised in the unsigned version to which Defence has access.

13. New South Wales Police has informed Defence that it is standard practice for its members to prepare a post operational assessment report at the conclusion of a major investigation. This report was submitted in relation to Strike Force CIVET. New South Wales Police also informed Defence that these reports are provided to the relevant police commander, who assesses whether any further action is required. New South Wales Police has neither referred the Strike Force CIVET post operational assessment to Defence nor requested that Defence investigate or take action with respect to its assertions regarding Australian Defence Force Investigative Service misconduct.

14. New South Wales Police has separately advised Defence that its only response to the Strike Force CIVET post operational assessment has been to refer an issue to the New South Wales Police Professional Standards Command for policy development. The referred issue pertains to potential conflicts of interest for members of civilian police forces who also perform duties for the Australian Defence Force Investigative Service as members of the Australian Defence Force Reserve.

15. Defence values its strong relationship with New South Wales Police. The continuing strength of that relationship is evidenced by the ongoing support each organisation offers to the other, including in relation to the conduct of investigations and the attendance of Australian Defence Force Investigative Service investigators at New South Wales Police training courses. Notwithstanding the complicated nature of the case, the multiple agencies involved and the criticism of the early Australian Defence Force Investigative Service investigation, once it established the Critical Incident Response Team in March 2013 it worked co-operatively with New South Wales Police to facilitate Strike Force CIVET's criminal investigations. Concurrently, Australian Defence Force Investigative Service investigators investigated potential disciplinary matters (that is, breaches of the *Defence Force Discipline Act 1982* to be addressed internally by Defence) related to the same activities.

Unsubstantiated serious allegations of misconduct

16. Of most concern to Defence are the unsubstantiated serious allegations of misconduct contained in the Strike Force CIVET post operational assessment; allegations that emerged in the media in July 2013. When then Chief of the Defence Force, General David Hurley AC, DSC, sought advice from New South Wales Police about the veracity of these claims and on 23 July 2013, Commissioner of Police, Mr Andrew Scipione AO, APM, responded that New South Wales Police was *satisfied that ADF has not failed to cooperate, taking into account that security provisions may require screening/vetting of information*. New South Wales Police have confirmed in Annex B that Strike Force CIVET's early concerns regarding the Australian Defence Force Investigative Service were resolved through the appointment of a dedicated liaison officer, following a meeting between them in March 2013.

Initial investigation into civilian criminal offences and improper use of Defence Information and Communications Technology

17. In September 2010, a Defence contractor informed Defence that an employee, Mr Hastings Fredrickson, had been dismissed for using the contractor's computer system in breach of their computer usage policy. Mr Fredrickson had stored and received inappropriate material and had sent some of that material to Defence email addresses. Mr Fredrickson was also a member of the Army Reserve.

18. As a result of that report, the Australian Defence Force Investigative Service initiated an investigation which ran between September 2010 and August 2011. The focal point of that investigation was Mr Fredrickson and the potential criminal offences he had committed in recording certain activities without consent. At that time, the investigation had identified one victim. An investigator contacted the victim and advised her about how she could report the matter to the appropriate civilian authority.

19. The initial investigation did not identify the significance of the term ‘Jedi Council,’ the nature of the group’s activities or the number of Defence members associated with it. Thus, Defence did not recognise the significance of the connections to Defence. Defence’s inability to recognise the connections resulted, in part, from the investigator’s focus on the potential breaches of civilian criminal law by Mr Fredrickson.

20. In reviewing the professional standards of this investigation at Defence’s request, the Inspector General of the Australian Defence Force found that the Australian Defence Force Investigative Service failed *to properly deal with, and finalise, the incidents of potential information and communications technology misuse of which [the investigator] had become aware*. As a result, consideration of internal actions or further investigations, including whether disciplinary action for information and communications technology misuse should be initiated against any Defence members, was limited. Instead, reflecting the investigation’s focus, the action taken was to refer the matter to civilian police.

Referral to civilian police

21. On 27 October 2011, the Australian Defence Force Investigative Service formally referred the allegations against Mr Fredrickson to the Victoria Police. Defence acknowledges that there was a five-month delay before the investigator made this referral. The relevant Inspector General of the Australian Defence Force inquiry found that the *delay in referring the matter concerning Mr Fredrickson to the civilian police for investigation...was not good investigative practice...and was not appropriate in the circumstances*. The inquiry identified a number of causes for the delay, including the investigator’s inexperience, lack of supervision, an increasing caseload and other investigative priorities. In addition, as reflected in the terms of reference, the initial Australian Defence Force Investigative Service investigation has been criticised for not including appropriate follow-up of some of the allegations.

