

SENATE ESTIMATES COMMITTEE
AUSTRALIAN FEDERAL POLICE
QUESTIONS ON NOTICE

Senator Ludwig asked the following question at the hearing of 20 November 2002:

What is the type and number of controlled operations?

I am advised that the answer to the honourable Senator's question is as follows:

This reporting period (2001-2002) saw the passage of the *Measures to Combat Serious and Organised Crime Act*, with the Act and its consequential amendments to Part 1 AB of the *Crimes Act 1914* taking effect on 12 October 2001. One of the most significant changes was the expansion of controlled operations beyond only narcotic offences to include serious Commonwealth offences, such as currency violations, money laundering and child pornography.

Prior to the legislative amendments, the AFP allocated **12** reference numbers. One reference number was issued but no application made and **11** controlled operations were conducted. All of these applications were, by virtue of the existing legislation, related to illicit drugs.

After the introduction of the legislation, the AFP allocated **35** reference numbers. Two reference numbers were issued but not utilised. In one case an application was not made and in the other an application was not relied upon as the approved activity was authorised under a warrant. **33** controlled operations were conducted after the legislation came into effect. Of those, two were in relation to child pornography and the remainder were issued in relation to illicit drugs.

A reference number is allocated on each occasion an AFP member considers conducting a controlled operation. A total of **47** reference numbers were issued and **44** applications were made during 2001-02 reporting year.

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Senator Ludwig asked the following question at the hearing of 20 November 2002:

In respect of the independent survey of client satisfaction:

- a) what is the cost?
- b) provide a copy of the results on finalisation of the survey.

I am advised that the answer to the honourable Senator's question is as follows:

- a) The total cost for undertaking the independent survey of client satisfaction is \$34,161.60.
- b) Finalisation of the survey, including data analysis and reporting, is expected by the end of January 2003. A copy of the results will be provided to the Minister shortly thereafter.

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Senator Ludwig asked the following question at the hearing of 20 November 2002:

How much has been provided for the AFPNet initiative to date?

I am advised that the answer to the honourable Senator's question is as follows:

From 1999-2000 to and including 2002-03 the AFP has applied appropriation totalling \$6.954m to the installation and operation of AFPNet for Overseas Posts. That appropriation has been applied from the following sources:

National Illicit Drug Strategy (NIDS/Tough on Drugs): \$4.804m;

Expansion of the Law Enforcement Cooperation Program (LECP) – Overseas Liaison Officer Network: \$0.800m; and

Expansion of the AFP presence in Melanesia: \$1.350m

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Senator Faulkner asked the following question at the hearing of 20 November 2002:

I wonder whether you can inform the Committee whether tracking devices or listening devices were used as part of the disruption program in relation to the anti-people smuggling activities in Indonesia. I mean this in the context of whether these devices might have been placed in suspected illegal entry vessels.

I am advised that the answer to the honourable Senator's question is as follows:

The Commissioner recommended that the Minister request a claim of public interest immunity in relation to this issue. The Minister has accepted this position and has written separately to the Committee regarding this claim.

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Senator Collins asked the following question at the hearing of 20 November 2002:

Provide an update on the investigation into Abu Quassey, especially in respect of SIEV X.

I am advised that the answer to the honourable Senator's question is as follows:

Since October 2001, the AFP has been investigating allegations that Abu Quassey is responsible for organising the movement of unlawful non-citizens into Australia.

On 3 June 2002, three first instance warrants for the arrest of Abu Quassey were sworn by the AFP with respect to three suspect illegal entrant vessels (SIEVs) known as the *Donnybrook*, *Gelantipy* and the *Yambuk*. The warrants allege three offences of organising the bringing of groups of unlawful non-citizens into Australia and seventy-two offences of bringing unlawful non-citizens into Australia, contrary to the provisions of sections 232A and 233(1)(a) of the *Migration Act 1958* (the Act), respectively.

On 6 December 2002, the AFP swore a fourth warrant, alleging one offence of organising the bringing of groups of unlawful non-citizens into Australia and four offences of attempting to bring unlawful non-citizens into Australia, contrary to the provisions of sections 232A and 233(1)(a) of the Act, respectively. This warrant relates to SIEV X.

