



# AFP

**Our reference: EC23-003369**

Monday, 16 October 2023

Senator Helen Polley  
Chair  
Parliamentary Joint Committee on Law Enforcement  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Via email: [le.committee@aph.gov.au](mailto:le.committee@aph.gov.au)

Dear Chair,

The Australian Federal Police (AFP) welcomes the opportunity to provide the Parliamentary Joint Committee on Law Enforcement (PJCLE) with additional contemporary information to inform its inquiry into law enforcement capabilities in relation to child exploitation.

For your reference, attached is the AFP's submission from August 2021 and supplementary submission from October 2022. This correspondence includes updated information and statistics, and should be read alongside the previous submissions. The AFP understands the Committee may publish this correspondence as a submission to the inquiry.

## Statistics

Reports of online child exploitation to the AFP have more than doubled since the Australian Centre to Counter Child Exploitation (ACCCE) was launched in 2018. In 2022-23, the ACCCE Child Protection Triage Unit received more than 40,000 reports of online child sexual exploitation, up from 14,285 five years ago, reflecting the scale of this horrific crime.

The spike in reports reflects increasing levels of online child sexual abuse identified, alongside greater awareness in the Australian community of the issue and knowing how to report it. The below tables provide a breakdown of key AFP and ACCCE statistics over the past three financial years. I have also attached the ACCCE's *2022-23 Highlights*, which provides a snapshot of key operational achievements and initiatives over the past 12 months.

## AFP statistics

	19/20 FY	20/21 FY	21/22 FY	22/23 FY
<b>Persons arrested / summonsed / Court Attendance Notice issued<sup>1</sup></b>	161	235	221	186
<b>Charges Laid</b>	1,214	2,772	1,746	925
<b>Children Removed from Harm</b>				
Domestically	67	88	33	36
Internationally	67	144	46	84
<b>Total</b>	134	232	79	120
<b>New Victims Identified<sup>2</sup></b>	37	184	170	141

1. Includes National and ACT Policing

2. A result of a referral to, or referral from, a victim identification team, where the victim was spoken to by law enforcement and identity confirmed.

Reports received by the AFP largely relate to unlawful online activities of individuals, including the production, supply, download, access of child exploitation material, and the online procuring, grooming of persons under 16 both in Australia and by Australians overseas. Reports contain images and videos of children being sexually assaulted or exploited for the sexual gratification or financial gain of child sex offenders; descriptions of child sexual abuse (for example, in chat logs) and depictions of child sexual abuse (for example, in cartoons and anime). In the case of Member of the Public reporting, the reports largely relate to 'sextortion'.

## Reports to ACCCE – Child Protection Triage Unit (CPTU)

	National Center for Missing and Exploited Children (NCMEC)	Member of Public (MOP)	Misc/Other	Total
<b>20/21 FY</b>	21,399	926	275	22,600
<b>21/22 FY</b>	35,341	960	299	36,600
<b>22/23 FY</b>	36,895	3,143	194	40,232



## End-to-end Encryption

The complexities associated with investigating child exploitation are furthered by wide-scale adoption of emerging technologies. These include encryption, anonymising technologies, live-streaming services, 'pay-per-view' models, and virtual currencies.

Online child abuse offenders still operate on the 'clear-net'. The AFP sees offenders actively using non-encrypted communication channels such as web forums and social media chat functions. The majority of reports received by the US based NCMEC are from 'clear-net' electronic service providers. NCMEC estimates that more than half of its CyberTipline reports will vanish when major platforms introduce End-to-End Encryption (E2EE) without a solution in place to safeguard children.

The digital industry plays a critical role in preventing and disrupting the exploitation of children online. However, the AFP believes the adoption of E2EE will provide offenders with an open platform to groom vulnerable children, and parents, online. Without implementation of appropriate safeguards for children, we know the proposed widespread implementation of E2EE by major technology and social media companies will lead to a significant decrease in child abuse reporting by those companies.

The introduction of E2EE will have an adverse impact on the AFP and Australian law enforcement to identify and disrupt instances of online child sexual exploitation. As more platforms move to E2EE, there will be no trace of the horrific abuse suffered by these children, no crumb of evidence for law enforcement to follow, to identify the offender, to arrest them and to rescue that child from harm. Further, young self-producers on encrypted platforms will be much less likely to have their risky behaviour detected and disrupted by a welfare check and tailored education.

The AFP and the ACCCE are concerned that the following type of scenarios could eventuate should Meta move to E2EE:

- Without content visibility, NCMEC is not alerted by Meta to incidents of child abuse material and grooming, a subsequent report to the ACCCE is not made, and an investigation does not begin.
- Without having the ability to examine a suspect's communications on any local devices, law enforcement may be unable to form the suspicion required to seize the device and conduct detailed forensic examination of it in order to obtain evidence.
- Without being able to view an accused's communications, investigators cannot review the conversation and identify the victim for rescue.
- Without being able to view the content of an accused's conversation, the Commonwealth Director of Public Prosecutions (CDPP) may not be able to prove these elements or determine the full extent of offending.



## International Law Enforcement Partnerships

The complexity and borderless nature of child protection investigations means that no agency or country can fight these threats alone. The AFP and ACCCE continue to leverage international partnerships, with the ACCCE uniquely placed to partner with the AFP's International Network and foreign law enforcement community to take the fight against online child sexual exploitation to the world.

Recent operational successes, including Operation Bakis, have highlighted the significant outcomes that can be achieved through collaborative, international efforts. Operation Bakis was a joint investigation with State and Territory police that had its origins in the murder of two FBI agents in Florida in 2021, resulting in 19 men charged and 13 Australian children removed from harm.

The AFP is a key member of the Virtual Global Taskforce (VGT), an international alliance of 15 law enforcement agencies, working together to reduce the global threat from, and vulnerability of children to, online sexual abuse and other forms of transnational child sexual offending. In April 2023, the VGT stated that "end-to-end encryption degrades safety systems and weakens the ability to keep children safe online". Demonstrating law enforcement agencies across the globe share the same concerns of the tech industry's rollout of end-to-end encryption with minimal safeguards, the VGT also reiterate the devastating impact end-to-end encryption will have on law enforcement's ability to keep children safe.

The ACCCE has also developed a globally significant covert capability that specialises in infiltrating organised online child abuse syndicates operating on the dark web and within encrypted applications. This ongoing and sustained covert capability has increased referrals to both domestic and overseas partners, leading to the arrest of 25 serious offenders and removed 19 children from harm, as well as the disruption of over 400,000 dark web users.

The AFP is focused on regional collaboration and capacity building. Through the AFP's International Command in the Philippines, we are continuing to closely collaborate with Philippine domestic and foreign law enforcement partners to detect and disrupt those engaged in the sexual abuse and exploitation of children, remove victims from harm and address the growth of Online Sexual Abuse and Exploitation of Children at the source. This includes continued support to the development and maturity of the Philippine Internet Crimes Against Children Centre (PICACC) jointly established by the AFP in partnership with the National Bureau of Investigation, Philippine National Police, International Justice Mission and United Kingdom (UK) National Crime Agency.

Since its inception in February 2019 the PICACC operations have resulted in 643 victims rescued and 131 suspects charged. Of these, 51 of the arrests/charges and 224 of the rescues were a direct result of AFP International Command facilitating and value adding to referrals emanating from Australia based investigations and intelligence referrals. The work undertaken by the PICACC has strengthened prosecution cases, identified further suspect offenders and generated intelligence leads and more investigations, in Australia and other foreign jurisdictions.



We hope this additional information, including updates on operational statistics, assists the Committee in understanding the continually evolving threat environment since the AFP's last submission. We look forward to continued engagement with the Committee on this important inquiry.