22. Defence is aware the Australian Federal Police took carriage of the matter from Victorian Police after 9 November 2011 due to jurisdictional issues. In mid-July 2012, New South Wales Police advised the Australian Defence Force Investigative Service it had received the material relating to the activities of Mr Fredrickson. At the same time, a member of New South Wales Police informed senior staff members in the Office of the Chief of Army that Mr Fredrickson was under investigation for misuse of Defence information and communications technology.

Australian Defence Force Investigative Service investigation of matters associated with the ‘Jedi Council’

23. When New South Wales Police commenced its investigation there was no concurrent Australian Defence Force Investigative Service investigation. The Australian Defence Force Investigative Service assisted the New South Wales Police on request. However, Defence acknowledges that the Strike Force CIVET post operational assessment reflects a level of dissatisfaction with Defence’s initial responsiveness. The Australian Defence Force Investigative Service was made aware of these frustrations and in March 2013 appointed a dedicated liaison

officer for Strike Force CIVET, after two of its senior members met with New South Wales Police Force personnel.

24. In April 2013, in response to the growing awareness of the scope of these matters, the Australian Defence Force Investigative Service activated a Critical Incident Response Team and commenced a concurrent investigation into potential disciplinary offences under the *Defence Force Discipline Act 1982*. On request, the Provost Marshal of the Australian Defence Force briefed the then Chief of the Defence Force, the then Chief of Joint Operations and the then Deputy Chief of Army about the 'Jedi Council' on 10 April 2013. The then Chief of Army, Lieutenant General David Morrison AO, was briefed on 12 April 2013 on his return from an overseas engagement. Defence notes that while staff officers at Army Headquarters had been made aware of the Strike Force CIVET investigation earlier in time, the Inspector General of the Australian Defence Force found after inquiring into the matter that there was no evidence that the then Chief of Army was briefed on the matter by the Australian Defence Force Investigative Service or members of this staff before April 2013.

25. This Australian Defence Force Investigation Service investigation was known as Operation JARRAH. Phase one of the investigation focussed on the activities of the 17 Defence members most closely associated with the activities of the 'Jedi Council'. Phase two of the investigation focussed on the exchange of emails between those 17 members and other Defence personnel. With all Australian Defence Force Investigative Service actions completed, Operation JARRAH concluded on 12 December 2014.

26. Overall, the evidence gathered by the investigations into the 'Jedi Council' disclosed the involvement of 193 Defence members in the distribution of inappropriate material using the Defence information and communications technology system. The evidence available to Operation JARRAH in June 2013 indicated that a core group of three individuals were primarily responsible for the distribution of pornographic, offensive and other unacceptable material. Fourteen additional members appeared to be involved in receiving and in many cases, but not all, responding to these emails. A further group of Defence members were also identified in the course of the investigation as having received, and in some cases having sent, emails on the Defence information and communications technology system which contained unacceptable material of varying levels of significance.

27. Overall, Defence acknowledges that a combination of the specific focus of the initial Australian Defence Force Investigative Service investigation and the delay and lack of follow-up of the referral to Victoria Police meant that the opportunity to reveal in a more timely manner the extent of the objectionable activities of Defence members involved with the 'Jedi Council' was lost. These shortfalls notwithstanding, there is no evidence this lost opportunity affected the outcomes of the New South Wales Police or the Australian Defence Force Investigative Service investigations (particularly the subsequent Operation JARRAH phase) in terms of the accountability imposed on each person identified in the course of the investigations. Once this phase of the investigation commenced, Defence acted swiftly and decisively.

Public identification of individuals associated with the investigation

28. The Inquiry terms of reference includes the statement that *the personal information of many innocent ADF members, including retired Lieutenant Colonel Dubsky, was provided to the media*. Defence at no time in its public announcements regarding the investigation and resolution of this matter named any individual involved, whether as an alleged participant, witness or victim.