A total of four first instance warrants have now been issued for the arrest of Abu Quassey alleging a total of four offences of organising the bringing of groups of unlawful non-citizens into Australia and seventy-six offences of bringing or attempting to bring unlawful non-citizens into Australia contrary to the provisions of sections 232A and 233(1)(a) of the Act, respectively.

The swearing of the first instance warrants means an Interpol alert can be raised. Such an alert has been issued. It will ensure that the Commonwealth is in a position to seek the extradition of Abu Quassey should the circumstances allow.

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Senator Collins asked the following question at the hearing of 20 November 2002:

- a) Can you provide details of the AFP investigations regarding the interviewing of SIEV X survivors in Australia?
- b) How many survivors did you interview?
- c) I am also interested in what work the AFP officers in Indonesia may have done to ascertain details of the number of victims in the SIEV X tragedy and details of who they were.
- d) I would like to know what knowledge the AFP has as to the individuals that may have been victims of this tragedy, and what role the AFP played in collecting that information.
- e) I would like to know what knowledge you have of any lists of those that were involved, and the status of those lists.

I am advised that the answer to the honourable Senator's question is as follows:

- a) Survivors in Australia were located and those who were willing were spoken to.
- b) Six survivors in total were spoken to by AFP members: five adult survivors and a child. Four statements were obtained from those willing to provide statements.
- c) AFP members in Indonesia made initial contact with the Indonesian National Police (INP) in relation to the arrival of survivors. Those members liaised with the INP in relation to the organising an investigative team to enquire into the SIEV X incident, which ultimately led to the arrest of Quassey by Indonesian authorities.
- d) The AFP's knowledge of the victims of the tragedy is based on enquiries including interviews with survivors, the International Organisation for Migration (IOM), the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) and the Indonesian National Police.
- e) Following the sinking of SIEV X, the AFP became aware of three lists which detail passengers purported to have boarded the vessel, those that disembarked the vessel shortly after it commenced its journey, and those that survived the tragedy. It is the AFP's understanding that the lists emanated from the IOM, DIMIA and AFP enquiries.

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Senator Collins asked the following question at the hearing of 20 November 2002:

When we previously discussed evidence related to the SIEV X and other SIEVs, one of the difficulties that you took advice on and that constrained your ability to provide information to the Senate was various investigations and cases that may be afoot. Have any of those investigations or cases since been resolved?

I am advised that the answer to the honourable Senator's question is as follows:

Yes. Of the 12 vessels departing Indonesia bound for Australia post the Tampa incident in August 2001, four of the SIEVs were intercepted by the Navy and returned to Indonesia, the crews of five SIEVs have been sentenced and three matters are still before the courts.

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Senator Collins asked the following question at the hearing of 20 November 2002:

Please detail the nature of the investigations to ascertain where precisely the SIEV X did sink. What other factors were relevant to a lack of ability to prove jurisdiction?

I am advised that the answer to the honourable Senator's question is as follows:

There is no information available to indicate the exact point where the SIEV X sank, despite all efforts to identify the site.

AFP members in Jakarta used information obtained from the Indonesian National Police and other sources, together with knowledge based on experience with previous people smuggling activities, to develop estimates of the characteristics of the SIEV X vessel. The members in Jakarta then sought the assistance of Royal Australian Navy (RAN) personnel at Post to calculate where the vessel may have foundered. Calculations were made based on:

- The assessed weight and length of the vessel
- Anticipated fuel load
- Information from International Organisation for Migration (ie the number of passengers)
- Speed of the vessel (maximum speed was assessed as 13 knots, realistically calculated at eight knots.)
- Information from survivors that the vessel had stopped to let people off (timings of that from survivors)
- The line of travel drawn from the departure point, Sunda Strait, to the intended arrival at Christmas Island.

I am advised that information was also obtained by the RAN from the company found to have owned SIEV X.

All avenues of enquiry have been exhausted.

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Senator Collins asked the following question at the hearing of 20 November 2002:

Can you apprise the committee of your understanding of where the case is at, in relation to the inquest regarding two deaths on SIEV7?

I am advised that the answer to the honourable Senator's question is as follows:

SIEV 7 did not land in Australia and was returned to Indonesia. If the question in fact relates to SIEV 10 the Western Australian coroner has handed down his decision and inquiries should be referred to the coroner's office.

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Senator Collins asked the following question at the hearing of 20 November 2002:

What investigations and/or legal cases relate to the milieu of issues around the various SIEVs during the period of our investigations in the Certain Maritime Incident inquiry?

