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SENATE

SELECT COMMITTEE ON A CERTAIN MARITIME INCIDENT

Reference: Certain maritime incident

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SENATE
SELECT COMMITTEE ON A CERTAIN MARITIME INCIDENT

Thursday, 2 May 2002

Members: Senator Cook (*Chair*), Senator Brandis (*Deputy Chair*), Senators Bartlett, Jacinta Collins, Faulkner, Ferguson, Mason and Murphy

Senators in attendance: Senators Brandis, Jacinta Collins, Cook, Faulkner, Ferguson and Mason

Terms of reference for the inquiry:

For inquiry into and report on:

- (a) the so-called ‘children overboard’ incident, where an Indonesian vessel was intercepted by HMAS *Adelaide* within Australian waters reportedly 120 nautical miles off Christmas Island, on or about 6 October 2001;
- (b) issues directly associated with that incident, including:
 - (i) the role of Commonwealth agencies and personnel in the incident, including the Australian Defence Force, Customs, Coastwatch and the Australian Maritime Safety Authority,
 - (ii) the flow of information about the incident to the Federal Government, both at the time of the incident and subsequently,
 - (iii) Federal Government control of, and use of, information about the incident, including written and oral reports, photographs, videotapes and other images, and
 - (iv) the role of Federal Government departments and agencies in reporting on the incident, including the Navy, the Defence Organisation, the Department of Immigration and Multicultural Affairs, the Department of the Prime Minister and Cabinet, and the Office of National Assessments; and
- (c) operational procedures observed by the Royal Australian Navy and by relevant Commonwealth agencies to ensure the safety of asylum seekers on vessels entering or attempting to enter Australian waters.
- (d) in respect of the agreements between the Australian Government and the Governments of Nauru and Papua New Guinea regarding the detention within those countries of persons intercepted while travelling to Australia, publicly known as the ‘Pacific Solution’:
 - (i) the nature of negotiations leading to those agreements,
 - (ii) the nature of the agreements reached,
 - (iii) the operation of those arrangements, and
 - (iv) the current and projected cost of those arrangements.

WITNESSES

KING, Commander Stefan Michael, Deputy Director Capability Resourcing Navy Capability, Performance and Plans Branch Navy Headquarters, Department of Defence 1490

SIDHU, Ms Harinder, Senior Adviser, Defence, Intelligence and Security Branch, International Division, Department of the Prime Minister and Cabinet..... 1550

Committee met at 9.34 a.m.

CHAIR—I declare open this hearing of the Senate Select Committee on a Certain Maritime Incident. I call the committee to order. Today the committee continues its public hearings in relation to its inquiry. The terms of reference, set by the Senate, are available from the secretariat staff and copies have been placed near the entrance to the room. Today's hearing is open to the public. This could change if the committee decides to take any evidence in private. The committee has authorised the broadcasting of the public aspects of proceedings.

Witnesses are reminded that the evidence given to the committee is protected by parliamentary privilege, according to the provisions of the Parliamentary Privileges Act 1987. The action of a witness in giving evidence and producing documents and the evidence given cannot be used against the witness in any sense in subsequent proceedings before a court or tribunal. Senate standing order 181 declares:

A witness examined before the Senate or a committee is entitled to the protection of the Senate in respect of the evidence of the witness.

This is a declaration by the Senate that it will use its powers to protect witnesses against any adverse consequences arising from their giving evidence. It is important for witnesses to be aware that the giving of false or misleading evidence to the committee may constitute a contempt of the Senate. If at any stage a witness wishes to give part of their evidence in camera, they should make that request to me as the chair and the committee will consider that request. Should a witness expect to present evidence to the committee that reflects adversely on a person, the witness should give consideration to that evidence being given in camera.

The committee is obliged to draw to the attention of a person any evidence which, in the committee's view, reflects adversely on that person and to offer that person an opportunity to respond. An officer of a department of the Commonwealth shall not be asked to give opinions on matters of policy. However, officers may be asked to explain government policy, describe how it differs from alternative policies and provide information on the process by which a particular policy was arrived at.

[9.37 a.m.]

KING, Commander Stefan Michael, Deputy Director Capability Resourcing Navy Capability, Performance and Plans Branch Navy Headquarters, Department of Defence

CHAIR—I welcome Commander Stefan King. Do you have an opening statement of any sort?