Yours sincerely,

Grant Nicholls  
Acting Deputy Commissioner Crime

Enclosed:  
Attachment A – AFP Submissions  
Attachment B – ACCCE 2022-23 Highlights





**AFP**  
AUSTRALIAN FEDERAL POLICE

6 October 2022

Senator Helen Polley  
Committee Chair  
Parliamentary Joint Committee on Law Enforcement  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Via email: [le.committee@aph.gov.au](mailto:le.committee@aph.gov.au)

Dear Ms Polley,

**Re: Continuation of inquiry into law enforcement capabilities in relation to child exploitation**

1. The Australian Federal Police (AFP) welcomes the opportunity to provide the Parliamentary Joint Committee on Law Enforcement (PJCLE) additional information to inform its inquiry into law enforcement capabilities in relation to child exploitation.
2. For reference, attached is AFP's submission from August 2021 outlining the AFP's role in addressing child exploitation and providing operational insights on the threat environment, emerging trends, and legislative gaps. This letter is designed to be read alongside the previous submission and includes updated operational trends, statistics and advice.

**Operational updates**

3. In the 2021/22 financial year, the AFP charged 221 offenders with 1,746 charges for child abuse related offences. In this time period, the Australian Centre to Counter Child Exploitation (ACCCE) Child Protection Triage Unit received more than 36,000 reports of child sexual exploitation, an increase of 62% from the previous financial year.

ACCCE/AFP Statistics	2018/19 FY	2019/20 FY	2020/21 FY	2021/22 FY
Incoming reports of child exploitation received	14,285	21,668	22,600	36,660
Arrests (including summons, court attendance notices, etc.)	74	161	235	221
Charges laid	372	1,214	2,772	1,746
Victims identified	38	37	184	170
Children removed from harm	72	134	232	79

*Note: as in the August 2021 submission, these statistics include online and contact offending.*

4. These statistics reflect major AFP operations from the 2021/22 financial year including Operation Tatsuta, an operation coordinated by the South Australian Joint Anti-Child Exploitation Team (JACET) in collaboration with AFP International Command, Philippine



Internet Crimes Against Children Centre, the Philippine National Police and the AFP Criminal Assets Confiscation Taskforce (CACT).

#### **Case study – Operation TATSUTA**

Operation Tatsuta resulted in the successful prosecution of an Adelaide man who was actively participating and directing the live online child sexual abuse of 13 child victims by five adult facilitators located in the Philippines. Through information provided by the AFP, the PNP arrested five facilitators of live online child sexual abuse (LOCSA) and rescued 15 victims of sexual exploitation.

The AFP CACT commenced civil proceedings against the offender, resulting in a restraining order being issued against his residence in South Australia, the first time this has occurred against a child sex offender. This action resolved with the offender paying \$165,000 to the Commonwealth. In August 2022, the offender was sentenced to a total of 16 years' imprisonment, with a fixed non-parole period of 10 years.

5. The joint AFP Operation Tamworth/Western Australia (WA) Police Operation Palomar, went to resolution in September 2022 (outside of the 2021/22 financial year – and is therefore not included in the above statistics). The WA Police led operation involved AFP and Australian Border Force, and sought to target the manufacture, distribution and possession of child exploitation material in the state of WA.
6. As at 15 September 2022, the joint operation has resulted in 45 people being charged in WA with 149 offences, 35,222 images and videos of child exploitation material being seized, and three victims being identified and rescued from ongoing harm.

#### **Newly emerging trends and changes**

##### *Increase in extortion-based behaviours*

7. As identified in the AFP's previous submission, our operational teams continue to encounter an increase in the application of technological advancements to offending, self-generated sexual content, and the proliferation of live online child sexual abuse.
8. The AFP is also seeing an increase in online sexual extortion. Also referred to as 'sextortion', this offending refers to a serious form of blackmail where an offender coerces a victim to self-generate child abuse material and then threatens to share that material unless their demands (sometimes for money or more images) are met.

#### **Case study – Operation HUNTSMAN**

ACCCE-led Operation Huntsman is an internally generated operation in response to material identified relating to the international sextortion of Australian children. It was initiated due to a significant and sustained rise in numbers of sextortion referrals received by the ACCCE. Between April and August, the number of victim reports received by ACCCE was 396. Extrapolate from that number, with our understanding that sextortion is substantially underreported, the number of victims could be much greater and exceed well over a thousand.

Operation Huntsman has identified that offshore persons are blackmailing adolescents via social media platforms using real or doctored images of them in compromising positions. This material



is then used to coerce the children into providing payment or, in some circumstances, new material.

9. Where offenders threaten children for the purposes of obtaining new child exploitation material, the AFP would seek to pursue charges under *Criminal Code Act 1995* (Criminal Code) sections 474.17 and 474.17A in the first instance. These offences carry a maximum penalty of imprisonment for five and six years respectively, which is not always reflective of the seriousness of the offending and the fear invoked in victims.

10. Law enforcement is working domestically and internationally to address this trend. The AFP and ACCCE developed an awareness and education package, including a new *ThinkUKnow* education resource aimed at teenagers from 13-17 years old on how to recognise sexual extortion and how to get help; a media and social media campaign; and video message to encourage young people to report to police. In a four-day period, it is estimated that the campaign reached 7.5 million people.

### **New and ongoing initiatives**

#### *ACCCE Animations*

11. The ACCCE has launched a series of new online animations to raise awareness and prevent online child sexual exploitation.
12. Through market research and consultation with stakeholders, the ACCCE identified that confusion still exists in the community around what constitutes online child sexual exploitation, where to report matters, and the work of the ACCCE. The animations '*What is the ACCCE, What is Online Child Sexual Exploitation and How to Report Online Child Sexual Exploitation*'. These animations seek to support families to actively engage in conversations with their children, following ACCCE research illustrating that only 52% of parents talk to their children about online safety.

#### *Child Protection Children's Book*

13. The ACCCE undertook market research in 2019 into the current awareness, perceptions and attitudes of online child sexual exploitation, which recommended a requirement for resources and tools for information and support to complement education activities.
14. Together, the AFP and ACCCE have developed a children's picture book titled "*Jack Changes the Game*", designed for parents, carers and teachers to start conversations with primary school children in Year 1-3 (5–8 years old) about being safer online. The picture book aims to help children recognise the signs of online grooming, how to get help and the importance of reporting.
15. The book is supported by a *ThinkUKnow* learning package, including lesson plans and home activities to assist in reinforcing key concepts at home and in the classroom. To develop the book, the AFP and ACCCE established a highly credible academic advisory reference group with leading experts in education and child protection. The reference group has been engaged throughout the project from conception, storyline and illustrations.
16. The book was launched at the ACCCE on 4 October 2022. The AFP and ACCCE will work with partners to distribute the book. For example, Australia Post will deliver copies to every primary school in Australia.



*Travelling Child Sex Offender Campaign*

17. In November 2022, the ACCCE will be launching a pilot awareness and deterrence campaign at Brisbane International Airport, targeting travelling child sex offenders. This ACCCE priority program has been designed to address the increasing prevalence of sexual exploitation of children in the context of travel and tourism, which is strongly linked to online child exploitation. Following the pilot in Brisbane, the ACCCE will look to roll out the campaign nationally in early 2023.

