

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

Program: Australian Federal Police

Question No. SBE16/008

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

Senator McKIM: I understand that, Commissioner, and thank you. But my question remains: were any issues raised with you by your officers on Nauru that raised concerns about substandard investigations by the Nauru police?

Mr Colvin: More recently, no. In fact, the reporting that I have seen gives me confidence that the Nauru Police Force is conducting relevant quality investigations. A lot of our training, though, has been targeted at areas where we have seen deficiencies in the past: around victim statements, around forensic procedures and around timeliness of response. That is where we are working very hard with the Nauru Police Force, but I must say that in the reports I have seen more recently—I know that the Secretary of the Department of Immigration and Border Protection was recently in Nauru and saw some of this firsthand; I personally have not been to Nauru for many years—by and large they are conducting thorough investigations.

Senator McKIM: Thank you. You said, 'More recently, no,' the implication clearly being—and I do not want to put words in your mouth—that you have accepted that, in the past, potentially there were some deficiencies in the way investigations were conducted. Did those deficiencies relate specifically to allegations that have come out of the camp that is established on Nauru for people seeking asylum in Australia?

Mr Colvin: The short answer is yes. The centre has obviously injected a range of local law enforcement challenges that the Nauru Police Force were not dealing with when the centre was not there. So clearly that is where we have shown an interest in assisting with the Nauru authorities' ability to deal with that. I think that at last count, from my discussions with Commissioner Caleb, the Nauru Police Force commissioner, about a third of their population is now people from the centre. So of course that has put stresses and challenges on the system, but I think they are responding quite well.

Senator McKIM: Thank you. When were the most recent concerns about substandard investigations raised with you, and exactly what were they?

Mr Colvin: I would have to take that on notice, but, as I said, it is not in recent times. We could certainly get some advice. What my advice would be is that it would be about areas of attention from the Australian Federal Police—areas that we want to assist them with in particular. You can draw an inference from that that those are areas that they are substandard in.

Senator McKIM: Yes, thank you.

QUESTION RECONFIRMED:

Senator McKIM: To go back to my previous question, Commissioner, you have taken on notice the most recent time that specific concerns around investigations were raised and what those concerns were.

Mr Colvin: Yes, correct.

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

The AFP's role in Nauru is limited to providing the NPF with mentoring, capacity building and training. The AFP does not have executive policing powers and does not participate in NPF investigations. As such AFP does not have authority to collate reports or comment

authoritatively on specific NPF investigations. General issues about the performance of the NPF were brought to the attention of AFP officers prior to the appointment of Mr Phillip Moss by the Minister for Immigration and Border Protection to undertake a review of allegations relating to conditions and circumstances in the IDC on Nauru. The report subsequently compiled by Mr Moss addressed identified NPF capability gaps and AFP has responded to Mr Moss' recommendations with targeted support to the NPF.