Cmdr King—Yes, I do.

CHAIR—Is it in writing?

Cmdr King—Yes, it is.

CHAIR—Is it possible for us to obtain a copy so that so we can follow it while it is being presented to us?

Cmdr King—Yes.

CHAIR—We will arrange for one of the attendants to do that. There are no attachments unnecessarily involved?

Cmdr King—No.

CHAIR—Good. Please proceed.

Cmdr King—I was the Australian Defence Force Liaison Officer in the International Division of the Department of the Prime Minister and Cabinet from 13 July 2001 to 21 January 2002. I have structured my submission on the premise that the Senate select committee wants to know what information was passed to me with respect to the photographs relating to the SIEV4 incident, what I did with that information and the context in which this occurred. I hope to save the members of this committee their valuable time by taking this approach.

The Director of Operations, Navy—Commander Piers Chatterton—has said before this committee that he advised me on 11 October 2001 that the pictures that had appeared in the media showing people in the water were not related to the claims that unauthorised arrivals had thrown their children in the water on 7 October but were in fact related to the rescue of unauthorised arrivals from their sinking boat which occurred on the following day, that is, 8 October. I confirm that his statement in this regard is true. Commander Chatterton gave me this information face to face prior to us attending the daily strategic command briefing into the progress of Operation Slipper on 11 October.

I am very familiar with Commander Chatterton's role in briefing the Chief of Navy daily on matters of operational significance. I was therefore prepared to afford a high degree of credibility to this information having regard to his close access to both the source of operational information, his immediate access to the Chief of Navy and the fact that this was obviously an extremely topical, sensitive, national issue.

By my standards, this was in no way gossip. It was a briefing by a relevant person for a relevant purpose. Commander Chatterton also made a comment to the effect that it was evident that somewhere along the way some clarifying captions accompanying the pictures had become removed. I treated that information as plausible conjecture and afforded it credibility as such. I briefly acknowledged the information he had given me and we never discussed it again, as was appropriate. In the time I had to reflect on this information before returning to my office that morning, I gave consideration as to how I should treat it.

Before discussing that, I would firstly like to give an outline to the committee of the way in which I conducted myself within the Department of the Prime Minister and Cabinet. My job was clearly to provide a service of liaison, advice and military experience into the Defence section of the International Division. There was a clear, spoken agreement that the liaison officer worked for PM&C and abided by their professional guidelines. These expectations included an absolute discretion about the things read, said and heard in doing business in that department, and about the general one-way flow of information; that is, into the department, not outwards. I wholeheartedly abided by those rules and hence I never gave Commander Chatterton any feedback as to what I had done with that information he had given me.

In considering the information I had received, it was very clear to me that my function was to provide this advice to my two senior officers in International Division, such that they could advise their seniors as appropriate. My logic for this was that, in my three months experience in that department, it was obvious that great care was taken to ensure that any public announcements by the Prime Minister and other ministers were consistent. As this issue was only a day or so old, I thought it could be corrected quickly.

Following the daily Strategic Command briefings, it was my practice to brief my supervisor, Senior Adviser, Defence Branch, Ms Harinder Sidhu, on anything noteworthy arising from the brief and, if warranted, to also brief the Assistant Secretary, Defence Branch, Dr Hammer—noting that he was an exceptionally busy man. On this occasion, namely 11 October, I was able to brief the Senior Defence Adviser immediately on a few minor issues arising from the morning brief, and to pass to her the information that Commander Chatterton had given to me in respect to the pictures being erroneously reported in the media. The Senior Defence Adviser instantly agreed that this information warranted being passed to our Assistant Secretary and that she should join me in briefing him. The Assistant Secretary was too busy to see us in the forenoon, but we made an agreement to come back later in the afternoon. Often, in such situations, information would lose value as time passed and the Senior Defence Adviser would make a decision as to whether there remained an imperative to brief the Assistant Secretary, Defence Branch, in the light of rapidly changing order of priorities and his extraordinarily large workload. On this occasion, we conferred and agreed it was still very relevant to brief Dr Hammer.

When the occasion presented that afternoon, the Senior Defence Adviser and I attended the Assistant Secretary's office and I advised him that a fellow Navy officer, attending the Strategic Command brief that morning, had told me that the pictures in the media showing people in the water did not relate to the claims made by the Minister for Defence that unauthorised arrivals were throwing their children overboard but, in fact, related to an event the following day when those same people were being rescued by the Navy from their sinking vessel. I also said that it seemed that the captions accompanying the pictures appeared to have been removed, however I

did not do so with the same gravity, noting the degree of conjecture I attributed to that information at that time.