29. In his public statement of 13 June 2013, made in Canberra, the then Chief of Army, Lieutenant General Morrison did not name any individual associated with the 'Jedi Council.' He identified the Defence personnel who were the subjects of the investigations as members ranging in rank from private to lieutenant colonel, without reference to any locations. There are hundreds of Army members at each rank level in that range around Australia and overseas. Lieutenant General Morrison's statement and subsequent Defence statements are a matter of public record.

30. Defence is aware that media reports, including television reporting from 11 July 2013, identified members by name or nickname as personnel associated with an ongoing civilian police investigation into the 'Jedi Council.' Information concerning the 'Jedi Council' was available to a number of agencies besides Defence, including the Australian Federal Police, New South Wales Police and Victoria Police, when the media publicly identified the individuals. Defence's internal inquiries and investigation did not identify any Defence member or individual who may have disclosed this information to the media.

31. Recognising the importance of individual privacy in this matter, Defence's submissions regarding the public identification of Lieutenant Colonel Dubsky are made separately.

Defence outcomes of the Operation JARRAH investigation

32. After receiving a brief on Operation JARRAH, Lieutenant General Morrison considered how he might respond to the investigation's findings. In general, the continued service of people who have participated in the distribution of pornography, explicit material taken without consent, and other unacceptable material on the Defence information and communications technology system is untenable. Therefore, he considered the administrative termination of service of the 17 members who, at that stage, were considered to be most closely associated with the matter. His initial position notwithstanding, Lieutenant General Morrison's consideration of the evidence against each of the 17 Army members disclosed differing levels of apparent culpability. As a result, he decided that one of the 17 should not be issued with a notice proposing to terminate their service.

33. The then Chief of the Defence Force, General Hurley, made the final determinations in each case where Lieutenant General Morrison had issued a notice proposing the termination of a member's service. Those members who were issued with notices proposing the termination of their service were accorded due process, including an opportunity to respond to the adverse findings. Their responses were provided to the then Chief of the Defence Force when he considered each case on its merits. Subsequently, General Hurley decided to terminate the service of nine members and to retain the service of the other seven. Of the seven members retained, six were issued with a censure. Lieutenant General Morrison relieved the remaining individual (Lieutenant Colonel Dubsky) of command of his unit. For privacy reasons, other aspects relating to Lieutenant Colonel Dubsky's removal from command can be provided separately to this public submission. All members also had an opportunity, in accordance with their legal rights, to seek review of these adverse decisions via the redress of grievance process.

34. The situation of the 176 additional Defence members and employees identified in the second phase of Operation JARRAH was independently assessed by each person's chain of command. Based on the evidence available for each case, commanders took appropriate action in accordance with the general framework for administrative and disciplinary sanctions in Defence. In the majority of cases it was an administrative sanction. Both means are available to commanders to address unacceptable behaviour.

35. In addition to internal Defence procedures, the outcomes of this matter included charges against three individuals initiated by New South Wales Police. One person was convicted of criminal offences, and Defence understands that the Commonwealth Director of Public Prosecutions decided to withdraw charges against the other two individuals. The Strike Force CIVET post operational assessment indicates that this was for reasons unrelated to the Australian Defence Force Investigative Service or the New South Wales Police investigation.

36. It is clear that the shortcomings in its investigations (which Defence acknowledges) affected neither the availability of sanctions for involved personnel (administrative and criminal, internal and external to Defence) nor the fairness of the process by which those sanctions were imposed. Defence regards these matters as being finalised.

Internal review of Australian Defence Force Investigative Service investigations

37. The criticisms of the initial Australian Defence Force Investigative Service investigation particularised in the terms of reference were raised within Defence in early 2013. In light of those criticisms the then Provost Marshal of the Australian Defence Force referred the matter to the Inspector General of the Australian Defence Force for review (Inquiry 31/13). One of the roles of the Inspector General of the Australian Defence Force is to review the activities of the Service Police to determine if they have been carried out in a manner that accords with their professional standards. In addition, the Acting Chief of the Defence Force directed a review of Defence's overall management of the matter up to mid-June 2013 (Inquiry 28/13). The Inspector General of the Australian Defence Force expressed concern about the apparent failure of the initial Australian Defence Force Investigative Service investigation to identify relevant evidence and assessed that the Provost Marshal of the Australian Defence Force's referral to the Inspector General of the Australian Defence Force was appropriate.

