

JOINT SELECTION COMMITTEE ON AUSTRALIA'S IMMIGRATION DETENTION
NETWORK
AUSTRALIAN FEDERAL POLICE

Question No. 1

Senator Morrison asked the following question, following the hearing of 26 September 2011:

Mr MORRISON: Has anyone been investigated or charged on other matters out of the detention facility at Berrimah for assaults against Serco officers? How many complaints have you received along those lines?

Cmdr Sykora: I have no-one being arrested or charged as a result of that.

Mr MORRISON: Have you had any complaints?

Cmdr Sykora: Yes, we have. If I could take that on notice, I have a graph that I can put together.

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

As at 25 October 2011, there have been a total of 13 referrals to the AFP relating to assaults against a Serco Officer at Northern IDC.

Of these 13 referrals, 5 were investigated, 6 rejected and 2 are currently being evaluated.

Of the 5 investigated cases, 2 have resulted in successful prosecutions, 2 had the complaints withdrawn and were therefore finalised, and 1 remains an ongoing investigation. The table below summarises this information.

Referrals	
Referrals Accepted	5
Referrals Rejected	6
Referrals in Evaluation	2
TOTAL Referrals	13

Accepted Referrals (investigated)	
Charged/Convicted	2
Ongoing	1
Complaints withdrawn (case finalised, no charges)	2

Table 1: Referrals to AFP regarding assaults on Serco Officers

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Question No. 3

Senator Keenan asked the following question, following the hearing of 6 September 2011:

Mr KEENAN: I want to deal with the March riots, when it was raised. But, prior to it being raised during the March riots, what response was given? Did the AFP know that it could not be turned on or that it was not turned on?

Mr Prendergast: The advice we got through the security working group was that there needed to be consultation with DIAC's senior executive. But obviously the gap in the fence where the fence connects—or used to connect—to the Aqua/Lilac did degrade that infrastructure.

Mr KEENAN: So it had been raised with DIAC and, as far as you are aware, DIAC took no action.

Mr Prendergast: I am not aware of what action DIAC took.

Mr KEENAN: Okay, but then it was raised again. Clearly nothing happened, because they had no idea whether it was operational or not. It was raised in a security briefing. Senior management of DIAC looked at the issue but there was no response.

Mr Prendergast: Can I be really clear on what I am saying, because we checked the records after Senate estimates. It was raised twice in the security working group, and the advice we had given out of the security working group was that they needed to consult DIAC senior management. I have no idea what happened after that.

Mr KEENAN: What about in March?

Mr Prendergast: In March it was raised, and the issue in March was that it needed to be tested and there needed to be some rectification work to ensure it was safe to turn on. When we took over the centre, we turned it on.

Mr KEENAN: But it was not turned on till 27 March, I think we were told.

Mr Prendergast: I would need to take that on notice.

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

The Electronic Detection and Deterrence System (EDDS) became fully operational at 2012hrs Friday, 18 March 2011.

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Question No. 4

Senator Morrison asked the following question, following the hearing of 6 September 2011:

Mr MORRISON: On the decision to remove those officers at the time, who did the AFP consult with or discuss that matter with prior to making the decision? Specifically, did it involve consultation with the local DIAC staff as opposed to DIAC at a more senior level?

Mr Prendergast: I certainly consulted with DIAC at a senior level and I cannot speak to what consultation occurred at a more junior level, but I am happy to take that on notice.

Mr MORRISON: Was there any consultation with Serco?

Mr Prendergast: I would need to take that on notice. I am assuming that there was, but I will need to take that on notice.

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

The AFP removed officers after assessing that ongoing deployment to Christmas Island was unsustainable. As detailed by Assistant Commissioner Prendergast, DIAC were briefed at a senior level. The AFP's decision was communicated to Mr Bob Correll, Deputy Secretary of DIAC, on 17 November 2010.

This decision was communicated by AFP to DIAC and Serco staff on Christmas Island by email on 18 November 2010 and discussed at the Christmas Island Interagency Coordination Committee meetings of 22 and 23 November 2010.

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Question No. 5

Senator Keenan asked the following question, following the hearing of 6 September 2011:

Mr KEENAN: I just want to go back to the deficiencies in the security architecture of the detention network here, but specifically North West Point. Presumably the AFP officers based on the island prior to March had done some form of audit of the facilities and where they saw those weaknesses?

Mr Prendergast: That is correct. Not necessarily officers based on the island, but officers who we deployed here for specific purposes.

Mr KEENAN: What were the deficiencies they identified when they did that audit?

Mr Prendergast: I am more than happy to answer that question but I suggest it is probably better answered in camera or on notice.