I assessed that the Assistant Secretary acknowledged that the information was sensitive but he did not give any indication to me about what action he would take in response, or what he might want me to do. In any event, I was given no instructions to pursue confirmation of the matter. As it was the nature of both Dr Hammer—and from my observations, the department—dealings on sensitive issue would often happen quickly, at higher levels without the knowledge of the desk officers, therefore I could not conclude that nothing was being done about the issue. Indeed, as the matter was very sensitive, it did not surprise me at all that I was given no further instructions, as I believed that if the Assistant Secretary wanted to act on this advice, he would have done so at his own level in the first instance.

The subject was not raised in my presence again until, I believe, 8 November. On that date, the Senior Defence Adviser advised me that during the previous evening she had relayed to an officer of Social Policy Division the information that I had passed to her on 11 October. The Senior Defence Adviser had elected not to disclose the source of her information without the courtesy of discussing it with me first. The result of her discretion has been subsequent references to gossip being heard in a tea break. I maintain, however, that there has never been gossip at any level on my part associated with this issue. I was briefed and I briefed upwards appropriately. Thank you.

CHAIR—Thank you, Commander. I think the rotation means that I should go to you, Senator Faulkner.

Senator FAULKNER—Thanks, Mr Chairman. Commander King, I appreciate your explanation of the role of the Defence Liaison Officer who is posted to the Department of the Prime Minister and Cabinet. I was wondering whether it was your view that Commander Chatterton's communication to you was in accordance with the usual procedures and processes you would expect from an officer, in this case the Director of Operations—a normal communication from the Director of Operations to the Defence Liaison Officer in PM&C. Would that be how you would view it, or would you describe it in any way as exceptional? My question is: was that communication exceptional or unexceptional, in your view?

Cmdr King—It was exceptional in the sense that it was one of probably one or two items of information that Commander Chatterton passed to me. It was not exceptional, in my mind, that he told me the information, because he understood that the nature of a liaison officer in any area is to facilitate movement of information.

Senator FAULKNER—So is that what you would say was the reason that Commander Chatterton would have passed that information on to you?

Cmdr King—Absolutely.

Senator FAULKNER—I appreciate that it may be difficult for you to answer this; you may not be able to. I wondered whether you felt he would have an expectation of how you would deal with it. Would that be your view?

Cmdr King—He may have an expectation but it was never a matter that passed between us. He would understand that my dealings within PM&C were for the business of that department.

Senator FAULKNER—Are you saying to me that his expectation was that you would deal with that appropriately as you saw fit in terms of your role liaising with the Department of the Prime Minister and Cabinet? Is that basically the situation?

Cmdr King—If the key words are ‘as I saw fit’, yes.

Senator FAULKNER—I think you made it clear, but let us establish it for the record, that you do think it was appropriate for Commander Chatterton to tell you what he did tell you?

Cmdr King—Yes.

Senator FAULKNER—You do think it was appropriate for Commander Chatterton to tell you what he told you in the way he did?

Cmdr King—Yes, I do.

Senator FAULKNER—With respect to the time and the forum, we know from evidence before this committee that it was effectively, as you have said, in the margins of an Operation Slipper briefing. Again, do you consider that to be quite appropriate?

Cmdr King—Yes, I do, and I say that because it was an opportunity to meet face to face, so there was no need to have a telephone call. We were in a secure area. He was discreet in that he spoke directly to me. The period of time was while waiting to be escorted from the entrance to the building to the secure briefing room.

Senator FAULKNER—So at this stage you certainly would not have considered the communication to be gossip. He has told us he did not. You are pretty clear on this point, aren't you?

Cmdr King—I am very clear—because of who he was, the manner in which he told me and the purposes for which I considered that he told me.

Senator FAULKNER—That was your view at the time?

Cmdr King—Absolutely.

Senator FAULKNER—And it is still your view?

Cmdr King—Yes.

Senator FAULKNER—If this process was a conduit of information, if you like, how out of the ordinary was that, if at all? I want to really understand if you considered this to be effectively standard operating procedure for you, for the director of operations and for others who might be communicating matters of concern. Is that how you would define it?