I am advised that the answer to the honourable Senator's question is as follows:

As advised in the response to Question on Notice number 57:

Of the 12 vessels departing Indonesia bound for Australia post the Tampa incident in August 2001, four of the SIEVs were intercepted by the Navy and returned to Indonesia, the crews of five SIEVs have been sentenced and three matters are still before the courts.

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Senator Ludwig asked the following question at the hearing of 20 November 2002.

On page 112 of the annual report it has budgeted revenue, actual revenue, actual expenses and variance, and this time it has \$20.235 million.

What is a variance? The footnote says that it is represented by increases in revenues for the sale of goods and services, including criminal history checks. It only talks about \$1.4 million and \$1.5 million, whereas that is \$20 million. How is that made up? Can you spell out the details of that and provide an overview?

I am advised that the answer to the honourable Senator's question is as follows:

The term "variance" is used to identify the net difference between operating budget and actual expenses. Budget can vary due to additional appropriations approved by the Parliament and / or additional revenue from sales income, eg in 2001- 2002 from an increased demand for criminal history checks. Expenses vary with how those budgets are applied, i.e. operating or capital.

In relation to Table 1 *Financial Result* at page 112 of the Annual Report 2001- 2002, the term variance relates to an overall year-end surplus result of \$20.235m for Outcome 1. Note 20 to the audited Financial Statements (page 172 of the 2001-02 Annual Report) presents the same information in a form that shows the source of Operating Revenues (budget) and the nature of Operating Expenses funded from that budget.

After taking into account a range of offsetting factors, the key elements that contribute to show a surplus result as the variance at Table 1 *Financial Result* were:

- Actual revenues increased by some \$13.0m over the budgeted projections reflecting:
 - An additional \$11.1m in *Revenue From Independent Sources* (2001-02 Additional Estimates budget \$19.513m compared to actual revenue \$30.601m). That increase was due mainly to,
 - (i) A higher demand for criminal history checks following 11 September 2001,
 - (ii) The sale of information technology services to other police jurisdictions, and
 - (iii) Additional interest earned under the Government's agency banking incentive scheme; and
 - Additional funding owing of some \$1.9m for the Government's 'capital use charge' (CUC) that is charged to equity and not expensed in the Statement of Financial Performance (the 2001-02 cost was \$5.625m - see Note 10 *Analysis*

of Equity at page 160 of the Annual Report - and the AFP had previously been provided with funding of \$3.712m),

- Actual operating expenses also varied downwards due to audited technical accounting treatments by some \$7.2m due (after offsets);
 - Some \$4.3m in the (combined) internal development and external acquisition of software that was capitalised (part of the \$7.2m Computer Software additions at Note 7c - *Analysis of Property, Plant, Equipment and Intangibles* at page 156 of the Annual Report);
 - Some \$1.5m equipment purchases funded by revenue from the Department of Prime Minister and Cabinet for AFP services provided to CHOGM; and
 - The write-back (reversal of expenses) of some \$1.4m in East Timor ex-gratia payment funding that was received by the AFP in 2001-02 but claims for payment were not submitted by some members of the early peace-keeping teams who elected to access the tax system rebate instead.

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Senator Faulkner asked the following question at the hearing of 20 November 2002:

What forms of assistance, technical and otherwise does Australia provide to the Indonesian National Police.

I am advised that the answer to the honourable Senator's question is as follows:

Since 2000, the Australian Federal Police (AFP) provided the following assistance to the Indonesian National Police:

Under the Law Enforcement Cooperation Program (LECP), the AFP has provided a range of training opportunities to the INP aimed at increasing their capacities in the area of serious crime and law enforcement intelligence.

