

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 130

Senator Ludwig asked the following question at the hearing on 13 February 2007:

Air Marshall Academy Investigation – Follow-up to Question on Notice 115:

- a) Since the last round of estimates, has any person had their employment terminated as a result of the investigation?
- b) Have any additional persons resigned as a result of the investigation?
 - i) If so, could AFP please provide the following information:
 - 1. Their seniority?
 - 2. The roles and duties they performed?
 - 3. The findings that were made against them?
- c) Have any persons, as a result of the investigation been:
 - i) Provided counselling;
 - ii) Put on leave (specify for what reason).
- d) What relevant duties did they perform?
- e) Are AFP able to provide a copy of the investigation, or the final report of the investigation? If not, why not?
- f) Against how many people did the report make recommendations?
For each of these individuals please provide the following persons (sic):
 - 1. Their seniority?
 - 2. The role and duties they performed?
 - 3. The findings that were made against them?
 - 4. The action that was recommended against them?
 - 5. The action that was taken?
- g) Regarding the recommendations that did not relate to specific individuals, could AFP provide a copy of the recommendations for each individual recommendation (sic)?
 - i) Could AFP indicate whether or not AFP agree with the recommendations and at what stage the implementation of the recommendations is?
 - ii) How much money has been expended in implementing the recommendations?
- h) How many ComCare claims currently exist as a result of the incidence (sic) that led to the report?
- i) Are AFP able to indicate the aggregate costs of these ComCare claims?
- j) Are AFP able to breakdown the cost of these ComCare claims?

- k) Regarding the list of allegations that was provided for question (e) in question on notice 115, are AFP able to indicate:
- i) Whether or not there had been any additional allegations made? If so, provide details.
 - ii) Regarding the allegation of assault, could AFP provide the following information:
 - 1. Details as to the circumstances surrounding the assault?
 - 2. Has this investigation been finalised?
 - 3. If it has been what was the outcome of the investigation?
 - 4. Was the allegation substantiated?
 - 5. If it was substantiated, what action was taken?
 - 6. Has anyone been charged?
- l) Regarding the allegation of fraud against the Commonwealth, could AFP provide the following information:
- i) Details as to the circumstances surrounding the assault (sic)?
 - ii) Has this investigation been finalised?
 - iii) If it has been what was the outcome of the investigation?
 - iv) Was the allegation substantiated?
 - v) If it was substantiated, what action was taken?
 - vi) Has anyone been charged?
- m) Regarding the allegations of misuse of authorities, could AFP provide the following information:
- i) Details as to the circumstances surrounding the assault (sic)?
 - ii) Has this investigation been finalised?
 - iii) If it has been what was the outcome of the investigation?
 - iv) Was the allegation substantiated?
 - v) If it was substantiated, what action was taken?
 - vi) Has anyone been charged?

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

- a) No.
- b) No.
- c) i) No persons have been counselled in relation to this matter since the response on 31 October 2006.
- ii) No persons have been put on leave in relation to this matter since the response on 31 October 2006.
- d) Not applicable.
- e) The final report contains details of complaints, witnesses and members subject to the internal disciplinary process. The final report also contains methodology relating to the

Air Security Officer (ASO) training program. For these reasons it would be inappropriate to release a copy of the report.

- f) Seven people, however, the AFP is unable to release details of their positions and specific actions taken regarding particular individuals. This is because, given the nature of the ASO Program's structure, providing such details would quite likely make evident to other personnel within the Program and outside it, the identities of the persons against whom adverse findings were substantiated. Such action would be contrary to privacy legislation and accepted confidentiality considerations relating to handling of such matters. The AFP can however generally advise that action taken against those concerned include formal counselling, training, re-assessment of employment suitability and/or redeployment.
- g) i) Please refer to answer (c)(i) in response to Question on Notice 115 of the October 2006 Senate Estimates hearing.
 - ii) Implementation was achieved within existing resources and was essentially administrative and process oriented in nature. No dollar cost is available.
- h) A total of three compensation claims were lodged with Comcare in relation to this incident. Of these three claims, one has been accepted and two have been rejected by Comcare. Of the two rejected claims, one has lodged an appeal to the Administrative Appeals Tribunal (AAT).
- i) Comcare estimates the potential total cost of the accepted claim to be \$346,712.
- j) The accepted claim comprises \$51,689 for costs to date, and Comcare estimated future costs of \$295,023. This includes incapacity, medical, legal and rehabilitation costs.
- k) i) No additional allegations have been made.
 - ii) The matter remains under investigation. It would therefore be inappropriate to further comment on it.
- l) i-iv) In relation to allegations of fraud, one case remains under investigation, so it would be inappropriate to comment on it further. The second case has been concluded and the allegation found to be unsubstantiated.
- m)i-vi) In relation to allegations of misuse of authority, investigation of one case has been finalised and is subject to a Quality Assurance process. In another case, investigation was not warranted having regard to all circumstances. In the third case, the investigation substantiated the allegation, resulting in the officer concerned being subject to assessment of employment suitability and placed on a performance assessment program.