38. The findings of the Inspector General of the Australian Defence Force's independent inquiries accord with Defence's internal view that the shortcomings of the Australian Defence Force Investigative Service investigation did not adversely affect the outcome of the matter in terms of the actions that were available to be taken against individuals associated with it. This is also consistent with the view of New South Wales Police, expressed in its letter of 25 January 2017 (Annex B).

Lessons learned

39. Since these events, the Australian Defence Force has undergone significant reform relating to culture, discipline and accountability. Commanders at all levels have a role in reinforcing these improvements. There continues to be an increasing awareness of the standards of behaviour required of Defence members and of the expected responses to any transgression of those standards.

40. In support of this wider Defence reform, the Service Police Strategic Alignment Initiative has resulted in a more independent, aligned, modernised, professional and effective Service Police. Among procedural improvements since these investigations, the Provost Marshal of the Australian Defence Force, who is the Commanding Officer of the Australian Defence Force Investigation Service, now convenes a weekly assessment board to review the management of cases. The Provost Marshal of the Australian Defence Force also now meets monthly with the Service Chiefs to brief them on relevant investigations. These oversight mechanisms provide additional confidence that any wider Defence implications of a specific investigation are identified and addressed as early as possible.

41. Defence also notes that the Australian Defence Force Investigative Service has introduced an enhanced digital forensics capability, providing greater scope to identify and investigate potential misuse of Defence information and communications technology as a Service offence or a civilian criminal offence.

Conclusion

42. The 'Jedi Council' matter was complicated. It was made so by various factors including differing Commonwealth and State jurisdictions, the number of people involved and the number of agencies involved. Defence acknowledges the shortcomings of its initial investigative response to what became known as the 'Jedi Council' matter. Defence continues to implement reforms relating to culture, discipline and accountability. Commanders at all levels have a role in reinforcing these improvements. However, in the absence of evidence, Defence rejects the serious but unsubstantiated allegations of misconduct made in the referenced Strike Force CIVET post operational assessment. This view is consistent with the conclusion of the New South Wales Police Local Area Commander at Kings Cross, who assessed in 2015 that the Strike Force CIVET investigator's individual opinions and beliefs, as raised in the Strike Force CIVET post operational assessment, had already been addressed.

43. Defence appreciates that the decisions made in this matter had serious consequences for many Defence members and their families, which for some were life-altering. The decision-makers did not make the decisions lightly. They applied the principles of procedural fairness throughout and focussed on individual responsibility. Their decisions reflected the gravity of each person's actions and each person's level of responsibility. After all, subject to fair decisions and review for people identified in the investigation, the essence of this matter was, and still is, to recognise the ill-treatment and disrespect of the victims.

Defence chronology of ‘Jedi Council’ related events

DATE	EVENT
15/09/2010	Defence contractor verbally advises Defence Security Authority that it has dismissed an employee for misuse of the company’s computer system.
20/09/2010	The Defence contractor provides official notification of the dismissal of Mr Hastings Fredrickson.
21/10/2010	Defence Security Authority opens an incident report and initiates contact with the Australian Defence Force Investigative Service. The Australian Defence Force Investigative Service commences initial investigation into misuse of Defence information and communications technology systems.
16/11/2010	Investigative action formally transferred from Defence Security Authority to the Australian Defence Force Investigative Service.
17/11/2010	The Australian Defence Force Investigative Service requests data capture of the Defence Restricted Network email accounts of 10 persons of interest, including the email account for Warrant Officer Class 2 Hastings Fredrickson.
03/02/2011	Responsibility for the Australian Defence Force Investigative Service investigation is transferred to a new investigator.
15/02/2011	The Australian Defence Force Investigative Service legal officer advised the Australian Defence Force Investigative Service investigator that the evidence obtained against Mr Fredrickson may disclose civilian offences contrary to Victorian state law.
21/02/2011	The Australian Defence Force Investigative Service contacts Victorian Police Sexual Crimes Squad. Victorian Police advises that it will investigate the matter if a victim makes a complaint.
15/08/2011	The Australian Defence Force Investigative Service reviews the investigation file as part of a general review of open investigations. The Reviewing officer concludes that the investigation should be referred to Victorian Police and closed.
24/08/2011	The Australian Defence Force Investigative Service contacts first victim and provides her with a point of contact at Victorian Police.
29/08/2011	The Australian Defence Force Investigative Service investigation report is finalised.
27/10/2011	The Australian Defence Force Investigative Service formally refers the allegations against Mr Fredrickson to Victorian Police.
Precise date unknown	Victorian Police transfers the investigation to the Australian Federal Police.
Precise date unknown	Australian Federal Police transfers the investigation to New South Wales Police.
18/07/2012	New South Wales Police advises the Australian Defence Force Investigative Service that the allegations against Mr Fredrickson have been referred to them.

