

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 113

Senator Milne asked the following question at the hearing on 13 February 2007:

- (a) Please provide a copy of the Harbour Master's report dated 22 October 2001 referred to QoN 109, part 4(a) which was obtained by AFP officers.
- (b) When was the document obtained by AFP?
- (c) Did AFP provide a copy of this document or report on any information contained therein to any other Australian agency, Department or Government Minister? If so, please provide details of when and to whom.
- (d) Regarding the Indonesian police report of 24 October 2001 referred to in QoN 109, part 4(a):
 - i) Which AFP officers viewed this report?
 - ii) On what date did the AFP officers view this report?
 - iii) Why did the AFP officers not ask for a copy of this document on first viewing?
 - iv) On what date did the AFP request a copy of this document from the Indonesian police? How was it requested - i.e. verbally or in writing? If in writing, please provide a copy of the request.
 - v) On what date did the Indonesian police advise the AFP that the document could not be located. Please provide a copy of this advice.
 - vi) Please provide a copy of all file notes regarding the viewing of this report by AFP officers.
 - vii) Did AFP advise any other Australian agency, Department or Minister of the INP report containing the SIEV-X rescue coordinates (i.e. the location 07 40 00S / 105 09 00E where survivors were reportedly rescued on 20 October 2001)? If so, on what date and to whom? If in writing, please provide a copy.
 - viii) Did AFP advise any other Australian agency, Department or Minister of the SIEV-X rescue coordinates mentioned in this report (i.e. the location 07 40 00S / 105 09 00E where survivors were reportedly rescued on 20 October 2001)? If so, on what date and to whom? If in writing, please provide a copy.
 - ix) ix)How did the AFP form the view that this report is the same one shown on the SBS television program 'Dateline' on 22 May and 17 July 2002?

- x) What is AFP's opinion as to why the document shown on Dateline on 22 May and 17 July 2002 has BASARNAS logo/letterhead and not INP?
- (e) Regarding Answer 5(a) to QoN 109 - please provide a detailed account of the steps taken by the AFP referred to in this answer to validate the position where SIEV-X survivors were rescued (i.e. the location 07 40 00S / 105 09 00E).
- (f) Regarding Answer 5(c) to QoN 109 - what evidence does AFP have that suggests 'the coordinates are a rough estimate at best'?
- (g) Regarding Answer 5(d) to QoN 109 - Please provide a detailed account of the analysis that led to the conclusion that 'the coordinates are a rough estimate at best'.
 - i) Please provide the AFP's best estimate of the margin for error in these coordinates.
 - ii) If AFP believes that the rescue coordinates provide no useful measure of the rescue location please provide a detailed account of how this conclusion was reached.
 - iii) Please provide more information about Maura Baru mentioned in this reply. Is this the site in Indonesia to which the survivors of SIEV-X were first taken? What is the evidence for this?
- (h) Regarding Answer 6 of QoN 109:
 - i) On what date was the photo of Captain Imam created by the AFP?
 - ii) On what date was this photo given to the INP?
 - iii) On what date did the INP advise that it could not locate Captain Imam or his boat the *Indah Jaya Makmur*?
 - iv) The SBS *Dateline* program on SIEV-X broadcast on 17 July 2002 included an image of the *Indah Jayah Makmur* which had changed its name sometime after the rescue of SIEV-X. The name of the vessel at the time of this broadcast was *Gemilang Jaya 9*. Did AFP ask the INP to locate a vessel by this new name? If not, why not? If so, what was the result?
 - v) The SBS *Dateline* program on SIEV-X broadcast on 17 July 2002 included an image of the Jakarta Harbourmaster's report of 24 October 2001. This report contained information on the rescue of SIEV-X survivors on 20 October 2001, including the information that a second boat - the *Arta Kencana 38*, skippered by Mr Madjid - GT83 Licence 1207/BC - was also involved in the rescue. Did AFP ask the INP to try and locate either the boat or the skipper? If not, why not? If so, what was the result?

The answer to the honourable Senator's questions are as follows:

- (a) A copy of the report is attached.
- (b) The document was sent to AFP Canberra from Jakarta Post on 22 December 2003.
- (c) A search of AFP holdings has failed to reveal any indication that a copy of the report was provided to any Australian agency, department or government Minister.
- (d)
 - i) No member of the AFP viewed this report.
 - ii) Please see answer (d) i).
 - iii) Please see answer (d) i).
 - iv) Please see answer (d) i).
 - v) The AFP officer believes the reply was verbal and is unable to supply a date.
 - vi) Please see answer (d) i).
 - vii) A search of AFP holdings has failed to reveal any indication that any Australian agency, department or Minister was advised of the Indonesian National Police (INP) report by the AFP.
 - viii) A search of AFP holdings has failed to reveal any indication that coordinates were provided to any Australian agency, department or Minister by the AFP.
 - ix) The AFP has not viewed the original document and only suspects it is the same report as that shown on the SBS television program *Dateline*. Captain Johnston (RAN) viewed a report on 25 July 2002 and obtained information including the rescue coordinates, the same as those reported on the SBS program.
 - x) The AFP can only assume that BASARNAS authored the report and not the INP.
- (e) The AFP relied on the opinion and calculations of Captain Johnston (RAN). He believed the coordinates were consistent and, in broad terms, judged to be no further south than eight degrees South latitude on a direct line between Sunda Strait and Christmas Island.
- (f) The AFP has not located the fishing boat crew and has no way of knowing what navigational devices were used to fix that position. The evidence provided from Captain Johnston (RAN), gave no reason to doubt the coordinates where the survivors were located but that the coordinates that the SIEV X are believed to have sunk are a rough estimate at best.

(g)

- i) Please see answer (f)
- ii) The AFP does not believe that the coordinates provide no useful measure of the rescue location.
- iii) The fishing boat Arta Kencana 38 arrived with survivors at Maura Baru, section of Jakarta Harbour. As described in the 'Harbour Master's report' dated 22 October 2001

(h)

- i) The photograph of Captain Imam was created on 5 May 2003.
- ii) Due to unforeseen circumstances in Jakarta, this question cannot be answered in the immediate future.
- iii) Please see answer (h) ii).
- iv) Please see answer (h) ii).
- v) Please see answer (h) ii).