

**JOINT COMMITTEE ON LAW ENFORCEMENT**  
**INQUIRY INTO LAW ENFORCEMENT CAPABILITIES IN RELATION TO CHILD**  
**EXPLOITATION 2022**

**Australian Federal Police**

**Questions on Notice**

**Senator SHOEBRIDGE asked the following question on Tuesday 15 November 2022:**

1. Senator SHOEBRIDGE: Can I ask the same questions now of the AFP? This is the main game in town. This is the industry's main response for this stuff. They put it out for submissions on 1 September. What's the AFP's position about engaging with that process?

Mr Dametto: My understanding—and I'll need to take some of it on notice—is that we did, through the Attorney-General's Department on the previous version, provide some feedback through the department. I'm not aware of anything with 1 September, but I can take that on notice and come back to this committee.

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**Answer:**

1. On 28 September 2022, the Australian Federal Police and Australian Centre to Counter Child Exploitation provided input to the Attorney-General's Department to inform their engagement with the draft Consolidated Industry Codes of Practice for the Online Industry, Phase 1 (class 1A and class 1B material), led by the Digital Industry Group Inc. (DIGI) on behalf of associations representing digital industry. This input informed the development of a submission, provided to DIGI on 18 October 2022.

**Senator SHOEBRIDGE asked the following question on Tuesday 15 November 2022:**

2. Senator SHOEBRIDGE: Some of the people who are engaging, and the organisations that are engaging with this process, such as the International Justice Mission, for example, have raised serious concerns about the lack of protections in the draft codes—for example, that the draft codes don't require the use of technological tools to detect child sexual abuse material. They've pointed that out as a major problem in the codes. Is that a concern for the AFP?

Mr Dametto: I need to take that on notice. I don't have the details in front of me.

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**Answer:**

2. The Australian Federal Police supports the adoption of measures to protect Australians from child sexual exploitation material, including technology to identify known child sexual exploitation material across all Tier 1 and Tier 2 services, particularly social media services. Noting the immense volume of material online, automation through the use of technology may present time and resource benefits and deliver mental health benefits by reducing the exposure of individuals to material.

The Consolidated Industry Codes of Practice for the Online Industry must be registered by the Office of the eSafety Commissioner, who will perform an assessment of whether they comply with statutory requirements. The Office of the eSafety Commissioner also has responsibility for enforcement as part of their regulatory responsibilities.

**Senator SHOEBRIDGE asked the following question on Tuesday 15 November 2022:**

3. Senator SHOEBRIDGE: The particular concern is that if you've got end-to-end encryption the service provider itself needs to have some kind of surveillance, some kind of response before it gets encrypted. Do you accept that that is an important potential control measure going forward?

Ms Sirec: We would submit that anything that companies can do to enhance the protection of children is absolutely a pathway.

Senator SHOEBRIDGE: That goes without saying, Commander. But I'm asking you about, specifically, when you've got end-to-end encryption. The International Justice Mission, for example, says: That providers of encrypted electronic services should be required to use technological tools and behavioural indicators to detect CSAM— child sexual abuse material— before it enters the encrypted space. That's what the International Justice Mission says. They've looked at the codes; it's not there in the codes. Do you think that would be an important measure?

Mr Dametto: We'll take that on notice. I do agree, though, that the end-to-end encryption does erode service providers' ability to detect and respond. I do agree with that.

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**Answer:**

3. The Australian Federal Police (AFP) notes the important role that encryption plays in protecting individual's private information and providing security to online services that Australians rely on (including banking, health and communications). However, the AFP acknowledges that any move by major platforms to adopt end-to-end encryption will have a significant impact on the ability for law enforcement to detect, identify and respond to offending as end-to-end encryption removes a provider's visibility of the content being shared across their platforms. We anticipate this would result in a significant reduction of incoming reports of child exploitation to the AFP-led Australian Centre to Counter Child Exploitation (ACCCE), making detection and prevention of offending significantly harder for law enforcement.

Encryption can be easily combined with other anonymising technology for cumulative effect, providing multiple layers of obfuscation, and making it exceedingly difficult to attribute illicit activities to specific, identifiable offenders, and impeding the AFP's ability to effectively investigate serious criminality occurring online.

**Senator SHOEBRIDGE asked the following question on Tuesday 15 November 2022:**

4. Senator SHOEBRIDGE: Does the AFP have any knowledge about whether or not technological tools are available to detect child sexual abuse material?