Cmdr King—It is a difficult question to answer, because it is a fairly large question and there are many scenarios in which you would differently treat an answer to that question. I do not know that I can give you much more than that.

Senator FAULKNER—Okay, I think you have canvassed that issue for us. You indicated in your opening statement in paragraph 7 that you reflected on how you should treat that information. Because you put that in your statement, I gather that it was not just a passing thought, that you actually put your mind to an appropriate way of dealing with the information after it had been provided to you by Commander Chatterton. Is that fair?

Cmdr King—Yes, I did. It was not information to be trifled with, I felt.

Senator FAULKNER—Given that, can we work through what occurs then. If I can again take you to your opening statement, I think paragraph 10 is where the process begins. Your procedure is to brief your senior defence adviser, Ms Harinder Sidhu. That was the normal procedure when you were the defence liaison officer, I understand?

Cmdr King—Yes.

Senator FAULKNER—And also Dr Hammer. I do note, in the case of Dr Hammer, you qualify your statement by indicating that he is exceptionally busy. That, I assume, means that you would brief Dr Hammer if and when available. Would that be the case? I just want to understand this, because of the qualification you put there noting that he is exceptionally busy. I assume that means that sometimes you were not able to provide an immediate briefing as you could with Ms Sidhu. Would that be right?

Cmdr King—That is correct.

Senator FAULKNER—In this particular instance we are talking of, your first briefing is with Ms Sidhu. That is right, isn't it?

Cmdr King—Yes.

Senator FAULKNER—Where did that take place?

Cmdr King—In her office.

Senator FAULKNER—Do you have any record of the time that briefing took place?

Cmdr King—It would have been about 11.30.

Senator FAULKNER—At 11.30 a.m.?

Cmdr King—Yes.

Senator FAULKNER—On 11 October?

Cmdr King—Yes.

Senator FAULKNER—Could you indicate to the committee what the context and tone of that particular discussion with Ms Sidhu was, please?

Cmdr King—We had an exceptionally good working relationship, so it was very convivial. I sat down in her office and gave some brief dot points on what had happened in the Operation Slipper meeting, and then I said words to the effect of, ‘I need to now pass you this other information that I have heard.’

Senator FAULKNER—So it occurred in a sit-down meeting in Ms Sidhu’s office.

Cmdr King—Yes.

Senator FAULKNER—Do you recall if Ms Sidhu took notes as you were speaking?

Cmdr King—I recall that she did not.

Senator FAULKNER—Okay. The outcome of that meeting, as I read your opening statement, is that you and Ms Sidhu agree to brief Dr Hammer.

Cmdr King—Yes.

Senator FAULKNER—Is that a decision that you come to jointly at the meeting in Ms Sidhu’s office or is that something that Ms Sidhu determines?

Cmdr King—I do not think I could define a point where that became evident. We just jointly understood and agreed.

Senator FAULKNER—So the pair of you, at the meeting in Ms Sidhu’s office, agree that the appropriate course of action is to brief Dr Hammer.

Cmdr King—Yes.

Senator FAULKNER—In this case, Dr Hammer is effectively your and Ms Sidhu’s superior.

Cmdr King—Yes.

Senator FAULKNER—And that occurs at some point on the afternoon of 11 October. Are you able to be a little more precise for us as to what time it takes place?

Cmdr King—I recall it was around 1530.

Senator FAULKNER—All right, thank you for that. Before we move off your meeting with Ms Sidhu, do you know how long that meeting would have taken?

Cmdr King—In the order of 10 minutes.

Senator FAULKNER—Do you know how long the meeting with Dr Hammer took?

Cmdr King—Between five and 10 minutes.

Senator FAULKNER—In relation to your meeting in the morning with Ms Sidhu, can you tell the committee whether there was any chance that the seriousness or content of the information that you were providing could be misconstrued? Could it possibly have been misconstrued by Ms Sidhu, do you think?

Cmdr King—Again, it is difficult for me to answer. I do not know what her views were on the tenacity of the information, but I felt that at least the implications of the information were fairly obvious to her.

Senator FAULKNER—But what was Ms Sidhu's response to you? She obviously thought it was appropriate to see Dr Hammer.

Cmdr King—Yes. In fact, we actually tried to go immediately to his office to relay that information.

