

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 71

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

I refer to further documents released under FOI to journalist Natalie O'Brien of the Sun-Herald, regarding a boat in distress between Indonesia and Australia on October 3rd 2009 and I ask:

- a) Why did the AFP take nearly four hours to give Customs permission to release the coordinates of the boat to Australian Maritime Search and Rescue?
- b) What is the AFP policy and procedure when receiving information about a SIEV in distress, (both inside and outside the Australian Search and Rescue region)?
- c) How have these policies and procedures changed since the SIEV X incident?
- d) Please provide copies of the policies and procedures before the SIEV X incident, and any revisions following the SIEV X incident right up until the current version of the policy and procedure that is in use today, including the dates of each revision.
- e) What was the policy and procedure that was in place for receiving information about a SIEV in distress, at the time the boat went missing on October 3, 2009?
- f) Was this procedure followed in respect of the information provided regarding the boat that went missing on October 3, 2009?
- g) FOI of correspondence between Customs and the AFP regarding Ms O'Brien's FOI request shows AFP asking for all references to its agency to be removed - why has the AFP tried to hide its involvement in this incident?
- h) Which agency was first notified that the boat was no longer in distress?
- i) FOI documents show that information was given from The Australian Embassy in Jakarta to Australian Maritime Search and Rescue - effectively calling off the search for the boat. Why did the Australian Embassy consider this information to be credible, given that the boat and its passengers had since disappeared?
- j) Given the timeline of events released by Customs under FOI showing that the people smuggler Hussein believed to have organised the boat was arrested three weeks after the boat disappeared, did the AFP ask the Indonesians to question him about the disappearance of the boat? If not, why not? If so, when and where did the questioning take place and what did it reveal?
- k) Were there any attempts by the AFP to charge him over the boat or to extradite him to Australia?

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

- a) The Honourable Senator's assertion is incorrect. On 3 October 2009, the AFP in Indonesia received unconfirmed information about a potential people smuggling venture. This information was immediately provided to the Australian Customs and Border Protection Service (ACBPS) representative in Indonesia. No restrictions were placed on the use of that information by the AFP.
- b) The Australian Maritime Safety Authority (AMSA) is the lead agency for protocols in relation to safety of life at sea incidents (SOLAS). Any information received by the AFP in Australia concerning a SOLAS is immediately referred to AMSA via the Australian Federal Police Operations Coordination Centre (AOCC). Any information received overseas concerning a SOLAS is immediately referred to AMSA or the ACBPC representative at post. Further questions about the Australian Government's responsibilities at sea, in or outside of Australian waters, should be referred to ACBPS and AMSA as the lead agencies.
- c) Questions about the Australian Government's responsibilities at sea, in or outside of Australian waters, should be referred to ACBPS and AMSA as the lead agencies.
- d) The AFP are party to whole-of-government protocols in relation to SOLAS incidents. Questions about the Australian Government's responsibilities at sea, in or outside of Australian waters, should be referred to ACBPS and AMSA as the lead agencies.
- e) The AFP are party to whole-of-government protocols in relation to SOLAS incidents. Questions about the Australian Government's responsibilities at sea, in or outside of Australian waters, should be referred to ACBPS and AMSA as the lead agencies.
- f) AMSA is the lead agency for protocols in relation to safety of life at sea incidents (SOLAS). Questions about the Australian Government's responsibilities at sea, in or outside of Australian waters, should be referred to ACBPS and AMSA as the lead agencies.
- g) Without specific reference to the document/s referred to by the Honourable Senator and released under FOI by Customs, the AFP is unable to provide an answer to this question. The AFP rejects any assertion that it has tried to hide any of the information or involvement, however the AFP did seek to redact certain information in accordance with FOI exemptions.
- h) No subsequent information was received by the AFP in relation to the vessel no longer being in distress. Questions about the agency that was first notified the boat was no longer in distress should be referred to ACBPS and AMSA as the lead agencies on this matter.
- i) Questions regarding any documentation that was shared between the Australian Embassy in Jakarta and AMSA on this matter should be referred to DFAT and AMSA.
- j) All information in relation to Mr Hussein was provided to the INP for any action they deem necessary. The AFP did not request that the INP question Mr Hussein in relation to the missing vessel. As this matter is ongoing, it is inappropriate for the AFP to comment further.
- k) Consistent with normal practice the AFP does not comment on extradition matters. Matters relating to extraditions should be referred to the Attorney-General's Department (AGD).