

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 74

Senator Brandis asked the following question at the hearing on 16 October 2012:

In relation to Immigration Detention Centre policing:

1. Can you provide an update on the current status of the MOU between the AFP, DIAC, SERCO and the State and Territory police?
2. Why is it taking so long to finalise the last MOU's? What are the points of disagreement that are holding up the process?
3. When do you expect the MOU's to be finalized?
4. Are you satisfied that the signed MOU's clearly detail the roles and responsibilities for each agency when a riot or escalated incident occurs that SERCO cannot contain?
5. Has additional Commonwealth funding and resources been provided where appropriate to State and Territory police?
6. Have AFP offices been involved in training State and Territory police in public order management to deal with incidences of this nature at detention centres?
7. How many incidents have the AFP responded to at any immigration detention centre over the past twelve months? Detail the nature of the incident, the response, how many officers were involved.

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

1. DIAC has the lead in developing the MoUs, with the assistance of key stakeholders, including the AFP and State/Territory police forces. Tasmania Police and the Northern Territory Police have signed MOUs between DIAC and the AFP in relation to the provision of policing services to Immigration Detention Facilities in these jurisdictions. Negotiations are continuing between DIAC, the AFP and remaining State/Territory Police forces to progress the outstanding MoUs and Service Level Agreements in these jurisdictions.
2. As DIAC are the lead agency on the MOU process, this question should be referred to DIAC for an appropriate response.
3. This is a matter for DIAC.
4. Serco has responsibility for the good order of Immigration Detention Centres (IDCs) and to maintain capabilities in relation to responding to incidents within IDFs. If Serco is unable to maintain good order at an IDF they may request police assistance, which is then assessed in accordance with the circumstances.

The AFP does not have the capacity or capability to be first responders to incidents within IDFs. The AFP is in a position to provide an investigative response as appropriate, however there are some limitations with matters involving coronial oversight, or specialist victim based crimes. In these instances, the AFP would seek the support of State and Territory police. While the MOUs will provide clarity around many issues, adequate emergency service resourcing in some locations remains an issue that will not be resolved through this process.

5. ACT Policing has not received any funding in relation to Immigration Detention Centre Policing. The AFP is not in a position to comment on what funding has been provided to other State and Territory police for this matter.
6. The AFP does not deliver training to state or territory police in public order management to deal with incidents at IDCs. However, the AFP's, Specialist Response Group (SRG), has been involved in interoperability training with other State and Territory police services, in relation to public order management at IDCs. This generally occurs when SRG resources are deployed to assist other jurisdictions, to ensure consistency and interoperability within an operational context when AFP and jurisdictions are working together to resolve an incident.
7. Between October 2011 and October 2012, the AFP has received 185 referrals relating to alleged incidents at Australian Immigration Detention Centres. Of these 185 referrals, 44 were accepted for Investigation, 23 of which have since been finalised. Of the 23 investigations finalised, two (2) have resulted in a successful prosecution.

The incidents have generally related to allegations of:

- Assault
- Verbal and physical threats
- Criminal damage
- Sexual Assault

Each incident is treated on its merits according to the circumstances at the time. The AFP does not routinely record the full extent of resources committed to each incident or investigation, nor the number of people involved in each incident. To research this level of specific detail would involve considerable resource impost.