



AFP

AUSTRALIAN FEDERAL POLICE

Our ref: CRM 2018/626

26 June 2018

Ms Nicole Joy
Right to Know

Email: foi+request-4530-026283665@righttoknow.org.au

Dear Ms Joy,

Freedom of Information request

I refer to your request, under the *Freedom of Information Act 1982* (the Act) seeking the following:

1. *Statistics of online child grooming cases in Australia;*
2. *Statistics of online child grooming cases investigated by the AFP under CPO team;*
3. *AFP's process or requirements in selecting online child grooming cases to investigate.*

Attached at Annexure A to this letter is my decision and statement of reasons for that decision. A "Schedule of Documents" identified as falling into the scope of your request is at Annexure B.

Information Publication Scheme (IPS)

As notified to you on 8 May 2018 it has been decided to publish the documents in full in respect of your request. Publication of the documents and any relevant documents will be made on the AFP website at <http://www.afp.gov.au/about-the-afp/information-publication-scheme/routinely-requested-information.aspx> in accordance with timeframes stipulated in section 11C of the Act.

Yours sincerely,

Helen Drew
Coordinator
Freedom of Information Team
Chief Counsel Portfolio

**STATEMENT OF REASONS RELATING TO AN FOI REQUEST BY
Nicole JOY**

I, Helen Drew, Coordinator, Freedom of Information Team, am an officer authorised under section 23 of the Act to make decisions in relation to the Australian Federal Police.

What follows is my decision and reasons for the decision in relation to your application.

BACKGROUND

On 23 April 2018, this office received your email in which you requested:

- 1. Statistics of online child grooming cases in Australia;*
- 2. Statistics of online child grooming cases investigated by the AFP under CPO team;*
- 3. AFP's process or requirements in selecting online child grooming cases to investigate.*

On 21 May 2018, you confirmed the information you sought was for the 2016/17 financial year.

I note that all statutory timeframes have been exhausted. I apologise for the delay in providing you with my decision and any inconvenience this may have caused you.

SEARCHES

In relation to this request, a search was undertaken by Victim Based Crime team who are part of the Crime Operations portfolio.

WAIVER OF CHARGES

Given that the request has exceeded all statutory timeframes as outlined at Section 15 of the Act, the AFP is not able to impose any fees or charges as outlined at Regulation 5(2)&(3) of the *Freedom of Information (Charges) Regulations 1982*.

DECISION

I have identified one document relevant to your request.

I have decided that the document is released to you in its entirety.

As previously advised, the AFP does not hold statistics for State and Territory Police. To obtain this information, you will need to submit an FOI application with each jurisdiction.

EVIDENCE/MATERIAL ON WHICH MY FINDINGS WERE BASED

In reaching my decision, I have relied on the following documentary evidence:

- ❖ the scope of your application;
- ❖ the contents of the documents listed in the attached schedule;

- ❖ advice from AFP officers with responsibility for matters relating to the documents to which you sought access;
- ❖ *Freedom of Information Act 1982*; and
- ❖ Guidelines issued by the Office of the Australian Information Commissioner.

YOU SHOULD READ THIS GENERAL ADVICE IN CONJUNCTION WITH THE LEGISLATIVE REQUIREMENTS OF THE FREEDOM OF INFORMATION ACT 1982.

REVIEW AND COMPLAINT RIGHTS

If you are dissatisfied with a Freedom of Information decision made by the Australian Federal Police, you can apply for an internal or Information Commissioner (IC) Review. You do not have to apply for Internal Review before seeking an IC review.

You do not need to seek a review by either the AFP or the IC should you wish to complain about the AFP's actions in processing your request.

REVIEW RIGHTS under Part VI of the Act

Internal Review by the AFP

Section 53A of the Act gives you the right to apply for an internal review in writing to the Australian Federal Police (AFP) within 30 days of being notified of a decision. No particular form is required. It would assist the independent AFP decision-maker responsible for the internal review if you set out in the application, the grounds on which you consider that the decision should be reviewed.

Section 54B of the Act provides that the internal review submission must be made within 30 days. Applications for a review of the decision should be addressed to:

Freedom of Information
Australian Federal Police
GPO Box 401
Canberra ACT 2601

REVIEW RIGHTS under Part VII of the Act

Review by the Information Commissioner (IC)

Alternatively, Section 54L of the Act gives you the right to apply directly to the IC or following an internal review by the AFP. In making your application you will need to provide an address for notices to be sent (this can be an email address) and a copy of the AFP decision. It would also help if you set out the reasons for review in your application.

Section 54S of the Act provides for the timeframes for an IC review submission. For an *access refusal decision* covered by subsection 54L(2), the application must be made within 60 days. For an *access grant decision* covered by subsection 54M(2), the application must be made within 30 days.

Applications for a review of the decision should be addressed to:

Office of the Australian Information Commissioner
GPO Box 5128
Sydney NSW 2001

Further, the OAIC encourages parties to an IC review to resolve their dispute informally, and encourages agencies to consider possible compromises or alternative solutions to the dispute in this matter. The AFP would be pleased to assist you in this regard.

Information about the IC review process can be found in Part 10 of the Guidelines which are available on our website at <http://www.oaic.gov.au/publications/guidelines.html>.

RIGHT TO COMPLAIN under Part VIIB of the Act

Section 70 of the Act provides that a person may complain to the IC about action taken by the Australian Federal Police in relation to your application.

A complaint to the IC may be made in writing and identify the agency against which the complaint is made.

The IC may be contacted on 1300 363 992. There is no particular form required to make a complaint, but the complaint should set out the grounds on which you consider the action should be investigated.

Freedom of Information Response
CRM 2018/626

Point 1

No documents. The AFP can provide statistics for AFP cases only.

Point 2

For the 2016/2017 financial year, there were 3 investigations conducted by AFP in relation to section 474.27 of the Criminal Code (Cth) – Using a carriage service to “groom” persons under 16 years of age, resulting in 2 convictions with the third matter resulting in convictions for alternative offences.

Point 3

All reporting received by the AFP in relation to online child exploitation offences are triaged, involving the review of all related Child Abuse Material (CAM) and completion of a risk assessment. Due to the volume of reporting received, the risk assessment assists in determining which reports to prioritise.

Following completion of the risk assessment, matters assigned an Extreme (child at immediate risk) or Very High ratings (person in position of trust or organised criminal conduct) are immediately referred to the appropriate law enforcement agency for action.

A risk assessment rating of High (higher levels of criminality) is allocated to regional Joint Anti Child Exploitation Teams (JACET) for further evaluation/investigation.

Reports assessed as low or medium risk are recorded for ‘information and intelligence purposes’ only.