

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
AUSTRALIAN FEDERAL POLICE

**Question No. 44**

**Senator Hanson-Young asked the following question at the hearing on 30 May 2013:**

**Senator HANSON-YOUNG:** You have power under section 40YA of the AFP Act to bring criminal charges for bullying people who make disclosures. Have you ever used this power?

**Mr Negus:** I personally have not used it. I am not sure whether it has been used in the history of the AFP. Mr Wood?

**Mr Wood:** Not that I recall. But I am happy to correct the record for you if we do come across a case when we return to the office.

**Senator HANSON-YOUNG:** Could you take that on notice.

**Mr Wood:** Yes.

**The answer to the honourable senator's question is as follows:**

Section 40YA of *Australian Federal Police Act 1979* relates to a person causing or threatening to cause detriment to another person as a result of someone making a complaint against an AFP appointee under Part V of this Act.

This part of the *Australian Federal Police Act 1979* commenced on 30 December 2006.

There is no record of any criminal charges being laid under the provisions of this section.