

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 96

Senator Humphries asked the following question at the hearing on 24 May 2012:

- a) Referring to the boat arrival of 15 May 2012, which was reported by the Minister for Home Affairs on the 16 May – this boat was carrying 63 people on board and was intercepted by the AFP half a nautical mile out from Cocos Keeling Island.

(Refer to Minister for Home Affairs Media release 16.5.12) Are the AFP officers trained to intercept unlawful maritime arrivals?

- b) If yes, what kind of training do they receive?
- c) If no, what advice was sought on the day and from which agency?
- d) Did the AFP officers involved use proper health, safety and security protocols and did they check the maritime arrivals to see if any of them had identity documents or passports?
- e) What type of vessel did the AFP use?
- f) Given the vessel used, do you believe the officers on the Cocos Island had significant maritime capabilities to safely perform the interception on behalf of the Border Protection Command?
- g) Was a risk assessment completed by the AFP officers before they intercepted the vessel?
- h) What is this vessel ordinarily used for?
- i) How many passengers is the vessel designed to safely hold?
- j) What happened to the unauthorised vessel after it had been intercepted? Has it been destroyed and by who?
- k) Did the AFP officers who intercepted the boat have the passenger arrival cards that are usually given out by Customs officers upon boarding an unauthorised boat? Were they given to the passengers?
- l) Did the AFP officers have appropriate protective gear and weapons with them at the time of the interception? Is it the same gear a Border Protection Command officer would use?
- m) How many AFP officers do you have stationed on Cocos Island? Is this a permanent placement?
- n) Do any Border Protection Agencies hold a presence on Cocos Island?
- o) How did the AFP officers know the vessel was in the area and at what point were they first notified of the vessels presence in the area?
- p) At what point did the officers notify Border Protection Command / DIAC about the illegal vessel interception?

- q) What instructions did the AFP officers receive from DIAC about how to process/house the asylum seekers?
- r) Did the AFP officers undertake any type of health checks or screening process on the asylum seekers?
- s) How long did it take for a charter to arrive at Cocos Island to transfer the asylum seekers back to Christmas Island?
- t) So until the charter arrived where did the officers house the asylum seekers and did they enlist any help from local police or residents to transport the asylum seekers?

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

- a) Yes.
- b) In accordance with the Navigation Act and AFP Governance, members who operate vessels in the Indian Ocean Territories are required to hold an unrestricted Coxswains certificate. The competencies of a Coxswain require demonstrated theoretical and practical experience in a range of maritime operational procedures. Further, the Team Leader has received on-the-job training in relation to SIEV arrivals from Australian Customs and Border Protection Service (ACBPS) on Christmas Island. The team has received informal training from ACBPS and they have also gained experience through previous arrivals.
- c) N/A, however ACBPS on Christmas Island were available to provide advice if necessary. No specific advice was requested on the day.
- d) Yes.
- e) The AFP 8.5 metre Rigid Hulled Inflatable Boat (RHIB) with 2 members on board was used to intercept the SIEV. The Illegal Maritime Arrivals (IMAs) were then transferred to the DORA vessel, the RJ Hawke, a Commonwealth vessel under control of the harbour master, with the assistance of a third AFP member and the RJ Hawke crew.
- f) In this circumstance the AFP RHIB was suitable. The RHIB is restricted to remain within 12 nautical miles off-shore and is deployed depending upon weather conditions.
- g) Whilst a written risk assessment was not completed prior to the interception; due to time constraints, AFP members continually assessed the risk of the situation. This included not only risk to AFP members but also to other agencies including volunteers and the IMAs themselves.
- h) The vessel is used by the AFP on Cocos Keeling Island (CKI) for a range of functions including general marine patrols, search and rescue, vessel (yacht and ship) clearance, transport between islands and any tasks for which the vessel is appropriate.
- i) The vessel is surveyed by Australian Maritime Safety Authority with a carrying capacity of 10.

- j) Following interception the vessel was moored securely at a buoy located in the area known as the 'blue hole' (near Direction Island inside the lagoon). The CKI harbour master completed the Vessel Condition Report on 23 May 2012 and On-Island Enterprises provided a quote for destruction to ACBPS. Approval for destruction was received on 28 May 2012. On 31 May 2012 the vessel was towed to the destruction site, a location 2 nautical miles from Turks Reef where it was destroyed by On-Island Enterprises. The destruction was witnessed by CKI Police and the CKI Ports Manager.
- k) No. This is not an AFP procedure. In accordance with the AFP CKI SIEV Action Plan this requirement was performed by ACBPS.
- l) The AFP officer that led the boarding had appropriate protective gear in accordance with the health and safety protocols ensuring that alcohol based gels/washes and gloves were readily available. The officer also had standard issue AFP accoutrements which included a firearm. Border Protection Command advised the AFP that their officers carry similar accoutrements.
- m) The AFP has 4 members stationed at CKI comprising 2 sworn members and 2 locally engaged staff who are sworn in as special members. The 2 sworn members are on 2 year deployment. On 15 June 2012 the AFP deployed an additional 2 sworn members.
- n) The AFP on CKI perform a range of Commonwealth functions including Customs duties and Department of Immigration and Citizenship (DIAC) duties on the island. Following this incident ACBPS Officers arrived on CKI on 16 May 2012 and DIAC staff arrived on CKI on 17 May 2012.
- o) The vessel entered the lagoon through Port Refuge (between Horsburgh Island and Direction Island) travelling in the direction of Home Island. It was observed by local residents at 1515hrs on 15 May 2012, who notified AFP stationed on Cocos Island.
- p) The Communications Log indicates that Christmas Island ACBPS were notified at 1655hrs on 15 May 2012. Custody of the IMAs was handed to ACBPS at 1200hrs on 16 May 2012.
- q) Nil. The AFP did not process the IMAs. The AFP concentrated on the safe retrieval and transportation of the IMAs to a place of safety and care until ACBPS arrival in accordance with established protocols.
- r) In accordance with the AFP CKI SIEV Action Plan, the Indian Ocean Territories Health Service conducted preliminary health screenings of the IMAs on arrival and provided ongoing care as required.
- s) The IMAs were transferred to Christmas Island by a DIAC charter flight at 0940hrs on 17 May 2012.
- t) The IMAs were initially transported to West Island where they were subject to preliminary health screening by the Indian Ocean Territories Health Service and their baggage was checked by Australian Quarantine Inspection Service (AQIS). They were then housed at the Cocos Club until 17 May 2012. During this time they were confined to the club, cyclone shelter and a cordoned outside area.