Ms Sirec: I can take that question. There are certainly various different tools out there that intend to be able to identify child abuse material on the internet. Those tools are well-versed around the world. The Solace downloader, Thorn, do a tool in relation to that to be able to identify and detect. But, by and large, tools such as that still require a human being to be able to identify child abuse material, particularly around the inability to decipher what are legitimate skin tones in terms of images versus other. In terms of the broader harmful content, I can't make a comment from the child exploitation side. Certainly there'll be tools out there that companies are developing for this purpose.

Senator SHOEBRIDGE: Do you know of any online platforms or services that do this effectively?

Ms Inverarity: That screen the internet?

Senator SHOEBRIDGE: That use technological tools to detect child sexual abuse material.

Cmdr Sirec: I can certainly say from the volume of reports that come into the National Centre for Missing and Exploited Children, the cyber tipline, they received 29.4 million reports globally last year in relation to companies reporting about child abuse material. How they detect that is each individual company's aspects, but they do report in a significant number.

Senator SHOEBRIDGE: I'm asking if you know what the best-in-class measures are that have been adopted by online platforms and services? Can you point to one that has a best-in-class model?

Cmdr Sirec: I can't directly right now. I would have to take that on notice.

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**Answer:**

4. Companies that would be considered to be using best practice measures are those that meet the Basic Online Safety Expectations (BOSE) principles established by the Minister of Communications (available on the eSafety Commissioner's website) and look to embed Safety by Design features to proactively mitigate risk and minimise online threats. These processes are designed to improve providers' safety standards, and improve transparency and accountability.

The Australian Federal Police supports calls for the online industry to implement the Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse and the TRUST: Voluntary Framework for Industry Transparency.

**Senator SHOEBRIDGE asked the following question on Tuesday 15 November 2022:**

5. Senator SHOEBRIDGE: Do you have data tracking how it's working in practice and the number of claims that have been made? Are you tracking that data?

Cmdr Sirec: Yes. We're tracking the data. The information tells us we rarely have people opting out because of the exposure to the material. People opt out for other reasons, such as needing to move or career development or wanting to do a different role. The actual viewing of child abuse material and the work within there isn't usually the primary reason why people go out. We do have data that we can send through about how many Comcare claims, for instance, are attributed to the work in this crime type.

Senator SHOEBRIDGE: If you could track that from before and then follow in the introduction of that, that would be helpful.

Cmdr Sirec: We can take that on notice.

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**Answer:**

5. Prior to the inception of the Australian Centre to Counter Child Exploitation (ACCCE) in 2018, within Australian Federal Police (AFP) Child Protection Operations, five (5) Comcare workers' compensation claims related to the duties undertaken were accepted. Since the ACCCE's inception four years ago, there have been four (4) Comcare workers' compensation claims related to the duties undertaken accepted. For context, there were 58 accepted workers' compensation claims in the AFP in total for the Financial Year 2021-22.

While the tracking of Comcare claims relating to mental health and wellbeing within AFP Child Protection Operations and the ACCCE is an important metric, the AFP also has a strong focus on preventive measures to provide a proactive and holistic mental health strategy that actively contributes to member wellbeing. This includes the ACCCE Mental Health Plan.

The AFP and the ACCCE engagement with the Virtual Global Taskforce (VGT) through a five-year study on health and wellbeing amongst employee's responsible for countering online child sexual exploitation, indicated job demands such as resourcing or policies and procedures can also cause stress to members and not just exposure to child abuse material.

The ACCCE building was designed as an integral part of the wellbeing plan. The building design encourages members to utilise the collaboration and breakout areas to interact and step away from high-risk explicit material exposure areas and has strict access control measures in place to minimise potential or accidental exposure to explicit material. Welfare initiatives such as the Wellness Library, Wellness Room, Rooftop Terrace and Fitness Area are within the building and supervisors encourage members to use these spaces on a daily basis. Additionally, an ethos of communication across all

teams and encouraging members to speak up early is creating a positive wellbeing culture within child protection areas.

**Senator POLLEY asked the following question on Tuesday 15 November 2022:**

6. CHAIR: Project Karma, in their submission, said that there's not a willingness on the part of the AFP to sign a memorandum of understanding with them. What are the issues? I understand, as they explained, there are some issues around people's privacy. But, when we're talking about such abhorrent crimes, protecting the privacy of the perpetrator as opposed to protecting our children— it's a bit hard to understand why these barriers are still there. Acting Assistant Commissioner, can you explain to us why there is no memorandum of understanding?

Mr Dametto: I might pass to the commander about that specific MOU, if I may.