*ThinkUKnow program – updates and national training rollout*

18. The AFP leads *ThinkUKnow*, an evidence-based education program to prevent online child sexual exploitation.
19. The AFP undertook updates to the *ThinkUKnow* presentation suite for 2022, to reflect trends and issues based on real reports and investigations. This package was released in April 2022 to coincide with the beginning of Term 2.
20. Between April – July 2022, the AFP delivered the updated *ThinkUKnow* presentation training to AFP, State and Territory police and industry presenters across Tasmania, ACT, South Australia, Northern Territory, Western Australia, Queensland and New South Wales, including metropolitan and regional areas, as well as hosting virtual training sessions in Victoria.
21. Since the commencement of the updated *ThinkUKnow* program, 350 members have attended face-to-face training and 106 members participated through virtual sessions.

*Victim Identification Taskforces and Training*

22. Between May 2021 and May 2022, the ACCCE Victim Identification Unit facilitated three victim identification taskforces (VIDTF). The VIDTF's bring together state and territory law enforcement partners to review material and work collaboratively towards identifying victims. Across the three VIDTFs, more than 10,500 media files were contributed to the INTERPOL International Child Sexual Exploitation (ICSE) database, 100 new series were created on ICSE, and additional material was contributed to 46 existing victim series on ICSE. Over the course of the VIDTFs, 30 victims have been identified and more than 60 victims and/or offenders referred for investigation.
23. In November 2021, the ACCCE launched an online Victim Identification Awareness training package, which has now been accessed by more than 200 members from all policing agencies in Australia. Law enforcement representatives from Europol, INTERPOL, Denmark, Norway, New Zealand, United Kingdom and the United States have also completed the training course.
24. In May 2022, the ACCCE facilitated the first national specialist victim identification training, during which 11 victim identification members from across Australia and New Zealand developed their skills in analysing media to identify child victims.



### *Child Sexual Exploitation Regional Dialogue*

25. In May 2022, the AFP led the Child Sexual Exploitation Regional Dialogue in Siem Reap, Cambodia. This dialogue saw law enforcement representation from 14 countries alongside non-government organisations and locally based foreign agencies. The dialogue has highlighted the importance of collaboration between foreign law enforcement to improve investigation techniques and information sharing between partner agencies.

### *Wellbeing of Child Protection Operation and ACCCE members*

26. The AFP and ACCCE consistently seek to employ best practice when providing psychological care and supporting the wellbeing of our people. The ACCCE building was designed as an integral part of the wellbeing plan, encouraging members to utilise the collaboration and breakout areas to interact and step away from high risk explicit material exposure areas. The building has two floors which have strict access control measures in place to minimise potential exposure to explicit material. The operational floor has physical protective measures including viewing controls, tint and strategic placement of monitors to avoid accidental exposure. Other measures include the introduction of wellbeing dogs, where members' dogs visit the ACCCE building on Fridays, and other recognised support practices.

### *The National Strategy to Prevent and Respond to Child Sexual Abuse*

27. The First Commonwealth Action Plan delivers \$35.4 million over 4 years to the AFP and the National Action Plan delivers \$22.5 million over 4 years to the AFP. AFP-led measures include a national enhancement of victim identification, forensic triaging capability, expanding AFP international operations and enhancing child protection investigations in the Northern Territory. The Child Protection National Strategy Implementation and Performance Review Board (IPRB) [SES1] has met bi-monthly since November 2021. The IPRB determines how AFP can implement initiatives to ensure we meet the National Strategy requirements and to enhance the AFP's collective efforts. The Child Protection National Strategy Executive Review Board (ERB) [SES2] met in May 2022. This Board ensures AFP delivers on the intent of the National Strategy and aligns with the strategic direction of the AFP. AFP participates in the National Strategy Policy Working Group, which is responsible for implementing the National Strategy.

### *Law Enforcement partnerships*

28. The Virtual Global Taskforce (VGT) is an international alliance of dedicated law enforcement agencies and partners, working together to reduce the global threat from, and vulnerability of children to, online sexual abuse and other forms of transnational child sexual offending. The AFP are key members of the VGT Board of Management (BOM), which comprises of a coalition of international law enforcement agencies. The VGT was established in 2003 as a direct response to lessons learned from investigations into online child sexual abuse around the world. The child sexual abuse threat is a global one and the VGT seeks to deliver innovative, global strategies in order to safeguard children online. The AFP are expected to outline initiatives to investigate, deter and prevent child sexual exploitation and highlight our contribution to international collaborative efforts. Key topics in the VGT BOM will include operational techniques and tools as well as ongoing international operations. There will be an opportunity to discuss operational architecture, capacity building and how partnerships can be strengthened and enhanced between agencies.



29. The Five Eyes Law Enforcement Group (FELEG) Vulnerable Persons Working Group (VPWG) started as a 12-month pilot, but owing to changes within the FELEG it is now a “Community of Practice” rather than a working group. The VPWG has been developed to tackle the issue of live streaming of child abuse material within vulnerable populations, including current and emerging markets. The end goal is to leverage shared knowledge and capabilities of individual FELEG agencies to develop best practice and a collaborative approach to transnational investigations. The group is still in the start-up phase, with a live streaming assessment (“deep dive”) in the final stages. The assessment is being put together by National Assessment Centre (NAC) of the NCA with support from the international community for the Criminal Intelligence Advisory Group (CIAG) and will inform the direction of the group once finalised.

#### Gaps in the existing framework

##### *Improving use of community and victim impact statements*

30. In addition to the issues flagged in the AFP’s 2021 submission, the AFP and ACCCE see benefit in clarifying the existing *Crimes Act 1914* (Cth) Part IB application to victim impact statements to consider the significant amount of harm and re-victimisation that the victims of child exploitation face and permitting the submission of community impact statements.
31. For example, we see benefit in permitting the submission of statements from victim-survivors depicted in material found in the offender’s possession, including where the offender is not responsible for producing, procuring or soliciting that material directly from the victim (i.e. the material was already in circulation and the offender obtained it without contact with the victim). Enabling the submission of statements in this instance recognises that the ongoing existence and sharing of the child abuse material contributes to harm and that individuals are often re-victimised when their material is shared online.
32. The AFP also supports permitting community impact statements (also known as group impact statements) on behalf of victim-survivors depicted in child abuse material available online, none of whom are necessarily depicted in the material in the offender’s possession. For example, convictions for possessing child abuse material obtained using a carriage service do not require a complainant and a community impact statement could detail the impact that online child sexual abuse has on victims.
33. In 2010, South Australia (SA) became the first State to permit a community impact statement being provided to the court. This legislation provides for two types of statements to be utilised during sentencing proceedings; the first being a ‘Neighbourhood Impact Statement’ and the second being a ‘Social Impact Statement’.
34. Since 2021, AFP as part of the SA JACET has partnered with the South Australian Commissioner for Victims’ Rights to develop and utilise Social Impact Statements for investigations undertaken by the SA JACET.
35. These statements are designed to give victims and the community a voice within the judicial process and to inform the court of the impacts of offending on the individual and the wider community.
36. SA is currently the only jurisdiction in Australia permitting the use of these statements. AFP’s experience with the SA JACET highlights the benefits of these types of statements being used to represent the victim and the community interests.

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## Conclusion

37. We hope this additional information assists the Committee in understanding the continually evolving threat environment and updates on measures and initiatives since the AFP's last submission. The AFP welcomes an opportunity to appear before the Committee to expand on this submission (as well as the information provided in the AFP's 2021 submission) if needed.

