

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 48

Senator Hanson-Young asked the following question at the hearing on 24 May 2012:

Senator HANSON-YOUNG... Could you tell me what the AFP's current goal is for the duration that alleged people smugglers and boat crew can be held without charge?

Mr Colvin: Our benchmark at the moment is 90 days. That is what we aim for from the point of interception and being identified as a crew member to when we commence a prosecution. That is the investigation period for us.

Senator HANSON-YOUNG: Would you be able to tell me what the current average duration of precharge detention is?

Mr Colvin: I am not sure I can give you the current average. I do not have the average, suffice to say it is over 100 days, only just over 100 days. But the average has come down quite substantially over the last couple of years.

Senator HANSON-YOUNG: Would you be able to give me a break down of what the shortest time and the longest time has been since December 2011?

Mr Negus: I can tell you that the longest time as of 9 May, which is when we have the records up to, for an alleged Indonesian crew member is 137 days.

Senator HANSON-YOUNG: Do you have the shortest, by any chance?

Mr Negus: No, but we could provide that.

Mr Colvin: I would say the shortest would have been her crew from SIEV 221, the vessel that crashed off the rocks at Christmas Island.

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

For crew members that have arrived in Australia since 1 December 2011 and up until 1 June 2012:

- The longest period of detention prior to charge is 145 days.
- The shortest period of detention prior to charge is 84 days.
 - making the average 114.1 days.