- January 2002 - the AFP provided a Clandestine Laboratory (CLANLAB) Training course to the Indonesian National Police (INP) in Jakarta at a cost of approximately \$65,000. Consequently, the INP has uncovered a number of significant CLANLABS capable of producing large quantities of ATS.
- May 2001 - two INP officers attended a Strategic Intelligence Course conducted by the AFP in Singapore for SE Asian law enforcement agencies. There were 20 attendees at this regional training program, with the cost for the INP attendees being approximately \$9,700 pro rata.
- March 2001 – an INP officer attended the inaugural International Management of Serious Crime course conducted by the AFP in Singapore for SE Asian law enforcement agencies. A total of 18 attended this international training program with the cost for the INP attendee being approximately \$10,000 pro rata.
- During 2001 and 2002, a series of three Asian Amphetamine-Type Stimulants Workshops were held for regional law enforcement agencies in an effort to develop a complete strategic picture of ATS production and trafficking in the region. A total of four INP participants attended these workshops at a cost of approximately \$4,500.
- During 2001 the AFP provided Close Personal Protection training to the INP. A team of five AFP instructors delivered a three week basic training program for 20 participants. The approved budget for this activity totalled \$120,000, including the supply of minor items of personal equipment.

- November 2000 – an INP representative attended the joint AFP/Central Narcotics Bureau (CNB) training program on the ‘Total Approach to Illicit Drug Control’ held in Singapore. The program sought to expose law enforcement practitioners from ASEAN countries to Singapore’s drug demand reduction strategies and Australia’s drug supply reduction strategies (hence the “total approach”). The AFP shared the total cost of the program with the CNB; therefore the AFP assistance to the INP representative was approximately \$1,700.
- July 2000 - two INP officers attended an Introduction to Law Enforcement Intelligence Course conducted by the AFP in Kuala Lumpur for SE Asian law enforcement agencies. A total of 18 attended this regional training program with the cost for the INP attendees being approximately \$6,100 pro rata.
- Five years ago, the AFP and INP formed a joint Working Group which meets annually to discuss transnational crime matters effecting both agencies. In June 2002, the AFP hosted the working group meeting in Perth where 12 INP delegates attended and the *Memorandum of Understanding Between the Government of the Republic of Indonesia and the Government of Australia on Combatting Transnational Crime and Developing Police Cooperation* was signed. The cost of this was \$45,000.
- The AFP has established an Asian Regional Heads of Criminal Intelligence Workshop. This group meets on an annual basis to promote practical ways to deepen and broaden existing intelligence and operational cooperation and collaboration between law enforcement agencies in the region. Workshops have been successfully held in Bangkok in August 2001 and in Kuala Lumpur in August 2002. The INP delegates have taken a leading role in the workshops conducted to date.

People Smuggling

To enhance the cooperative relationship between the AFP and the INP on people smuggling issues, in the period February 2000 to September 2001, LECP funding of \$99,800 was provided to the INP to assist with the establishment of a Special Intelligence Unit (SIU). The purpose of this Unit was to undertake investigations into persons committing offences against the laws and regulations of the Republic of Indonesia and Australia and support the prosecution of them to the fullest extent of the law and regulations of both countries. The funding included the provision of computers, facsimile machine, communications equipment and basic surveillance equipment.

In September 2000, a protocol was signed with the INP, which provided for 20 INP officers within the SIU to directly target the organisers of people smuggling in five police regions. Over the period February 2000 to September 2001, in excess of 3000 persons suspected of intending to enter Australia illegally were detained by Indonesian authorities pursuant to the cooperative arrangements.

In October 2000, one month after the commencement of the protocol, the AFP provided five days of investigation training to the INP SIU at a cost of \$27,500.

In April 2002 the AFP sponsored the visit by the INP Chief of Police for the Nusa Tenggara Timor Region, his deputy and head of intelligence to Darwin and Canberra for Whole of Government briefings on People Smuggling issues relevant to this region of Indonesia. This visit was budgeted at \$22,000.

Government Sector Linkages Program (GSLP)

Since 1998, the AFP has been able to access funds under GSLP, an AusAID funded program that provides up to \$250,000 per year to complement existing relationships and activities where there is a strong development focus. The AFP has been able to utilise these funds to assist the INP in its reformation process to a conventional law enforcement agency following its separation from the military (TNI). During the financial year 2000/2001, the AFP expended \$166,000 of these funds. For the financial year 2001/2002, the AFP bid was for \$223,000. This amount was not fully expended and AusAID has approved extension of that funding into the current financial year.

Project activities supported under GSLP funding arrangements have focussed on strengthening the training capacities of the INP and include:

- Curriculum development;
- Workplace trainer and assessor;
- Forensic exchanges;
- Training Development officer exchanges;
- English language training;
- Instructor exchanges;
- Human resource development;
- Purchase of contemporary law enforcement texts; and
- Organisational change strategies seminars.