Yours sincerely,

Lesa Gale

Performing the duties of Deputy Commissioner Operations

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AUSTRALIAN FEDERAL POLICE



## Parliamentary Joint Committee on Law Enforcement

Inquiry into Law  
Enforcement Capabilities in  
Relation to Child  
Exploitation

25 August 2021

Submission by the  
Australian Federal Police

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### Introduction

1. The Australian Federal Police (AFP) welcomes the opportunity to make a submission to the Parliamentary Joint Committee on Law Enforcement (the Committee) Inquiry into law enforcement capabilities in relation to child exploitation.
2. The threat to children, those most vulnerable in our community, is evolving. Operational experience has shown that the borderless crime of online child sexual exploitation is progressively difficult to tackle, especially as the use of anonymising technology and encrypted platforms become increasingly prevalent.
3. The AFP is at the forefront of combatting child exploitation in Australia, and leads the coordination of national efforts to uncover and locate child sex offenders who engage in all forms of exploitation and abuse.
4. The AFP is not only responsible for the operational response and investigation of offenders coordinated by AFP Child Protection Operations (CPO) through the Joint Anti-Child Exploitation Teams (JACETs) and the Northern Territory Child Abuse Taskforce (NT CAT), but is also a leader in prevention and education initiatives such as the AFP *ThinkUKnow* program, and strategic leadership, research and collaboration through the AFP-led Australian Centre to Counter Child Exploitation (ACCCE). A detailed overview of the ACCCE is below at paragraphs 40-50.
5. Child exploitation is a high volume crime, requiring substantial resourcing and the use of all available legislative and technological capabilities to combat. Through AFP's extensive operational experience, a number of gaps have been identified in the existing frameworks, which are detailed further in this submission. Addressing these gaps will further assist the AFP and our partners to tackle child exploitation. This submission was prepared in consultation with the AFP's close partner, the Australian Criminal Intelligence Commission (ACIC) to focus on operational experiences in combatting child exploitation. The Department of Home Affairs has also prepared a submission, which provides policy context. The AFP recommends the submissions be read alongside one another to provide a full picture of the Commonwealth response to the criminal environment.

### Nature and Extent of the Threat: Child Exploitation

#### *Online child exploitation and the impact of COVID-19*

6. Child exploitation has unfortunately been a considerable problem for law enforcement authorities for an extensive period of time. Since the onset of the COVID-19 pandemic, and as a result of the growing number of households spending considerably increased time online (with sometimes limited security measures) the availability and access to children online has increased.
7. In 2020/21, the AFP arrested 235 offenders, laid 2,772 charges, identified 184 victims and removed 232 victims from harm. This is a significant increase from previous years as per below.



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<b>ACCCE/AFP statistics</b>	<b>2018/19 FY</b>	<b>2019/20 FY</b>	<b>2020/2021</b>
Incoming reports child exploitation received	14,285	21,668	22,600
Arrests	74	161	235
Charges laid	372	1,214	2,772
Victims identified	38	37	184
Children removed from harm	72	134	232

**Note:** Stats include online and contact offending.

8. A number of means can be attributed to the significant increase of reports, arrests, charges laid, victims identified and children removed from harm in comparison to previous years. An increase in victim identification capability and the ACCCE's Victim Identification Units review of the International Child Sexual Exploitation (ICSE) database material has attributed to some of these increases, in conjunction with national collaboration and coordination efforts that have seen an increase in victims being uploaded to the ICSE.
9. The AFP and ACCCE have observed the emergence of a number of child abuse forums established as a result of COVID-19 stay at home measures. These forums now include more than 1,000 members combined and specifically provide advice on how to establish online relationships with children in the COVID-19 environment.
10. The use of carriage services contributes heavily to the proliferation of child exploitation. Between 01 July 2020 and 31 June 2021, the most commonly used Commonwealth offences have been:

<b>Offence</b>	<b>Counts</b>
Criminal Code section 474.22 – using a carriage service for Child Abuse Material	494
Criminal Code section 474.22A – Possessing or controlling child abuse material obtained or accessed using a carriage service	264

11. Some material uncovered by police can be extreme – depicting children, including very young children, being subjected to physical and sexual abuse, torture and cruelty.

### *Application of technological advancements to offending*

12. Online child exploitation continues to be difficult to track and investigate. This complexity is compounded by wide-scale adoption of encryption, anonymising technologies, streaming services and 'pay-per-view' models, and use of virtual



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currencies to obfuscate law enforcement detection. However, online child abuse offenders do also operate on the 'clear-net', and law enforcement continues to observe offenders using non-encrypted communication channels. It is important to note that the vast majority of reports received by NCMEC are from clear net electronic service providers, which continues to demonstrate the prevalence of online child exploitation on clear net platforms.

13. Law enforcement continues to observe offenders using non-encrypted communications channels, such as web forums and social media chat functions. Offenders share insights, tips and protocols with each other, with the aim of preventing or defeating law enforcement detection. It is the case that this communication is, at times, not in the encrypted communications space.
14. The hosting, sharing and distribution of child abuse material is increasingly occurring on dark web hidden services, which require specialised browsers and other anonymising software to access. These technologies are free or low cost for perpetrators to use, yet make a significant impact on the ability for law enforcement to detect and access.
15. The scale of offending on such platforms is significant and many services have tens of thousands of users across the world. Offenders using such platforms are cautious of law enforcement, and often produce and share 'how to' guides to assist perpetrators on avoiding law enforcement detection alongside instructional guides for producing child abuse material. Traditional law enforcement techniques struggle to address the scale of this problem.
16. Maliciously designed remote administration tools (RATs) are a common form of malware intended to provide an offender with control over a victim's computer. Though RATs have legitimate uses, they can be used to facilitate the commission of child exploitation offences. For example, through unauthorised access to a child's account to assume their identity and obtain exploitation material from others, or the activation of a victim's web camera to create child exploitation material.
17. Overall, the volume of child abuse material facilitated by and shared on the dark web is difficult to quantify. However, since the beginning of the COVID-19 pandemic, the ACCCE has identified over **800,000** registered accounts utilising anonymised platforms such as the dark web and encrypted apps, solely for the purposes facilitating child abuse material.
18. To ensure the protection of children during the COVID-19 pandemic, the AFP bolstered resources within the ACCCE Child Protection Triage Unit to address the increase in referrals received.

### *Self-generated sexual content*

19. Children and young people are being targeted by online child sex offenders through social networking, image, video and instant messaging applications to self-produce online child sexual exploitation material.
20. Self-generated content can occur for a number of reasons, including but not limited to, consensual sexting, feeling pressured or coerced, sexual extortion, financial gain



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and in some instances children are being groomed and blackmailed to produce more extreme material.

21. In cases of sexual extortion, offenders are manipulative and make the victim feel there is no way out of the situation. Offenders employ fear, coercion and manipulation tactics to continue to force the victim produce more material, including threatening that if the victim does not comply, previous material will be shared. Offenders exploit young victims' feelings that they have done something wrong and will be reprimanded by parents or carers and even prosecuted by the law if their actions are discovered.
22. Law enforcement face challenges in dealing with self-generated content as it is a highly stigmatised issue and in the majority of cases parents and carers are unwilling to discuss the topic with their children or with others; which can adversely affect the number of cases reported.
23. Research conducted by the ACCCE indicates that 21% of parents and carers thought the topic of self-generated material to be too sickening or disgusting to think about, 21% of parents thought that online child sexual exploitation could not happen in any form to their child and 15% of parents and carers reported that if their child was exploited online they would be too embarrassed to discuss this with others.
24. The ACCCE Prevention and Engagement team are innately aware of the challenges faced with the issue of self-generated content. The AFP, through the *ThinkUKnow* program, takes an educative approach to addressing the issue of self-produced child abuse material. The AFP believes it is important to empower young people to make informed decisions to promote their safety, and the safety of those they interact with, as well as encouraging help seeking behaviours. With a crime prevention focus, *ThinkUKnow* engages with educators, parents, carers and children, supporting the community to work together with police in reducing the incidences of online child sexual exploitation.
25. Further to the above the ACCCE is working on a number of projects to address these issues and fill the gaps. This includes the soon to be launched '*Stop the Stigma*' national awareness campaign, which the ACCCE has worked on in conjunction with ACCCE Prevention Working Group partners.

