

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Program: Australian Federal Police

Question No. SBE16/007

Senator McKim asked the following question at the hearing on 17 October 2016:

Senator McKIM: Thank you. We know from recent releases from the Department of Immigration and Border Protection that there were 19 cases of violence and sexual assault during the time that was covered by the files that are now known publicly as 'the Nauru files', and that those 19 cases were referred to the Nauru police. Are you aware of the status of any of those investigations and, if so, could you share what you are able to with the committee, please?

Mr Colvin: Absolutely, Senator; I believe we are aware. We anticipated that you may have an interest in this area. I will just hand over to my deputy commissioner for that area.

Senator McKIM: Thank you.

Ms Saunders: Thank you, Senator, for the question. Just to clarify, of those matters that were reported in the media, 14 incidents were referred to the Nauru police. Of those 14, nine are closed due to insufficient evidence to proceed; one investigation is closed as the complaint was withdrawn; one investigation revealed no evidence committed; two investigations remain open pending further information; and one investigation resulted in the charging of a suspect with an assault offence, and the matter is still before the court.

Senator McKIM: That is before the courts in Nauru?

Ms Saunders: That is correct.

Senator McKIM: Okay. What are the charges that have been laid in the final matter you mentioned?

Ms Saunders: It is an assault offence.

Senator McKIM: Thank you. You have said 14 were referred. The immigration department, to the best of my knowledge, has said 19. Can you explain that discrepancy?

Ms Saunders: You may need to ask Border Force that, Senator.

Senator McKIM: I will.

Ms Saunders: My understanding is there may have been some that perhaps did not meet a threshold to refer to the Nauruan police.

Senator McKIM: Thank you. Of the nine that were closed but did not result in charges laid, what were the reasons for the closure of those investigations?

Ms Saunders: I do not have the specifics for each case, but certainly there was insufficient evidence to proceed.

Senator McKIM: If I were to ask you to take that on notice, would you be able to provide any further specifics that you are able?

Ms Saunders: Certainly, yes.

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

Following analysis of reports published by the *Guardian* newspaper, the AFP (in providing mentoring and assistance support to the NPF), identified 14 NPF investigations. Since the Senate Estimates hearing another NPF investigation has been identified arising from the collection of reports published by the *Guardian*. This is an ongoing investigation.

These 15 NPF investigations have been dealt with as follows:

No	AFP Ref - Analysis of <i>Guardian</i> Files	
1	2014 - Sexual Assaults	Unable to identify suspect
2	2014 - Assaults	Unable to identify suspect
3	2014 - Sexual Assault	Suspect interviewed, insufficient evidence
4	2015 - Sexual Assaults	No offence disclosed
5	2015 – Assaults	Victim retracted statement
6	2015 – Assaults	Insufficient evidence, nil offender descriptions
7	2015 – Obscene Behavior	No offence disclosed
8	2015 – Assaults on Minors	Victim retracted statement
9	2015 – Sexual Assaults	Victim retracted statement
10	2015 – Sexual Assaults	Victim retracted statement
11	2015 - Assaults	Suspect charged and bailed
12	2015 - Sexual Assaults	Unable to identify suspect
13	2015 - Sexual Assaults	Complaint withdrawn
14	2015 – Assaults on Minors	No offence disclosed
15	2016 – Assault	No identifiable suspects