Senator FAULKNER—I am aware that, from what you have said, you were not able to do that and you had to have that meeting a little later in the afternoon because, as you said, Dr Hammer was busy. That indicates to me that there is some understanding that the matter is important and serious and urgent. Would that be fair?

Cmdr King—To my mind, yes.

Senator FAULKNER—Would you have any reason to believe that was not Ms Sidhu's view, given that you immediately tried to pass the information on to Dr Hammer?

Cmdr King—I would have no reason to believe that.

Senator JACINTA COLLINS—Commander King, do you have reason to believe otherwise?

Cmdr King—No, I do not.

Senator JACINTA COLLINS—You have no reason, other than what you just discussed with Senator Faulkner, to believe that she took what you were saying to be serious and urgent?

Cmdr King—Yes.

Senator JACINTA COLLINS—You do have other information?

Cmdr King—Sorry, I did not collect the question fully. No, I do not have any other information that would leave me to think other than that she understood the veracity and the importance of the information I was giving her.

Senator FAULKNER—Do you yourself keep file notes or records of these sorts of meetings?

Cmdr King—I had notes of Operation Slipper meetings—very brief and careful notes—but I did not have any notes of this adjunct to that meeting.

Senator FAULKNER—I understand that. That is helpful, but what I was meaning to focus on was the meeting in Ms Sidhu's office. I wondered if you took a note of that.

Cmdr King—No, I did not.

Senator FAULKNER—Was your normal habit not to take notes of those sorts of meetings?

Cmdr King—Correct.

Senator FAULKNER—So later in the afternoon you and Ms Sidhu go to Dr Hammer's office to brief him, do you?

Cmdr King—Yes.

Senator FAULKNER—At approximately the time that you have mentioned to him—

Cmdr King—1530ish.

Senator FAULKNER—Was it you who reported the situation to Dr Hammer or was it Ms Sidhu or was it effectively both of you?

Cmdr King—No, it was my briefing.

Senator FAULKNER—Your briefing.

Cmdr King—Yes.

Senator FAULKNER—What was Dr Hammer's response?

Cmdr King—It is difficult to explain. It is a series of expressions and body language, if you like, into acknowledging, 'Yes, I hear that information,' but it is hard to give you anything more tangible than that.

Senator FAULKNER—The information you provided at this point in these two briefings—I want to be clear on this—was the fact that the photographs did not depict children who had been thrown overboard.

Cmdr King—Yes.

Senator FAULKNER—It goes to the issue of the photographs as opposed to the incident itself. Would that be right? I am drawing a distinction here, just so you are clear, Commander,

between whether or not the incident occurs, that is, whether children are thrown overboard or not—that is one issue—and whether the photographs actually depict such an incident. Your briefing goes to the second issue, the photographs, does it not?

Cmdr King—Precisely.

Senator FAULKNER—It does not canvass the first issue, which is the broader issue of the claims in general?

Cmdr King—That is right.

Senator FAULKNER—We were just talking about Dr Hammer's response. Do you recall whether or not he took any file notes at that particular meeting?

Cmdr King—From my recollection of the meeting, he was turned away from his desk and I do not believe he took any notes.

Senator FAULKNER—I want to be assured that you are confident that Dr Hammer understood the import of your briefing to him. Are you satisfied about that?

Cmdr King—Yes, I am.

Senator FAULKNER—Could you say why?

Cmdr King—My experience of Dr Hammer is that he is an extremely astute and intellectual man. In the trade you would say he does not miss a trick.

Senator FAULKNER—So you are saying he got it on board, basically.

Cmdr King—Yes.

Senator FAULKNER—Did he say anything to you that made that clear to you?

Cmdr King—I could not begin to re-create the conversation I had; nor would I try to.

Senator FAULKNER—Fair enough. Did you get the impression that Dr Hammer knew of these concerns before you told him?

Cmdr King—No.

Senator FAULKNER—Did Ms Sidhu know about the information before you told her?

Cmdr King—She did not let me know that she knew about it, and I did not believe that she did know about it.

Senator FAULKNER—I appreciate that you cannot answer for her, but she did not say to you, 'I already knew that,' or anything like that?

Cmdr King—Correct.

Senator FAULKNER—And nor did Dr Hammer.

Cmdr King—Correct.

Senator FAULKNER—So you got the impression that this was new information as far as both those officers were concerned?

