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Monday, 30 September 2024

Committee Secretary
Joint Standing Committee on Foreign Affairs, Defence and Trade
PO Box 6021
Parliament House
Canberra ACT 2600

Via email: jscfadt@aph.gov.au

Dear Committee Secretary,

Clarification to Hansard – AFP evidence at public hearing on 13 September 2024.

On 13 September 2024, I appeared as a representative for the Australian Federal Police before the Joint Standing Committee on Foreign Affairs, Defence and Trade at a public hearing regarding the *inquiry into Australia's efforts to advocate for the worldwide abolition of the death penalty*.

I gave evidence to the Committee and have since reviewed the Hansard record. I have become aware of the need to clarify some of my evidence.

The clarifications I wish to make are on page 14 of the Hansard Transcript in response to questions from Senator Smith:

Senator DEAN SMITH: What triggered the 4 May 2023 review of the AFP guidelines?

Mr Mansfield: The decision to implement the SIOB, the Sensitive Investigations Oversight Board, and then—

Senator DEAN SMITH: To elevate the decision-making?

Mr Mansfield: Yes, and that's not restricted just to death penalty matters; that's all sensitive investigations. So that trigger point was identified as a requirement for the deputies and a quorum of assistant commissioners to have visibility and to be able to inject into those sensitive investigation matters. The decision was taken that all death penalty requests for assistance would be elevated to the SIOB, and that generated the change in the guideline. Prior to that—

Senator DEAN SMITH: What was the motivation for that? Prior to 4 May 2023, death penalty matters did not get elevated to the Sensitive Investigations Oversight Board. So what was the motivation? What was the issue that forced that review and then forced the elevation of death penalty matters to that higher authority?

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Mr Mansfield: It rested with the creation of the SIOB itself. That came out of a separate review. And, when that was established, the decision was then taken for DP matters to also be given visibility at the SIOB.

Senator DEAN SMITH: How does the Sensitive Investigations Oversight Board work? Does that meet as required? Is it regularly scheduled meetings?

Mr Mansfield: Yes. It can meet at short notice and consider matters out of sessions. But the whole point of the SIOB is to induce thought and debate at that experienced and executive level. The three operational deputy commissioners sit in the SIOB as well as a quorum of assistant commissioners. If one is called at short notice—for instance, you're not going to be able to get every assistant commissioner in the AFP into that meeting.

My evidence regarding the creation of the Sensitive Investigations Oversight Board (SIOB) being the catalyst for the elevation of death penalty matters to that Board was inaccurate. The SIOB was established in January 2020. The change in process occurred following a review of the AFP National Guidelines in 2023 where a recommendation was made to include delegated authority in the SIOB. The decision to elevate death penalty matters to the SIOB was made on 4 May 2023 by the SIOB Chair, Deputy Commissioner National Security.

I can also confirm the SIOB consists of all AFP Deputy Commissioners and a selection of nominated Assistant Commissioners, rather than a quorum.

I appreciate the opportunity to provide this clarification and trust this further information is of assistance to the Committee.

Yours sincerely,

Kelly Mansfield
Acting Commander International Engagement

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