### *Live Online Child Sexual Abuse (LOCSA)*

26. The AFP is aware that in the current online-heavy operating environment there has been demand for consumption of Live Online Child Sexual Abuse (LOCSA), also known as 'Live Distance Child Abuse'. This can be largely attributed to the limitations of international travel and the consumption of online child abuse material being seen as a 'safer' way to offend.
27. This phenomenon is distinct from other forms of child abuse material, as LOCSA is primarily executed through livestreaming. No electronic trace is left on the device or remote servers except for session logs or data usage statistics, and law enforcement are often only alerted to the crime where the offender captures and uploads screenshots or video to other platforms. Although LOCSA can occur in various countries, facilitators often come from Southeast Asia. Countries in this region with



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high levels of poverty, high-speed internet connections, English language proficiency, and advanced remittance services leave facilitators well positioned to profit from this abhorrent offending.

28. Such criminal activity is captured under section 474.24A of the *Criminal Code 1995* (Criminal Code) which captures conduct where children are coerced into participating in sexual activities (performed alone or with others) which are broadcast live over the internet for criminals to watch remotely (using a carriage service). Consumers paying for the abuse to be broadcast often direct the facilitator to perform requested acts on a victim.
29. Due to the methodology associated with this offending, law enforcement and partners only have visibility of a fraction of the offending in this space and are required to estimate the proliferation of LOCSA. As a result of the relationships formed between the offenders (consumers and facilitators) and the victim, there remains a risk that the consumer may travel to offend in person against the victim or other children.

### *Travelling child sex offenders following re-opening of international borders*

30. While the COVID-19 pandemic has affected the ability of Australians to travel freely, the threat posed by travelling child sex offenders is significant.
31. In 2017, the Australian Parliament passed world-leading reforms in the *Passports Legislation Amendment (Overseas Travel by Child Sex Offenders) Act 2017* that allow for the cancellation of passports held by registered sex offenders to prevent them from travelling overseas.
32. Due to COVID-19 international border restrictions, the AFP have not charged any registered child sex offenders for attempting to travel without permission between 01 July 2020 and 30 June 2021.
33. However, the AFP charged 4 individuals with 44 counts of engaging in sexual activity with a child outside Australia contrary to section 272.9(1) of the Criminal Code in the 2020/2021 financial year.
34. The AFP have issued **101** notifications to foreign law enforcement agencies relating to the travel of registered child sex offenders in the last financial year, down from previous years (187 in 19/20 and 347 in 18/19) due to the international border closure. The majority of alerts were for travellers being deported or who have renounced Australian citizenship.
35. The total number of notifications may not fully represent the total number of child sex offenders travelling, noting that the AFP may leverage its strong international relationship to engage with foreign law enforcement not captured by these statistics.
36. The AFP is cognisant that the re-opening of international borders in 2021-22 will likely result in a corresponding increase in travel overseas by child sex offenders to engage in, encourage, or benefit from sexual activity with children.
37. As the borders begin to open, the AFP will continue to engage with key partner agencies, such as Home Affairs and the Australian Border Force to prevent and



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disrupt the sexual exploitation of children outside of Australia posed by travelling child sex offenders.

### *Human trafficking and forced marriage*

38. Forced marriage remains the highest reported human trafficking/modern slavery offence type, making up approximately 35% of reports made to the AFP of human trafficking/modern slavery. The average age of victims is between 15 and 19 years.
39. During the 2020/21 financial year the AFP received 224 reports of Human Trafficking, with 79 of these reports relating to forced marriage. The number of reports relating to forced marriage in 2020/21 is less than in 2019/20 (92 report) with this slight decline being attributed to the environmental conditions caused by COVID-19. This includes the downturn in domestic and international travel and decreased presence of young persons in schools, limiting schools' ability to identify and report potential victims of forced marriage. However, the AFP remains concerned by these recent figures.
40. Though international travel restrictions have limited the opportunity to facilitate the movement of people into and out of Australia for exploitation purposes there are concerns that the COVID-19 pandemic has increased the risks within Australia. Individuals in vulnerable circumstances, including those under financial hardship and at risk of family violence, are at greater risk of exploitation.
41. The AFP's human trafficking operations have been maintained throughout the pandemic. Importantly, this has included the removal of **57** victims from harm domestically during the 2020/21 financial year and the repatriation of **one** victim who had been trafficked from Australia during international travel restrictions. The AFP works with its domestic and international partners to support the repatriation of victims from overseas.
42. Prevention and education is crucial to improving the identification and reporting of forced marriage, and reducing its prevalence in the community. Between 2013 and 2021, **46%** of forced marriage reports involved disruption or intervention strategies that prevented an offence from occurring. The AFP leverages its strong working relationships with government, industry, academia and non-government organisations (NGOs) through initiatives such as *Project SKYWARP*.
43. The AFP's *Look a Little Deeper* is a human trafficking and slavery information and awareness program for frontline police and other government agencies, with the program extending its remit to include NGOs and the Australian community in 2021. The extended version of the package is currently being developed with a specific focus on education relating to forced marriage. The package will be delivered to the community through our Community Liaison Teams (CLTs) and is the first of its kind in Australia.
44. Community engagement remains essential to addressing this crime type. The AFP, through the CLTs, has taken steps to actively engage with female community leaders to foster awareness and increase education on forced marriage. These community leaders have expressed an interest in working closely with the CLTs in



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the future to prevent a broader range of criminal activity experienced within their communities.

45. In comparison, *Project SKYWARP* was a localised campaign first delivered in 2019 in partnership with Anti-Slavery Australia, the Sydney Airport Corporation and the Australian Border Force. The project involved the placement of forced marriage awareness materials in transit areas and washrooms across Sydney International Airport for a period of six months, to educate the public on the indicators of forced marriage and encouraged victims and witnesses to contact authorities for help. The materials directed people to the *My Blue Sky* website run by Anti-Slavery Australia, which provides extensive advice on forced marriage and anonymous support services to those affected.
46. Following *Project SKYWARP*, traffic to the *My Blue Sky* website increased from **5704** users in 2019/20 to **6842** users in 2020/21. The awareness campaign may also have contributed to a rise in reports of human trafficking to the AFP, which increased from **61** in 2018 to **91** in 2019, and to **92** in 2020.

## AFP role in combatting child exploitation

### *Australian Centre to Counter Child Exploitation (ACCCE)*

47. Operational since 2018, the AFP-led ACCCE is a world-class collaborative hub, bringing together law enforcement, public and private sectors and civil society, to drive a national response to deter, disrupt and prevent child exploitation, with a specific focus on countering online child sexual exploitation.
48. The ACCCE does not perform a traditional investigative function, in that it does not directly investigate or charge offenders or undertake briefs of evidence, but rather supports the investigative role and remit of the AFP Child Protection Operations, and state and territory police. The ACCCE endeavours to: reduce economic, social and individual rewards from child exploitation; reduce harm from organised child exploitation networks; enhance capability and interoperability between public and private sectors, and civil society; and enhance community confidence. AFP and the state and territory police, through the JACETs, retain the investigative authority in responding to child exploitation.
49. The ACCCE was developed out of Australian law enforcement experiencing an ongoing increase of reports relating to online child sexual exploitation in Australia. The ACCCE's foundational principle is partnership, with its four pillars being prevent, prepare, pursue and protect. Housed within the ACCCE are co-located resources from Queensland Police Service, Home Affairs (HA), Australian Border Force (ABF), AUSTRAC and the ACIC. The support received from these partners is significant. For example, in 2020 the ACIC established the Child Exploitation Intelligence Team (CEIT). The CEIT is dedicated to identifying new and emerging trends in online child sexual abuse, including livestreamed abuse. This team develops enhanced intelligence products by linking criminal intelligence, criminal history information, suspicious matter reports (SMRs) and international travel data.