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

A review was conducted in December 2009 and this report identified a number of deficiencies in the security architecture at North West Point Immigration Detention Centre. The centre was originally designed to accommodate 400 persons comfortably and had 1052 clients at the time of the report.

Issues identified were:

- Tent locations proposed for the area between the perimeter fence and the Red sector within the IDC could not be locked down.
- The proposed cyclone fencing surrounding the tents would provide access to the Administration block if breached. The Administration block housed AFP, DIAC and SERCO personnel.
- A new housing area that was under construction at the time which was located outside the perimeter security fence.
- Doors to individual cells could be secured electronically but not closed electronically.
- The IDC lockdown capability was ineffective and could be defeated by clients.
- The electronic roller doors which were activated during lockdowns were kept open by jamming plastic chairs underneath.

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Question No. 6

Senator Morrison asked the following question, following the hearing of 26 September 2011:

Mr MORRISON: When you say that there are seven successes, you mean that there have been seven prosecuted or seven successfully prosecuted?

Cmdr Sykora: There have been seven successfully prosecuted.

Mr MORRISON: Seven convictions.

Cmdr Sykora: That is correct, yes.

Mr MORRISON: When were those convictions handed down?

Cmdr Sykora: Those convictions were handed down over a period of 12 months. I do not have those dates, sorry, sir.

Mr MORRISON: Would you be able to give us the dates and the nature of those convictions, please?

CHAIR: You can take it on notice.

Mr MORRISON: Yes, you can take it on notice.

Cmdr Sykora: Yes, we will take it on notice.

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

Please refer to attached table for details of the dates and nature of the convictions for the seven successful prosecutions at from incidents occurring at Northern Territory (NT) Immigration Detention Centres (IDCs) and Alternate Places of Detention (APODs).

Attachment 1 – Table of charges, offences, number of convictions and sentences relating to 7 prosecutions at Northern Territory Immigration Detention Centres (IDCs) and Alternate Places of Detention (APODs).

Prosecutions at Northern Territory IDC's and APOD's for the 2010-11 financial year				
Date	Location	Charges / Offences	Number of Convictions	Sentencing
11/08/2010	NIDC	5 charged: * Damage to Commonwealth Property	5	2 x 3 months imprisonment 1 x 10 months imprisonment 2 x 6 months imprisonment
29/08/2010	NIDC	5 charged: * Damage to commonwealth property (section 29(1) Crimes Act 1914)	5	2 x 3 months imprisonment 2 x 6 months imprisonment 1 x 10 months imprisonment
24/10/2010	NIDC	1 charged: * Damage to Commonwealth Property *Manufacture/possess weapon (s197B Migration Act 1958)	1	5 years (includes people smuggling charges)
10/02/2011	Darwin APOD	11 charged: *Manufacture/possess weapon (s197B Migration Act 1958)	0 (charges withdrawn: not in public interest)	N/A
16/05/2011	NIDC (criminal damage)	1 charged: * Damage to Commonwealth Property	1	2 months imprisonment
3/08/2011	NIDC	1 charged: *Aggravated Assault (Criminal Code NT) *Cause Harm to Commonwealth Official (Criminal Code)	1	7 months
11/08/2011	NIDC	3 charged: *Cause harm to Commwth official (147.1(1) Crim Code 1995)	matter before court (mention 27 Sept)	N/A
	TOTALS	27	13	13

CMS 2011/29246

11 November 2011

Mr Tim Watling
Committee Secretary
Joint Select Committee on Australia's Immigration Detention Network
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Mr Watling

Clarifications and corrections to Hansard

I write concerning evidence provided by officers from the Australian Federal Police (AFP) to the Joint Select Committee on Australia's Immigration Detention Network at the Northern Territory Hearing on 26 September 2011.

Following the hearing, an AFP member who provided evidence to the Committee reviewed the proof copy of Hansard. Consequently, I wish to submit the following corrections and clarifications on behalf of the AFP.

Evidence of Commander Peter Sykora, Manager Crime Operations

In exchange with Scott Morrison MP, Shadow Minister for Immigration, on page 43, Commander Sykora was explaining the seven successful prosecutions of offenders at Northern Territory Immigration Detention Centres (NIDC) and Alternate Places of Detention (APOD).

Mr Morrison then asked a follow up question in relation to successful convictions from the seven successful prosecutions. The response provided by Commander Sykora was to confirm the number of convictions as seven.

The AFP wishes to clarify that from the seven prosecutions, a total of 27 charges were laid for 13 successful convictions.

Further details of the prosecutions, charges and convictions as taken on Notice by Commander Sykora are attached for your information.

Yours Sincerely



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