Cmdr King—Yes.

Senator FAULKNER—Did you and Ms Sidhu and Dr Hammer then talk about outcomes as a result of that meeting that the three of you had?

Cmdr King—No.

Senator FAULKNER—So what happened at the meeting with Dr Hammer is that you briefed Dr Hammer, he responded in the way that you have outlined to the committee, and that concluded the meeting, did it?

Cmdr King—Yes.

Senator FAULKNER—There was no indication of any further action that Ms Sidhu or Dr Hammer might take?

Cmdr King—Certainly not of any action Dr Hammer might take. If Ms Sidhu had been given instructions, I might have expected to have been aware of them, but I was not aware of any.

Senator FAULKNER—What happened then? You and Ms Sidhu left Dr Hammer's office, I assume?

Cmdr King—Yes.

Senator FAULKNER—You say in paragraph 14 of your statement, 'I assessed that the Assistant Secretary acknowledged that the information was sensitive but he did not give any indication to me what action he would take in response, or what he might want me to do.' How were you able to make the assessment that the assistant secretary acknowledged that the information was sensitive?

Cmdr King—It is not a precise science, I agree. It is body language, expression—maybe a pursed lip or a raised eyebrow. It was just a professional assessment that I made, and I am quite satisfied with it.

Senator FAULKNER—Was there any indication from Dr Hammer at that meeting that the information that you were providing to him was of significance and importance?

Cmdr King—I do not know that my answer goes beyond the previous question. There was nothing verbal, no.

Senator JACINTA COLLINS—Commander, you said that he turned away from his desk. What do you mean by that?

Cmdr King—His chair faces away from the door and he turned around to face us as we sat—

Senator JACINTA COLLINS—I am sorry, you will have to repeat that.

Cmdr King—Sorry, I have a sore throat. Dr Hammer's chair normally faces away from the door, but he turned around to face us as we sat to begin the meeting.

Senator JACINTA COLLINS—So you are indicating that it was clear to you that you had his attention?

Cmdr King—Yes.

Senator JACINTA COLLINS—And that is all, though—him moving away from his desk?

Cmdr King—Correct.

Senator FAULKNER—Having formally briefed Ms Sidhu and Dr Hammer, did you have an expectation about what action those officers might take?

Cmdr King—I guess I had two expectations: that he would say to me, 'We actually need to define this issue more clearly and we need to formalise our understanding of it,' or he might do that himself. It was not a surprise to me that he would have gone about that himself.

Senator FAULKNER—Did you have a view about whose responsibility it was to take action as a result of the briefing? Did you think it was your responsibility? Did you think it was Dr Hammer's responsibility or Ms Sidhu's responsibility?

Cmdr King—That is not easy to define. My responsibility was to conduct the work that I was asked to conduct. As a guest of that department, I abided by the way they did their business.

Senator FAULKNER—But you must have a view as a serving Defence officer on what you believe to be the proper role and responsibility for correcting misinformation in the public arena? This was of sufficient concern to pass on to these two officers, so I am assuming that you had no expectation that it would just stay as two private briefings with senior officers in the Department of the Prime Minister and Cabinet.

Cmdr King—I did have some personal views.

Senator FAULKNER—Do you think they are personal views? At the end of the day, they would have been professional expectations about what would happen, wouldn't they?

Cmdr King—My professional expectation was most probably that Dr Hammer would call somebody at his level—perhaps Air Vice Marshal Titheridge—and ask him whether there was any truth to the issue and at least establish in his own mind that there was.

Senator FAULKNER—Did you have a concern that there might have been inaccurate information actually supplied by Defence?

Cmdr King—I did not, but that in itself might not be robust enough.

Senator FAULKNER—Would you describe the two meetings you had on that day as formal meetings—where you present a brief to officers?

Cmdr King—Yes.

Senator FAULKNER—So you would not describe them as ‘gossip’?

Cmdr King—I was not leaning in the doorway.

Senator FAULKNER—So you are comfortable with the description of the meetings as formal meetings or formal briefings of senior officers in the Department of the Prime Minister and Cabinet?

Cmdr King—Yes.

Senator FAULKNER—In paragraph 16 of your opening statement you say that the subject was not raised in your presence again until 8 November. Did you raise this issue with anyone before 8 November?

Cmdr King—Not formally. Informally I may have made comments about subsequent reports in the media, such as ‘Oh, that issue is still around.’