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50. Between 1 July 2020 and 30 June 2021, the ACCCE Child Protection Triage Unit received **22,600** reports of child sexual exploitation. Each report may contain hundreds of thousands of images of children being abused. This significant number of reports may be attributable to the increasing access globally, and growth in technology (such as faster and more available data exchanges).
51. Operation MOLTO is an ACCCE-coordinated operation as part of its role in enhancing interoperability with state and territory partners. The operation commenced in 2020, when the ACCCE was referred information from an international partner. The ACCCE conducted the initial review of the information, before a joint national operation was commenced involving the AFP and all Australian state and territory police. Through the collaborative efforts of key state and territory partners, the operational leads were dispersed across the country for investigation.
52. Initially, the operation targeted offenders sharing some of the most abhorrent child abuse material circulating online. Operation MOLTO has identified alleged offenders in all Australian states and territories, ranging in ages from 19 to 57 years old. As at 31 July 2021, a total of **100** persons have been charged with **888** offences and **30** children have been removed from harm.
53. Operation MOLTO represents a fraction of this extensive criminal environment. Each year, the ACCCE and the AFP's workload grows.
54. The AFP and the ACCCE's role is further reaching than just Australia. The AFP is committed to pursuing individuals engaged in child exploitation and contact offending even when the child victims are outside of Australia. The below statistics represent charges over the last financial year and demonstrate that the AFP will endeavour to apprehend and charge Australian citizens who engage in this behaviour regardless of their whereabouts.

Offence	Counts
Criminal Code section 273.5 – Possess, control, produce, distribute, obtain child porn material outside Australia [repealed offence – captures historical offending]	55
Criminal Code section 273.6 – Possess, control, produce, distribute, obtain child abuse material outside Australia	52
Criminal Code section 272.9(1) – Engaging in sexual activity with a child outside Australia	44

55. The ACCCE also engages in a significant body of work to spread awareness of online child sexual exploitation in Australia and internationally. For example, in March 2021, the ACCCE launched the *Stop Child Abuse - Trace an Object* initiative in Australia. Originally developed by Europol, the initiative engages with the community to assist with the identification of objects, clothing or surroundings taken from the background of child sexual abuse images and videos. The ACCCE website hosts these images and is currently



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the most viewed page on the website. Since its launch the page has been viewed **51,882** which has resulted in **571** reports made to the ACCCE Victim Identification Unit.

56. In June 2021 the ACCCE, in partnership with the AFP, launched the *Closing the Net* podcast, a ten part series that highlights the work of law enforcement, government, academia, and non-government organisations. The series shares compelling insights of more than 55 people who dedicate their lives to combatting child exploitation through their work, as well as people who have committed to preventing child abuse through dedicating education and resources to the cause.
57. *Closing the Net* showcases that knowledge is power, and aims to encourage hard conversations between parents, carers, teachers and community members. It provides tips and advice around how to protect children online, and how to identify and report offensive online behaviour. The podcast has proven to have a significant impact with more than **45,000** downloads since its launch.

### *Joint Anti Child Exploitation Teams (JACETs)*

58. The JACETs are teams comprised of AFP and state and territory police, located in all capital cities across Australia. The JACETs establish a collaborative framework for combatting child sexual exploitation in Australia and by Australians offshore. In 2020/21 financial year the JACETs finalised **155** cases in relation to child exploitation, with **63** cases remaining before the court and **7** awaiting finalisation.
59. As an example of collaborative success, Operation ARKSTONE is an ongoing AFP-led operation, facilitated through the JACETs in conjunction with New South Wales Police, Western Australia Police and US Homeland Security Investigations. Following information provided by the United States' National Centre for Missing and Exploited Children (NCMEC) to the ACCCE for triage and evaluation, the operation commenced by targeting an alleged online network of offenders producing and sharing child abuse material.
60. Below is a case study of one offender identified through Operation ARKSTONE:

#### **Case Study:**

A part of Operation ARKSTONE, the AFP uncovered the online Australian network of alleged child sex offenders after the arrest of a 30 year-old Wyong man in February 2020.

Upon examination of the man's seized electronic devices, investigators followed leads and discovered encrypted social media forums and applications where some members were allegedly producing Child Abuse Material (CAM), while others accessed and circulated CAM. The evidence gathered from the initial arrest led to the unravelling of this alleged online network.

By March 2021, one of the original offenders appeared at court to face **196** charges relating to child sexual abuse and bestiality offences. These included the alleged sexual abuse of young children and filming the abuse to share online including multiple counts of sexual intercourse with a child under 10 years. He had originally been charged with



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44 offences but as the investigation continued towards the court hearing, officers continued to examine evidence.

Additional charges were laid as more illicit activity was discovered. This reflects the fact that, even at the brief preparation stage of enforcement activity, officers continue to work hard in assembling and analysing evidence to identify potential offences in conjunction with the Commonwealth Director of Public Prosecutions.

61. Operation ARKSTONE is the largest domestic investigation into online child sexual abuse and continues to yield operational success. As at 31 July 2021, legal proceedings have been initiated against **20** offenders, with a total of **1,236** charges and **54** victims identified. In addition, **146** referrals have been sent to international partners.

### *Northern Territory Child Abuse Taskforce (NT CAT)*

62. The NT CAT provides a targeted joint response to identify and respond to reports of sexual abuse and serious harm against children in the Northern Territory. The taskforce is comprised of members from the AFP, Northern Territory Police and Northern Territory Department of Children and Families (Department). As at June 2021, the AFP has **three** members within the taskforce.

63. The majority of NT CAT engagement is conducted in remote Indigenous communities, within isolated locations in the Northern Territory. The NT CAT response work is augmented by prevention initiatives and targeted operations focusing on community engagement, raising awareness and resilience, and high visibility in communities.

64. This joint police and Department approach reduces the victim's exposure to multiple stakeholders. Its success is amplified by close working relationships between the NT CAT and youth groups, community groups, and government and private entities in health and education.

### *ThinkUKnow*

65. *ThinkUKnow* is an evidence-based education program led by the AFP and delivered nationally to prevent online child sexual exploitation and has been delivered nationally since 2010. The program is a partnership between the AFP, Microsoft Australia, Datacom and the Commonwealth Bank of Australia, and is delivered in collaboration with all state and territory police and Neighbourhood Watch Australasia.

66. *ThinkUKnow* aims to support parents, carers and teachers in preventing and managing safety challenges that children and young people may face online. The program was developed to assist children and young people, from kindergarten/prep to year 12, to identify safe or unsafe situations and know when and how to seek help. The content is pro-technology, encourages help seeking behaviours, and addresses topics including self-generated online child exploitation material, online grooming, image-based abuse and sexual extortion.



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67. The rapid increase of children online as a result of COVID-19 reinforces the program's importance. In the 2020/2021 financial year, **25** presentations were delivered to an estimated **1,460** parents, carers and teachers across Australia, while **2,226** presentations were delivered to an estimated **198,680** students.
68. In response to COVID-19 and the suspension of face-to-face presentations, the AFP transitioned to online sessions to support parents, carers and teachers through developing teacher toolkits and at home learning activities.