DATE	EVENT
23/07/2012	New South Wales Police informs the Military Assistant to the Chief of Army that a member of the Army Reserve is under investigation for inappropriate use of the Defence information and communications technology system.
24/07/2012	The Australian Defence Force Investigative Service informs the Military Assistant to the Chief of Army of the background of the investigation, including that no service offences had been identified.
01/08/2012	The Chief of Army is informed that a member of the Army Reserve is under investigation for inappropriate use of the Defence information and communications technology system.
06/03/2013	Representatives of the Australian Defence Investigative Service meet with New South Wales Police. A dedicated Australian Defence Force Investigative Liaison Officer to Strike Force CIVET is appointed following the meeting.
07/03/2013	The Australian Defence Force Investigative Service and the New South Wales Police agree to progress the matter as a joint investigation.
28/03/2013	Commander Joint Operations becomes aware of the New South Wales Police investigation and contacts the Chief of the Defence Force, who requests a brief on the matter from Provost Marshal of the Australian Defence Force.
02/04/2013	Provost Marshal of the Australian Defence Force provides a written report on the New South Wales Police investigation to Chief of the Defence Force. The report is also provided to Chief of Joint Operations and Chief of Army.
10/04/2013	The Provost Marshal of the Australian Defence Force verbally briefs the Chief of the Defence Force and others on the New South Wales Police investigation. The Deputy Chief of Army attends in lieu of Chief of Army, who is overseas on duty.
12/04/2013	The Chief of Army is verbally briefed on the New South Wales Police investigation on his return from overseas.
17/04/2013	Mr Fredrickson's access to the Defence information and communications technology systems is removed.
18/04/2013	Operation JARRAH commences.
26/04/2013	Three members of the Army who are persons of interest in the New South Wales Police and the Australian Defence Force Investigative Service investigations are suspended from duty on suspicion of having committed a service offence.
23/05/2013	The Provost Marshal of the Australian Defence Force asks the Inspector General of the Australian Defence Force to conduct a professional standards review of the initial Australian Defence Force Investigative Service investigation into the related matters.
13/06/2013	Chief of Army makes a public announcement about the ongoing investigations into the relevant matters.
14/06/2013	The Acting Chief of the Defence Force asks the Inspector General of the Australian Defence Force to conduct an assessment of Defence's management to date of matters associated with the 'Jedi Council'.
26/06/2013	A further five members of the Army who are also persons of interest in the New South Wales Police and/or the Australian Defence Force Investigative Service investigations are suspended from duty on suspicion of having committed a Service offence.

DATE	EVENT
02/07/2013	The Inspector General of the Australian Defence Force provides the Chief of the Defence Force with his report on the Defence's management and progress of the investigation of matters associated with the 'Jedi Council' to date.
15/07/2013	The Chief of Army issues first notice to a member of the Army advising of the intention to recommend the involuntary termination of his service for involvement in activities associated with the 'Jedi Council'.
07/2013 through 10/2013	The Chief of Army Issues a further 15 notices to members of the Army advising them of the intention to recommend the involuntary termination of their service for involvement in activities associated with the 'Jedi Council'.
08/2013 through 11/2013	Other individuals identified during Operation JARRAH for suspected unacceptable behaviour are referred to relevant Defence headquarters for action as appropriate.
23/07/2013	Defence receives confirmation that the New South Wales Police were satisfied with Defence cooperation and support to Strike Force CIVET.
08/2013 through 01/2014	Nine members of the Army have their service involuntarily terminated for reasons relating to their involvement in activities associated with the 'Jedi Council'.
10/2013 through 12/2013	Seven members of the Army are issued official sanctions known as censures for reasons relating to their involvement in activities associated with the 'Jedi Council'.
15/11/2013	The Inspector General of the Australian Defence Force provides the Provost Marshal of the Australian Defence Force with his report on the professional standards review of the initial Australian Defence Force Investigative Service investigation into matters associated with the 'Jedi Council'.
12/12/2014	Operation JARRAH concludes.

