



AFP
AUSTRALIAN FEDERAL POLICE

Our ref: CRM2021/131

25 October 2020

Ms Jane Smith

By email: foi+request-6635-b0b678ee@righttoknow.org.au

Dear Ms Smith

Freedom of Information request

I refer to your application dated 25 August 2020 under *the Freedom of Information Act 1982* (the Act).

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.

Disclosure Log

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 <https://www.afp.gov.au/about-us/information-publication-scheme/routinely-requested-information-and-disclosure-log> in accordance with timeframes stipulated in section 11C of the Act.

Yours sincerely

Adam Raszewski
Acting Deputy General Counsel (Coordinator) Information Law & FOI
Freedom of Information and Information Law
Chief Counsel Portfolio

**STATEMENT OF REASONS RELATING TO AN FOI REQUEST BY
JANE SMITH**

I, Adam Raszewski, Acting Deputy General Counsel (Coordinator) Information Law & FOI, Freedom of Information and Information Law, 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 25 August 2020, this office received your request seeking access to:

“Jane Smith (Right to Know)

Requesting: Information about claims of sexual abuse and/or harassment in the AFP.

For each of the last 5 financial years I request the following:

- The number of sexual abuse claims finalised by the AFP.*
- The number of claims finalised that were found to be in favour of the victim.*
- The total amount paid out by the AFP to these victims, and*
- The number of AFP personnel who, as perpetrators of sexual abuse, were disciplined or given an option of resigning”*

On 18 September 2020, you agreed to a 30 day extension of time pursuant to section 15AA of the Act.

SEARCHES

Searches were undertaken by the FOI Team for relevant information held by the appropriate line areas within the AFP, including Professional Standards (PRS) and AFP Legal.

WAIVER OF CHARGES

I am using my discretion and waiving any further fees and charges which are normally associated with the processing of applications under the Act.

EVIDENCE/MATERIAL ON WHICH MY FINDINGS WERE BASED

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

- the scope of your request;
- the contents of the document;
- advice from AFP officers with responsibility for matters relating to the documents to which you sought access;
- the Act; and
- the guidelines issued by the Office of the Australian Information Commissioner under section 93A of the Act.

DECISION

As your request seeks statistical information recorded in a number of locations in AFP systems (rather than particular documents held by the AFP), the AFP has consolidated this information in accordance with section 17 of the Act, and produced one document relevant to your request.

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

*****YOU SHOULD READ THIS GENERAL ADVICE IN CONJUNCTION WITH THE LEGISLATIVE REQUIREMENTS IN 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 either for internal review of the decision, or for a review by the Information Commissioner (IC). You do not have to apply for internal review before seeking review by the IC.

For complaints about the AFP's actions in processing your request, you do not need to seek review by either the AFP or the IC in making your complaint.

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 internal review in writing to the 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 reviewing the file 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 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

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 assist if you set out the reasons for review in your application.

Section 54S of the Act provides 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 IC review should be addressed to:

Office of the Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001

Further, the IC 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 this process can be found in Part 10 of the Guidelines which are available on the IC's 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. 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.

The IC may be contacted on 1300 363 992.

Response to CRM2021/131

1. The number of sexual abuse claims finalised by the AFP.

Sexual assault/harassment complaints finalised by the AFP

The below table covers statistics recorded for the 2015/2016 to 2019/2020 financial years.

The table includes all complaints where the Complaint Recording and Management System (CRAMS)* "incident description" field was either, Sexual Assault or Sexual Harassment, or the CRAMS "issue" field was Sexual Harassment.

	Discretion not to Proceed	Established	Not Established	Withdrawn	Grand Total
Sexual Assault (<i>incident description</i>)	1				1
Sexual Assault (<i>incident description</i>)	2	1	2		5
Sexual Harassment (<i>incident description</i>)	3	1	2	2	8
Sexual Harassment (Cat 3) – (<i>issue field</i>)	4	3	1		8
Sexual Harassment – (<i>issue & incident fields</i>)		2	1		3
Sexual Harassment (Cat 2) – (<i>issue field</i>)	1	3	1	2	5
Grand Total	11	10	7	2	30

Sexual assault/harassment claims finalised by the AFP

In relation to the number of legal claims finalised during the 2015/2016 to 2019/2020 financial years (relevant to sexual abuse or sexual assault), **one** (1) matter was finalised during this period, in the financial year 2019-2020.

2. The number of claims finalised that were found to be in favour of the victim.

Your request has been interpreted to mean the number of complainant allegations that were found to be 'established'.

As indicated by the table above, **ten** (10) matters were found to be 'established' during the last five financial years.

Zero legal claims were finalised on the basis of a monetary settlement or adverse court outcome in favour of the complainant/victim during the 2015/2016 to 2019/2020 financial years.

3. The total amount paid out by the AFP to these victims.

Nil.

4. The number of AFP personnel who, as perpetrators of sexual abuse, were disciplined or given an option of resigning.

The AFP is not able to specifically address this element of the request, as the AFP PROMIS Integrity database and CRAMS system only record the AFP's finding in relation to a complaint investigation (for example, 'established', 'not established', 'discretion not to proceed' etc.), and not statistics relating to the disciplinary action taken.

**Caveat*

The Complaint Recording and Management System (CRAMS) is the database designed to initially record and manage administrative investigations into breaches of the AFP Code of Conduct. It is this database the AFP has primarily relied on to source the information for this request.

Identifying the information relevant to this request is dependent upon how complaints are created and coded in CRAMS. As such, the AFP notes the accuracy of the information is dependent upon how a complaint is categorised. CRAMS complaints are primarily coded in relation to the name and AFP number of the appointee involved, and/or the wording of the specific complaint against the appointee.

In addition, if a complaint is categorised as a category 1 or 2 complaint, it may not have been exported to the AFP PROMIS Integrity database. Accordingly, the information held within the CRAMS database was primarily relied on in response to this request.

For future reference, requests should refer to or specify the 'conduct breaches coding', as outlined in the AFP Annual Report. This 'conduct breaches coding' translates to the data fields relevant to the information contained within CRAMS.

THE DOCUMENT IS DECLASSIFIED
AND RELEASED BY
THE AUSTRALIAN FEDERAL POLICE
UNDER THE
FREEDOM OF INFORMATION ACT 1982 (C73/11)