

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. AE16/037

Senator Lambie asked the following question at the hearing on 9 February 2016:

Senator LAMBIE: How many members of the Australian Defence Force have approached the Australian Federal Police in the last 10 years wanting to make statements alleging they were victims of crime or misconduct committed by other members of the Australian Defence Force? Do you keep these stats? If you do, I would like to get the answer on that question.

Mr Colvin: We would have to take that on notice to see how many matters have been referred to us by former or serving members of the Defence Force.

Senator LAMBIE: How many potentially criminal matters have you referred back to the Australian Defence Force for investigation?

Mr Colvin: I will take that on notice.

...

Senator LAMBIE: I look very forward to seeing what allegations you have received in the last 10 years and what has been done about those allegations, and how many of them have gone back to the Australian Defence Force. Thank you very much.

Mr Colvin: We have those records. We will share them.

The answer to the honourable senator's question is as follows:

There are different mechanisms by which the AFP may have received referrals from members of the Australian Defence Force (ADF) wanting to make statements alleging they were victims of crime or misconduct committed by other members of ADF. These include:

- Referrals received from the Defence Abuse Response Taskforce (DART) which was established to investigate reported abuse that occurred within the ADF prior to 11 April 2011.
- Referrals received from the ADF in instances where criminal conduct was suspected and either it was not appropriate or outside the ADF's own investigative remit to investigate; and/or
- Referrals that may have been received from individuals.

Under standard AFP processes, each complaint received would be assessed in accordance with normal evaluation procedures and in accordance with the AFP's Case Categorisation Prioritisation Model (CCPM). In doing so, a number of factors are taken into consideration in accepting a matter for investigation. This includes identifying if a Commonwealth offence has been committed, the nature and seriousness of the alleged offences, and if the AFP is the most appropriate agency to conduct an investigation.

There is nothing to restrict active or former members of the ADF making a complaint directly to the AFP in relation to allegations of crime or misconduct committed against themselves by other members of the ADF.

Under the terms of reference of the DART, the AFP worked collaboratively with partner agencies to provide an appropriate response and support to identified victims of reported abuse

that occurred within ADF prior to 11 April 2011. There have been 12 referrals from the DART to ACT Policing Criminal Investigations.

The manner by which referrals to the AFP are documented means that there is no easy way to identify all 'ADF-related' referrals. To do so, considerable effort would need to be applied to manually check through referral records. Noting this request related to the last ten years, this would represent an unreasonable diversion of resources.

Noting this limitation, the AFP has made efforts to identify matters that fall within the scope of the Senator's question between the period 1 July 2012 and 1 March 2016.

Within this period, the AFP received 87 referrals from ADF as an organisation. Of these, two relate to allegations of crime or misconduct alleged to have been committed against a member of the ADF (either serving or former) by another member of the ADF (either serving or former). Of these, one was not accepted for investigation as it was determined that the AFP did not have the jurisdiction to do so. It was further determined that ADFIS may be the most appropriate agency to investigate. As such, the matter was referred back to ADF. The other matter is currently being evaluated.

In addition to these, five matters have been identified which were referred to the AFP by members of the public that relate to allegations of criminality or misconduct committed against a member of the ADF (either serving or former) by another member of the ADF (either serving or former). Of these, three were not accepted for investigation. The reasons for not accepting these referrals was due to either the AFP not being the most appropriate agency to investigate the complaints or there was insufficient evidence to support the allegations. In each case the original complainant was advised of the decision. The remaining two matters are currently being evaluated.