D/2017/153172



NSW Police Force
www.police.nsw.gov.au

KINGS CROSS LOCAL AREA COMMAND

Ms Alison Reis
Advisor to Air Chief Marshal Mark Binskin
Chief of the Defence Force

25 January 2017

By e-mail:

Dear Ms Reis

Re Senate Inquiry – Matters raised by NSW Police Strike Force CIVET

I refer to your request for information about the standing of the Post Operational Assessment (POA) report prepared by Strike Force CIVET (SF CIVET) investigation and, whether the opinions expressed in the POA, are endorsed by the NSW Police Force (NSWPF).

Purpose of POA

In responding to your request, I note the NSWPF internal procedures governing criminal investigations require that mandatory progress reports and operational assessments be submitted through the chain of command, outlining the progress of any investigation. The POA is the document prepared by investigators on finalisation of an investigation. The POA has two primary functions:

- (a) An investigative and operational review function; and
- (b) An intelligence function.

From an operational review perspective, POAs enable management to assess the way in which an investigation was managed and to raise any problems encountered during the investigation. Appropriate steps can then be implemented to seek to avoid the issues arising in the future.

From an intelligence perspective, POAs enable investigators to identify targets for future investigation and assist management to make informed decisions about existing and emerging threats so that resources can be effectively deployed to areas of risk.

SF CIVET charges

As you are aware on 23 July 2012, SF CIVET was commenced to investigate the actions of Hastings Frederickson for the offence of 'Use Carriage Service to Cause Offence on ADF Network'. The matter was referred to Kings Cross Detectives following investigations by the Australian Defence Force Investigative Service (ADFIS) in 2010, then Victorian Police Force (VICPOL) and the Australian Federal Police (AFP) in 2011.

The officer in charge of the SF CIVET investigation was Detective Sergeant Mark Carter. His investigation led to charges against Frederickson, and others, for the offences of "Use Carriage Service to Cause Offence", as well as charges for the possession and supply of prohibited drugs.

SF CIVET investigation and POA

Between July 2012 and March 2013, officers assigned to SF CIVET made regular requests for information from officers within the ADFIS and the office of the Chief of Army to assist the SF CIVET investigation into Frederickson's conduct. During this time, a number of issues were identified with regard to the provision of information by ADFIS to the NSWPF. These issues

were outlined in a range of reports prepared by Detective Sergeant Carter, including the POA, dated 9 September 2015.

Detective Sergeant Carter formed the opinion, expressed in the POA, that during this period ADFIS provided deliberately misleading information pertaining to the possession of identified evidence and the location of witnesses identified by SF CIVET working within the ADF.

On 6 March 2013, Detective Sergeant Carter and Acting Superintendent Paul McDonald from Kings Cross LAC met with Lieutenant Colonel Martin Lark and Wing Commander Jerry Nair from ADFIS where Detective Sergeant Carter's concerns were raised. As a result of this meeting a further dedicated liaison officer, was appointed by ADFIS to assist Strike Force CIVET. Detective Sergeant Carter reported that this contact officer, Sergeant Neil Edwards facilitated all outstanding requests by Strike Force CIVET in a timely and professional manner. A brief of evidence was prepared and charges against the accused proceeded to be laid.

In accordance with the NSWPF Guidelines for the Investigation of Major Crime, the POA was drafted over a number of months, commencing in the early stages of the investigation and completed on 9 September 2015, following the end of the investigation.

Much of the POA was drawn from the mandatory progress reports submitted throughout the investigation, and the information contained in the POA reflects the SF CIVET investigator's beliefs throughout various phases of the investigation.

As required by NSWPF procedures, the POA was provided to the Commander, Kings Cross LAC for approval at the end of the investigation. It was signed by the Commander, Kings Cross LAC on 9 September 2015. As a result of the co-operation of the dedicated ADFIS liaison officer, the Kings Cross Commander did not support the recommendation to disseminate the POA outside the NSWPF, which is an internal working document based on the beliefs and opinion of the investigator, because the identified issues had already been addressed.

Yours faithfully

 Superintendent Michael Fitzgerald
Commander, Kings Cross Local Area Command