

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 45

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

Senator HUMPHRIES: ... Can I ask about the incident on 15 May where, according to the Minister for Home Affairs, a boat carrying 63 people on board was intercepted a nautical mile from Cocos Island, not by Border Protection Command but by the AFP, which would be a fairly unusual situation for a nautical interception, as I understand it.

Mr Negus: We do the community policing on Cocos Island and there is an officer stationed there and there has been for many, many years. Part of that responsibility would be to provide whatever nautical assistance they can in certain circumstances.

Senator HUMPHRIES: Indeed, but it would be unusual for boats to be intercepted by the AFP.

Mr Negus: I think it is not the first time, but I think there has probably only been another one that I am aware of.

Senator HUMPHRIES: Can you give me a description of what happened on that day and how the AFP came to be involved in this rather than Border Protection Command.

...

Mr Negus: I know the person that is allocated there does have a RIB, which is a rigid-hull inflatable vessel, and that is what was used to facilitate that. Obviously, they are trained in the use of that in their normal, day-to-day community-policing environment. Again, it is a small community there, but they fulfil many different roles, as a single police officer would in such a remote location. He was able to provide assistance and—

Senator HUMPHRIES: 'He' being one person?

Mr Negus: One person.

Mr Colvin: Senator, we have four people as part of our community-policing presence on Cocos Island. How many were involved on this particular occasion we are not sure; we can find that out. As the Commissioner said, we have a RIB and, as we understand it, they just went out and assisted this vessel into shore. Then, we waited for Customs and Border Protection Command to take over.

Senator HUMPHRIES: I am looking forward to getting the details of this, but having one officer sent to intercept a boat of 63 people—given what has happened in our only quite recent past with respect to some of those arrivals—sounds to me, without even knowing any of the facts, like an occupational health and safety issue.

Mr Colvin: We will get some details. My sense, though, is the way we are using the word 'intercept' is probably misleading. I imagine that this vessel came close to shore and we just assisted the vessel to make its way to the wharf, and it has been managed from that point forward.

CHAIR: I just want to intervene here. I am assuming the vessel probably arrived on the outside of the atoll, probably on the ocean side of Home Island. If it is the same as what happened 12 months ago, the Australian Federal Police needed to ferret people off this boat and onto the RIB and bring them into the atoll to get them onto shore. The boats cannot actually get into the coral atoll because it is only a metre deep.

Mr Colvin: We will check.

CHAIR: It is complicated because of the geographical, physical, makeup of the Cocos Keeling Islands, you see.

Mr Negus: We are just getting some more details coming through. If you like, we can certainly come back to that. But, again, the officers—I am not sure how many there were—are trained to make those sorts of judgements in remote locations. They do not put themselves in any undue harm, but they also have a responsibility to assist where they can and we trust them to make those operational judgements on the day. Again, we will get some details and perhaps, if we could, come back to it.

Senator HUMPHRIES: That is good.

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

On 15 May 2012, the AFP had 4 members stationed at Cocos (Keeling) Island comprising 2 sworn members and 2 locally engaged staff who are sworn in as special members. Since 15 June 2012, the AFP has deployed a further 2 sworn members to Cocos (Keeling) Island representing a total of 6 AFP members. In addition to community policing duties, the AFP provides the following ancillary functions on Cocos Island: Customs duties; Immigration duties; Search and rescue coordination; Marine patrol; and Emergency management.

On 15 May 2012 the vessel now known as SIEV 332 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 who notified AFP stationed on Cocos Island.

The AFP Rigid Hulled Inflatable Boat with 2 members on board intercepted the SIEV approximately 2kms inside the lagoon and about 1km from Home Island and escorted it to a mooring off Direction Island. 62 Irregular Maritime Arrivals (IMAs) were on board. The IMAs were then transferred to 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. They were 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).

The IMAs were housed at the Cocos Club from 15 May 2012 until 17th May 2012. During this time they were confined to the club, cyclone shelter and a cordoned outside area. Security was provided by AFP members with the assistance of local Fire and Emergency Services (FESA) members until custody of the IMAs was handed to Australian Customs and Border Protection Service at 1200hrs 16 May 2012. The IMAs were transferred to Christmas Island by Department of Immigration and Citizenship (DIAC) charter flight at 0940hrs 17 May 2012. Following the IMAs departure the Cocos Club and other facilities utilised (including cyclone shelter, airport departure lounges, buses, park area and playground) were thoroughly cleaned as a health precaution.

Throughout the course of the incident AFP members were assisted by: members of the Volunteer Marine Rescue Service; CKI Ports; RJ Hawke crew; AQIS; FESA; Cocos Club (including local volunteers); CKI Co-op (including shop and motel staff); Airport staff; Royal Australian Air Force; Bureau of Meteorology; Indian Ocean Territories Administrator Brian Lacy; Tony Bagnell (On-Island Enterprises); Indian Ocean Territory Health Services; Australian Customs and Border Protection Service; DIAC; Serco; International Health and Medical Services; and interpreters.