

Terms of Reference for the Independent Review of the Conduct of Sensitive Investigations in the AFP.

The Australian Federal Police, as the Australian Government's only policing agency, receives a range of referrals that have levels and/or aspects of sensitivity beyond those normally received. Such referrals typically have a political imperative, higher than normal levels of classification and media scrutiny, and require some form of senior management oversight. At present, sensitive investigations include matters relating to unauthorised disclosures; the application of Parliamentary privilege; espionage and foreign interference; and war crimes. In light of my public commitment to review the processes around the recent investigations involving News and the Australian Broadcasting Commission, I require a process review into the handling of sensitive investigations with a view to ensuring all aspects of their conduct (from point of referral through the authorisation and their ongoing management) are as efficient and effective as possible and to determine whether the existing investigative policy and guidelines are fit for purpose.

Drawing, as appropriate, on case studies and consultations this review of sensitive investigations will provide my Office with options around opportunities for interventions and strategies to ensure the AFP is best placed to address sensitive investigations in the future, including the:

- a. Baselining of what constitutes a sensitive investigation
- b. Articulation of the human resources, skills, training, technology and facilities required
- c. Reformation of governance and business processes (including alternative mechanisms for referring entities beyond the AFP)
- d. Organisational structures

In the conduct of this review I require you to draw upon a small review team that I will provide to you, to consult appropriately with relevant internal and external stakeholders within the Australian Government. I expect you to work, given time constraints with reference to the work being undertaken by Ernst and Young on the AFP's future operating model and, given the public interest aspects of this review, I require an annexure to be produced with the express intent for public release should I see fit. This review is to be completed no later than 20 January 2020 and I reserve the right to request an interim report if circumstances arise whereby the full report has not been finalised. Similarly, should you in the course of your review find an issue or issues of concern I require you to bring these to my immediate attention.