### *Operation SOTIERA*

69. In February 2021, the AFP established Operation SOTERIA to undertake ongoing environmental scanning into the extent of child sexual abuse and online child safety issues in a small sample of remote indigenous communities. The Operation SOTERIA team consists of AFP investigators and intelligence officers, Online Child Safety and the NT CAT.
70. The environmental scan focuses on local perspectives from police, schools, youth organisations, government and non-government organisations, conducting criminal intelligence analysis and landscape mapping, including technology trends. The scan identifies future prevention and engagement opportunities as well as strategic partnership opportunities.

### *National Child Offender System*

71. Administered by the ACIC, the National Child Offender System (NCOS) helps police protect the community by enabling them to uphold child protection legislation in their state and territory by recording and sharing child offender information. This allows police in each state and territory to meet their obligations under respective child protection legislation.
72. The NCOS consists of the Australian National Child Offender Register (ANCOR) and the Managed Person System (MPS). The ANCOR allows authorised police officers to register, case manage and share information about registered persons. It assists police to uphold child protection legislation in their state or territory.
73. The MPS holds information on alleged offenders who are charged but not convicted, or after an offender's reporting obligations have been completed. It supports the Australian Child Protection Offender Reporting scheme, established by legislation in each state and territory. This scheme requires child sex offenders, and other defined categories of serious offenders against children, to keep police informed of their whereabouts and other personal details for a listed period of time after their release into the community. This register is not intended to be punitive in nature, but is implemented to protect the community by allowing police to exercise authority to case manage offenders thereby reducing the likelihood that an offender will reoffend.

### *Family Law and Children's Rights Conference*

74. The AFP is proud to have been a major sponsor of the 8th *Family Law & Children's Rights Conference: World Congress 2021 'Through the Eyes of a Child'*. Originally



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due to be held in Singapore in 2020, the conference was hosted virtually in July 2021.

75. The conference is a major international event which focused on family law, processes and the rights of children and youth. The congress connects lawyers, judges, academics, government, non-government associations, psychologists, medical professionals and social scientists with a common interest in the active protection of children and in sharing best practices to promote the rights of children and family law issues.
76. The AFP delivered five sessions as part of the event and covered topics ranging from prevention efforts, collaboration and coordination in the fight against online child sexual exploitation, families effected by online child sexual exploitation and human trafficking. These sessions included international participants representing the International Centre for Missing and Exploited Children, and NCMEC.

### Recently passed laws and legislation before parliament

#### *Combatting Child Sexual Exploitation (CCSE) Act 2019*

77. The *Combatting Child Sexual Exploitation Legislation Amendment (CCSE) Act 2019* passed Parliament on 17 September 2019. The CCSE amended the *Commonwealth Crimes Act 1914* and *Criminal Code 1995* to protect children from sexual abuse and exploitation by improving the Commonwealth framework of criminal offences relating to child abuse material including the possession of child-like sex dolls, overseas child sexual abuse, forced marriage, failing to report child sexual abuse and failing to protect children from such abuse.
78. Between its introduction in September 2019 and 30 June 2021, the AFP has commenced proceedings under Criminal Code sections 474.22A *possessing or controlling child abuse material obtained or accessed using a carriage service* against **213** people and 273A.1 *possessing a child-like sex doll* against **six** people.

#### *Crimes Legislation Amendment (Sexual Crimes against Children and Community Protection Measures) Act 2019*

79. The *Crimes Legislation Amendment (Sexual Crimes against Children and Community Protection Measures) Act 2019* passed Parliament on 16 June 2020 and amended the *Crimes Act 1914* and *Criminal Code 1995* to address community concerns regarding sentencing and the evolving use of the internet in child sexual abuse. The Bill also inserted a range of aggravated offences for child sexual abuse, new offences relating to 'grooming' and the provision of electronic services to facilitate dealings with child abuse material online.

#### *Crimes Legislation Amendment (Economic Disruption) Regulations 2021*

80. The *Crimes Legislation Amendment (Economic Disruption) Regulations 2021*, which came into force on 5 May 2021, amended the *Proceeds of Crime Regulations 2019* to provide that specified offences relating to child sexual abuse, grooming third parties to procure a child for sexual activity, possessing child-like sex dolls, conduct



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in relation to child abuse material, failing to report child sexual abuse and failing to prevent child sexual abuse are 'serious offences' for the purposes of seizing proceeds of crime under the *Proceeds of Crime Act 2002*.

81. To date the AFP has not taken proceeds of crime action against any persons under the new offences within the *Crimes Legislation Amendment (Economic Disruption) Regulations 2021*. The Criminal Assets Confiscation Taskforce (CACT) has taken proceeds of crime action in two matters involving child exploitation matters to date.
82. In November 2020, the AFP restrained the Adelaide home of a man accused of ordering and instructing live-distance child abuse that he watched online. This is the **first time** the AFP has restrained the home of an alleged child sex offender, who is not accused of profiting from his crimes but of allegedly using his property to commit serious offences.
83. On 28 January 2021, the suspect was charged with **50** offences connected with suspected child abuse material found on electronic devices located at his residence. The proceeds of crime proceedings remain before the court.

### *Impact of the Surveillance Legislation Amendment (Identify and Disrupt) Bill 2020*

84. *The Surveillance Legislation Amendment (Identify and Disrupt) (SLAID) Bill* currently before Parliament proposes new powers for the AFP and the ACIC to identify and disrupt serious crime online, including crime on the dark web and the evasion of law enforcement through use of encryption and anonymising technology.
85. The powers in the SLAID Bill will give law enforcement an edge in disrupting and apprehending offenders. The Bill will introduce three new warrant frameworks, each which will provide critical capabilities for combatting child exploitation material being produced and distributed using anonymising technologies and encryption.
86. It is anticipated that the proposed Account Takeover Warrants (ATW) will assist the AFP in locating child abuse victims and assist in charging offenders with the full scope of their suspected abusive conduct. The ability to takeover an offender's account under an ATW and controlled operation will significantly reduce the length of time for some investigations, as it will allow the AFP to assume the account of the offender on the platforms and chat groups they are already a member of, engaging with others within that forum to gather intelligence and evidence. This removes the need for AFP to spend lengthy periods of time creating online profiles and infiltrating online networks of offenders, which can take up to two years and significantly impact on the welfare of officers.
87. Further, the proposed Data Disruption Warrant may provide assistance in denying offenders access to significant volumes of child abuse material on dark web hidden services, and removing heinous exploitation material so it cannot be further shared, therefore removing the ability for continued victimisation.



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## Gaps in existing framework

88. The AFP and partners require comprehensive powers, resources and expertise to address the adapting methodologies of child sex offenders and protect the community. AFP operational experience has identified a number of instances where existing legislative frameworks can present challenges and impede the ability to progress an investigation.
89. In these instances, the AFP works closely with the Department of Home Affairs and the Attorney-General's Department to consider appropriate legislative reforms to address gaps identified.

### *Impact of providers 'going dark' and the adoption of end-to-end encryption*

90. The wide scale adoption of end-to-end encryption by major service providers for the stated purpose of protection of individual's private information, has a resulting impact on citizens and societies by eroding a digital platform's ability to detect and respond to illegal content and activity, such as child sexual exploitation and abuse. This, in turn, impacts the ability to inform law enforcement of such crimes and impacts the ability to investigate and collect evidence.
91. The move by the major platforms to end-to-end encryption will have a significant impact upon the ability for law enforcement to detect, identify and respond to offending. Between 01 July 2020 and 30 June 2021, the NCMEC referred **21,399** to the AFP following reports from one major provider. Once that provider moves to end-to-end encryption, they will no longer have visibility of the content being shared across their platforms, and therefore will not be able to detect and refer the matters to the NCMEC. This will result in a significant reduction of referrals to the AFP, making detection and prevention of offending significantly harder for law enforcement.
92. The implications of end-to-end encryption was one of the key issues the AFP Commissioner discussed at his National Press Club address on 22 July 2020. Commissioner Kershaw observed the adoption of end-to-end encryption makes it harder for police to catch predators, noting that the AFP is "very worried about when that day comes, while on the other hand, paedophiles are counting down the days because they cannot wait." The adoption of end-to-end encryption on digital platforms allows predators to remain out of the view of law enforcement and allows their continued offending.
93. The Australian, United Kingdom and United States Governments have publically recognised the need for law enforcement to access information they require to safeguard the public, investigate crimes and prevent future criminal activity.