Senator FAULKNER—But you are drawing a distinction here between anything you may have said in that regard as opposed to what occurs on the 11th, which you would describe as your fulfilling your formal responsibility as the Defence liaison officer?

Cmdr King—Agreed.

Senator FAULKNER—So you might have had other informal discussions. That might have included PM&C officers and the like?

Cmdr King—It would only have been with my immediate colleagues.

Senator FAULKNER—When you say ‘immediate colleagues’ that could be people in PM&C and/or Defence, or just Defence?

Cmdr King—No, only my immediate colleagues in the International Division.

Senator FAULKNER—Not Defence but PM&C officers?

Cmdr King—Correct.

Senator FAULKNER—In relation to what occurred in November, you say in your opening statement that the senior Defence adviser—that is Ms Sidhu—advised you that the previous evening she had relayed to an officer of Social Policy Division the information that you had passed on to her on 11 October. Do you recall where Ms Sidhu advised you of that?

Cmdr King—In her office.

Senator FAULKNER—Was that a formal or semi-formal discussion about the issue?

Cmdr King—That was informal. It was a morning greeting and an exchange of pleasantries on what had happened the night before.

Senator FAULKNER—Did she name the officer of the Social Policy Division?

Cmdr King—If she did I do not recall that at the time.

Senator FAULKNER—You said in your opening statement that Ms Sidhu had elected not to disclose the source of her information without the courtesy of discussing it with you. Could you explain that? I'm sorry—I am just changing the tense of your statement to make it sound more logical because I do not want to read it in the first person.

CHAIR—You should not be concerned about this, Commander, because Senator Faulkner has even accused me of uttering a sentence that did not contain a verb at one stage.

Senator FAULKNER—Well, if the cap fits! Would you just be able to expand on that statement you make about the disclosure of the source of the information, please?

Cmdr King—It is my recollection that the senior adviser had been surprised when she related the information the night before. She had been surprised that this person was not aware of it. I guess she was then a bit careful in giving information that she did not own and just simply wanted to discuss that with me first.

Senator FAULKNER—So is the import of what of you are saying there that it appears that, while you and Ms Sidhu may have been aware of this situation from 11 October, Ms Sidhu was saying to you that others did not know about it? Is that the thrust of it?

Cmdr King—I would not take it to such a point. She simply expressed that the individual she had told had been surprised by the information.

Senator FAULKNER—Did she say why she had passed on that information to an officer of the Social Policy Division that evening?

Cmdr King—Yes, broadly. I understand that she had come down to see if the International Division had had some documents or reports or signal traffic relating to reporting of the SIEV incident and they had thought that maybe we had had some of that documentation on file. They had come down that evening to try and find it.

Senator FAULKNER—So it was in that context?

Cmdr King—Yes.

Senator FAULKNER—I think Ms Bryant may have talked about this.

Senator JACINTA COLLINS—This was when she acquired sit reps 59 and 60?

Senator FAULKNER—Yes. And then you go on to say:

The result of her discretion has been the subsequent references to ‘... gossip being heard in tea breaks’.

So how do you reflect on Ms Sidhu’s motivations here? Is she trying to protect you in this instance or is there some other motivation? Have you thought about that?

Cmdr King—I think she was extending a very professional personal courtesy to myself, and I was grateful to her. Although it was not professionally necessary, I was grateful for her consideration in doing so.

Senator FAULKNER—So you thought that was appropriate?

Cmdr King—No, it was not appropriate because it was not necessary. I am simply saying that I was grateful for her consideration of me in doing so.

Senator FAULKNER—But what happens of course, partly as a result of this it seems, is that a formal briefing is yet another situation where Defence passes on to the Department of the Prime Minister and Cabinet crucial information about the events that this committee is looking at, and it gets redefined as ‘tearoom gossip’. That is a problem, isn’t it?

Cmdr King—With respect, I guess that is conjecture for you to make.

Senator FAULKNER—You do not think it was tearoom gossip?

Cmdr King—Absolutely not.

Senator FAULKNER—These are your formal briefings.

Cmdr King—Yes.

Senator FAULKNER—But, at some point, some of that information has been defined as ‘tearoom gossip’. It is true that it has been defined by some as ‘tearoom gossip’, isn’t it?

Cmdr King—Yes.