Ms Sirec: What I'm aware about Project Karma is that the engagement certainly within our offshore posts has been critical, and I understand that Project Karma works really closely with some of our offshore partners. In terms of a memorandum of understanding, I'm unaware of their comments in relation to the issues that they've presented. Certainly, we engage with a whole variety of stakeholders, at least through the ACCCE and the AFP, and we'll continue to look for those opportunities. I'm not certain what specific barriers they've cited—

CHAIR: We will invite you to have a look at the evidence that was given and their submission and give a response to the committee on notice, if you're happy to do that.

Ms Sirec: Sure.

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**Answer:**

6. The Australian Federal Police's (AFP) ability to share information with any entity (both government and non-government) is governed by legislative frameworks, including the Privacy Act 1988 (Cth) and relevant secrecy and disclosure provisions. The existence (or not) of a Memorandum of Understanding (MOU) does not alter the AFP's legal obligations in this regard. Sharing of information is also contingent on ensuring ongoing investigations and prosecutions are not compromised.

The AFP and ACCCE have strong and ongoing relationships with a number of partners, including non-government entities, academia, law enforcement agencies, industry and international partners and shares information where necessary and permitted by law. These partners engage in a range of activities and services. Where appropriate, these relationships may be supported by a Memorandum of Understanding (MOU) or a Letter of Exchange (LoE), however this is not essential. MOUs and LoEs are entered into on a case by case basis, with consideration given to a range of factors.

**Senator SHOEBRIDGE asked the following question on Tuesday 15 November 2022:**

7. Senator SHOEBRIDGE: I'll take 'not disagree' again. That's fine. On a practical level, if somebody is offending in Russia, as an example, against Australian laws in relation to child sexual abuse material, what can the AFP do apart from talk to someone in Belgrade?

Ms Inverarity: I might just start by saying that the Australian offences do require a link to Australia. They require an offender who's here. They require the use of a carriage service that's here. So there is that requirement for a link to Australia. That's important to note.

Senator SHOEBRIDGE: I understand that.

Mr Dametto: I should say that the AFP has relationships with law enforcement agencies around the world but doesn't necessarily have liaison officers in those specific countries. Our office in Belgrade is responsible not just for Serbia but also for countries in that area. Similarly with the UK, it's got responsibilities not just in the UK but also in other countries. The fact that we don't have individuals there doesn't mean there's no relationship that exists with Russian law enforcement. We of course work within a process of sharing information, but, of course, we don't share information if there's a death penalty offence that we're investigating. But, in this specific case, if there was an Australian link to some offending over in Russia—I'm not sure what the crime would be over there—we would have to be very careful in regard to sharing information, so I will take that on notice—or my colleagues—if there is death penalty involved.

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**Answer:**

7. The Australian Federal Police (AFP) International Command protects Australians and Australian interests through cooperation with key international partners. Through this Command, the AFP has one (1) Liaison Officer embedded in Belgrade, Serbia. This officer is responsible for AFP engagement with multiple regions, including Russia.

The AFP is also a member of INTERPOL, with a National Central Bureau (NCB) embedded in AFP Headquarters, Canberra. The NCB is the designated contact point for all Australian law enforcement agencies, foreign NCB's and the INTERPOL General Secretariat who support investigative matters such as coordinating assistance in locating and apprehending internationally wanted fugitives.

Operationally, AFP engagement with Russia is limited with regard to child exploitation matters. When required, engagement is facilitated through INTERPOL (NCB Canberra) and/or Belgrade Post.



**Senator SHOEBRIDGE asked the following question on Tuesday 15 November 2022:**

8. Senator SHOEBRIDGE: I'm interested in what the institutional links are with law enforcement in Russia that enable you do your job, and, so far, Acting Assistant Commissioner, I've heard that there's someone in Belgrade, but I'm not aware of what other institutional links there are.

Mr Dametto: I'll have to take on notice what specific relationship we have, but, in terms of our senior officer in Belgrade, part of the responsibility of that post includes Russia.

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**Answer:**

9. The Australian Federal Police (AFP) does not have any formal arrangements (such as a Memorandum of Understanding) with Russian agencies. Engagement with Russian law enforcement agencies is primarily facilitated through the AFP International Command Belgrade Post and INTERPOL.

AFP Belgrade Post engages with the Belgrade-based Federal Security Service of the Russian Federation Liaison Officer on a case-by-case basis. In addition, AFP Belgrade Post maintains direct police-to-police cooperation for urgent or life-threatening matters. Child exploitation-related intelligence is referred to Russian authorities, through INTERPOL.

The AFP continues to assess the international criminal environment, including threats emanating from Russia and the surrounding region, and how these may impact Australia and its interests.