### *National Child Offender System*

94. Though administered by the ACIC, ACIC access to information and data within the NCOS does not extend to intelligence or investigatory purposes. This significantly limits the Commonwealth government's ability to develop a coordinated national intelligence picture and potential linkages between contact and online child sex

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offending. It further limits the ACIC's ability to share relevant information and strategic insights with the AFP and other law enforcement partners.

95. It is anticipated that extending ACIC access to the NCOS would facilitate data analysis and matching against its criminal intelligence and national policing information holdings to:

- Enhance AFP and partners tactical and strategic targeting of child abuse activities, including by assessing known persons of interest, identifying high priority offenders, refining the profiles and offending patterns of these individuals, and enabling the effective allocation of resources to maximise disruption opportunities.
- Generate additional insights about the child sexual abuse threat landscape, enabling the AFP, ACCCE and other partners to map, monitor and profile changes.
- Provide greater visibility to appropriate agencies undertaking prevention and interdiction activities, including national statistics about the number of registers child sex offenders in the NCOS and how these individuals are distributed across Australia.

96. Further, in the event the ACIC was able to leverage their specialist powers and tools, including coercive examinations and human source capabilities, this information could benefit the Commonwealth in developing and disseminating strategic intelligence and break-through understandings of the methodologies, planning and motivations of child sex offender syndicates. ACIC Board approval is required for any expansion of access to NCOS.

### Section 3LA

97. Section 3LA of the *Crimes Act 1914* enables the AFP to apply to a magistrate for an order requiring the provision of information or assistance necessary to access data held in, or accessible from, a computer or data storage device.

98. Recent operational experience, including in the child protection space, has demonstrated that although there is a penalty attached to this offence to encourage compliance, this does not always provide sufficient incentive for a person under investigation to comply. In the AFP's experience, persons under investigation for child exploitation offences are often more willing to accept the potential ten year imprisonment offence for failure to comply with a 3LA order, rather than provide access to the device that has evidence of serious offending as these incur more significant penalties.

99. This willingness to accept a penalty rather than complying with 3LA orders creates a significant gap for the AFP, as we are not only unable to gather evidence as to the full scope of that offenders criminality, but it also prevents us gathering essential intelligence on other offenders they are communicating with. The increase in penalty for non-compliance with these orders from 2 years to 10 years in December 2018 did not result in a significant shift in the level of compliance. Broader consideration



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of options could be considered, including possible presumption against bail, to ensure that orders are complied with.

### *Cryptocurrency*

100. The increasing use of cryptocurrency as method of payment for child exploitation offenders has presented difficulties for the AFP. Though the AFP has limited abilities to seize or restrain cryptocurrencies, these powers first require identification of the private key or seed phrase that provides access or compliance from the person of interest to facilitate access.
101. Where access has not been possible, or an offender refused to comply with a section 3LA order, the AFP has limited further recourse, and suspects and other parties retain the ability to dissipate the funds upon notification of law enforcement interest.

### *Proceeds of Crime Act 2002*

102. In 2020, the AFP Commissioner set a new strategy for the AFP-led Criminal Assets Confiscation Taskforce to actively investigate whether the assets of child sex offenders can be confiscated. It is anticipated that, as the AFP increasingly targets assets connected with the commission of child exploitation offences (see example at paragraph 82-83 above), suspects will start to structure their offending to avoid forfeiture of their property. For example, a suspect may commit their offending in a rented property instead of a property that they own to prevent their own property from becoming the instrument of their offending.
103. It is important that frameworks adapt to address this criminality, noting that the privacy afforded by a property facilitates the commission and concealment of offending, even though the property may not necessarily need to be altered or adapted for its use in the offending.

### *Controlled operations*

104. The existing controlled operations legislation was built for short-term activities, and was established prior to the emergence of the dark web as a primary facilitator for child exploitation. The covert infiltration of sophisticated dark web criminal syndicates requires long term strategies that require extensive resources and are conducted under the auspices of a major controlled operation.
105. The current legislation limits each authority period to three months, covering a maximum period of 24 months with extensions from the Administrative Appeals Tribunal. This is not reflective of the operational reality associated with progressing long-term operations investigating significant offending. At the 24 month period, the AFP is required to close the original controlled operation prior to gaining approval for a new controlled operation and transferring the existing work to the new approval.
106. The requirement for quarterly extension applications increases the administrative burden on the investigators, with significant supporting material required to gain an extension. A longer initial period for controlled operations, combined with greater extension period would better meet the needs for the type of long and protracted investigations conducted in the child exploitation space.



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## Conclusion

107. The exploitation of children is a borderless crime that is constantly evolving to evade law enforcement attention and action. The offenders exploiting those vulnerable in our community are highly adaptable and employ technological advancements as they emerge.
108. To address this ever evolving threat, the AFP and partners must work together at local, national and international levels to maintain an ability to coordinate a full suite of expertise, resources and technology to swiftly combat these threats and protect the community.
109. Wherever possible, Australian authorities will pursue, arrest and prosecute Australian-based individuals involved in child exploitation to the fullest extent of the law.

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120

children removed from harm



186

arrests



925

charges



141

victims identified



40,232

number of reports received



545

number of referrals to Australian law enforcement agencies

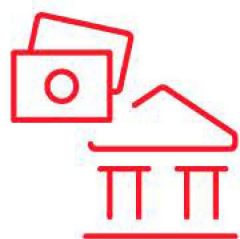
## Operation Bakis

Australian members of a peer-to-peer network allegedly sharing child abuse material

13 Australian children removed from harm, 21 children identified internationally through the ACCCE Victim Identification Team

19 alleged offenders charged

The related FBI investigation has led to 79 people being arrested for their alleged involvement in the network



## Operation Huntsman

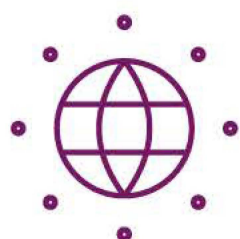
Joint operation between AFP and AUSTRAC targeting organised crime syndicates blackmailing children using sexual images provided and threatening to share them unless they pay

Disrupted **hundreds** of people and **thousands** of Australian bank accounts

## Jack Changes the Game

Award winning children's picture book about staying safer online developed by the ACCCE and ThinkUKnow based on a report to the ACCCE

8,500 copies of the book sent to Australian primary schools



## Financial sextortion

In response to the increasing trend of sextortion of under 18 year-olds, the ACCCE and ThinkUKnow Program initiated an awareness-raising and education response across media, social media, schools, community groups, financial institutions and police stations

5,086 online blackmail and sexual extortion response kit downloads

10,405 sextortion posters sent to police stations

3,545 letters sent to high schools

## Stop Child Abuse - Trace an Object

An appeal for public identification of objects extracted from the background of sexual abuse material involving children

191,273 visits to the Trace an Object website

895 reports received and several investigative leads



## Closing the Net

A multi award-winning podcast series about online child sexual exploitation

93,205 listener downloads

15,653 page views

## Stop the Stigma

National project designed to break down the public stigma concerning child abuse

586,736 social media reach

22,480 website views



Marking the last 12 months  
2022-2023 Highlights