

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 43 and 45

Senator Brandis asked the following questions at the hearing on 26 May 2011:

Senator BRANDIS: I would like all of the categories of documents in relation to the period between 22:21 on 17 March and when the police released control of the centre on 29 March—that is all of the diaries, the logs, the statements—produced, please.

Mr Negus: As we have already said, these are matters under current investigation, so obviously we will take that on notice and look to what we could appropriately provide to you over that time period.

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Senator BRANDIS: You can write to the chair—that is fine—and the letter will be circulated.

CHAIR: Otherwise, can I suggest that a private briefing be arranged for Senator Brandis?

Senator BRANDIS: I will decide whether or not to press that request, having considered what you have to say, and of course I will be reasonable about it.

Mr Negus: Thank you, I appreciate that. There are 202 officers involved in this over a series of several days.

Senator BRANDIS: It may be that what I need is completely satisfied by some of the more central documents like, for example, the logs maintained at the control centre. I do not mean for you to be trawling through 202 individual police notebooks over eight days.

Mr Negus: It worries me that we might have to deliver this in a truck, that is all.

Senator BRANDIS: I am going to make the request at large and I am asking you to consider it, to write to the committee and consider how the substance of what I am looking for—that is a contemporaneous or near to contemporaneous account of what took place—can reasonably be complied with.

Mr Negus: Thank you.

Senator BRANDIS: Thank you very much.

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Senator BRANDIS: That is fair enough. What is the AFP's policy in using force in situations of this kind against violent protestors?

Mr Negus: I will pass to Deputy Commissioner Drennan because he has conducted a review of the use of force on the island, but broadly it has to be reasonable in the circumstances. That is our broad use-of-force policy. There is a continuum: we cordon, contain and negotiate as a starting point and we escalate from there depending on what circumstances we face, but I think, as I said, Deputy Commissioner Drennan could provide you with quite a bit of detail on the AFP's use-of-force policies and what actually occurred in this circumstance.

Senator BRANDIS: Rather than take up time, if this question of the use of force has been made the subject of a written report by you, Deputy Commissioner Drennan, and the question I have raised has been addressed in that report, perhaps you could table the report with appropriate redactions.

Mr Negus: The only thing I would say is that the Ombudsman has commenced a no motion review of the use of force on the island, so whilst ever that inquiry is underway, which we will fully cooperate with and we are currently, then it would be difficult I think, because that report may well become subject of the Ombudsman's review and findings.

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Senator BRANDIS: I think the way to do this rather than take time now is for me to ask you two questions on notice in the alternative. First of all, I would like you to produce the report, but I understand that you wish to consider that in view of what the commissioner said. If, on reflection, you decide that you are able to comply with that request then that can be your response—which I

hope it is. If, however, you are of the view, for reasons that you will state in your answer, that the report should not be produced then I would like your own narrative, as it were, and full response to the question: what is the AFP's policy on using force against protestors and violent rioters, and in particular what practices and protocols were observed in relation to the Christmas Island riots?

The answer to the honourable Senator's questions is as follows:

Please find attached the report on the *AFP Operational Response Group (ORG) Less Lethal Use of Force Options – Background and Operation Ridley*. The report is classified Highly Protected. Parts of the report which contain operational details, information relevant to matters currently before the court, intelligence and/or the names of individuals have been redacted to allow this report to be released to the Committee.

The report was compiled drawing on information contained in the Police Command Post running logs and the records of the officers involved, including their diaries, logs and statements. These original documents contain police operational records, intelligence or contain information relevant to matters currently before the court.

The volume of these records is also extensive. They contain a broad range of material provided by the numerous officers deployed to Christmas Island (up to 202 officers over several days). To collect and collate this volume of material would have significant impact on the resources of the AFP.

On the basis that the review report was compiled from the AFP records including the Police Command Post running logs, the content of these records and the significant impact on the AFP in collecting, collating the volume of material, the AFP has not provided these running logs.