Senator FAULKNER—So you do have a process where it goes from what are, in your mind, formal and appropriate briefings—two of them—the content of which ends up being described as gossip.

Cmdr King—Yes. It was obviously a convenient form of words that stuck.

Senator FAULKNER—Because you actually make the point in your opening statement, you say:

I was briefed, and I briefed upwards appropriately.

You make that statement and I am sure you stand by it, don't you?

Cmdr King—Absolutely.

Senator FAULKNER—Were you surprised after your original briefings on 11 October that no correction was made publicly?

Cmdr King—Yes, I was.

Senator FAULKNER—You were surprised?

Cmdr King—Yes.

Senator FAULKNER—Why were you surprised?

Cmdr King—Because it was getting national coverage and because I believed that enough people in the right places understood the error and that one would lead to it being corrected.

Senator FAULKNER—You obviously would have had an awareness of what was occurring because, as we all know, it was during an election campaign. Were there any additional or extra concerns for you because of those sensitivities?

Cmdr King—Not for me. Despite being a liaison officer in the department, I am still an officer of the Australian Defence Force and I was observant of the caretaking provisions that were explained to us in the Department of the Prime Minister and Cabinet. But the treatment of information, as a Defence officer, I guess I disassociated myself from it in that context.

Senator FAULKNER—That is fair enough. Can we just work through, in a logical way, the contacts that you had. On 11 October, you were briefed by Commander Chatterton and then you had the meeting with Ms Sidhu and then a subsequent meeting with Ms Sidhu and Dr Hammer?

Cmdr King—Yes.

Senator FAULKNER—You had no other contact, effectively, until 7 November?

Cmdr King—Until 8 November—on that matter.

Senator FAULKNER—On 8 November, was it just limited to the discussion with Ms Sidhu?

Cmdr King—Yes.

Senator FAULKNER—What contacts did you have with Defence and PM&C officers after 8 November?

Cmdr King—Very briefly, at some time in early December I got a call from Defence to ask whether I could assist, in my role as DLO, the task force within PM&C—Ms Bryant's task force—to facilitate access to some key individuals for interviews. I had a limited role in doing that.

Senator FAULKNER—What was your limited role there?

Cmdr King—I called Air Vice Marshal Titheridge's office and arranged a time for him to be available to be interviewed by Ms Bryant. It was of that nature.

Senator FAULKNER—So it was just tick-tacking and organising an interview between Air Vice Marshal Titheridge and Ms Bryant?

Cmdr King—Yes. Time was against them and they just needed some assistance in facilitating it.

Senator FAULKNER—That occurred in early December. Were there any other contacts after that?

Cmdr King—I left the department in early January.

Senator FAULKNER—Yes, you have a new role, haven't you? Where are you now?

Cmdr King—I am now within Naval Headquarters at Russell.

Senator FAULKNER—So you left the department when—in early January?

Cmdr King—Yes—the 21st, from recollection.

Senator FAULKNER—Did you have any contact with PM&C officers on the issue this committee is investigating up until you left in early January?

Cmdr King—Nothing germane to the committee, I do not believe. I cannot think of anything.

Senator FAULKNER—What about contacts with any Defence personnel in the period in which you were the DLO in PM&C?

Cmdr King—In respect of this issue?

Senator FAULKNER—Yes.

Cmdr King—No.

Senator FAULKNER—Did you have any contact after you left your former role as Defence Liaison Officer with PM&C? Did you have any role with Defence personnel or other Commonwealth officers after that early January period?

Cmdr King—Yes, there have been a range of contacts, some to do with the officers I handed over to, with some questions about issues. There were some telephone calls and emails about possible preparations for departmental submissions to this committee, which in the end did not come about.

Senator FAULKNER—You have just outlined two broad categories. Are you saying in relation to the first category that you had a new Defence liaison officer in PM&C and you were—what?—assisting that liaison officer during the handover period?

Cmdr King—Yes.

Senator FAULKNER—Was some of what you discussed with that liaison officer around the ‘children overboard’ incident?

Cmdr King—No, not specifically, other than that I perhaps once asked him if he was aware of whether a date had been established for submissions or if there was any indication that I was going to be asked to contribute. Most of that liaison was with Ms Sidhu.

CHAIR—Commander, these are the submissions that did not eventuate because of the cabinet decision for departments not to make submissions.

Cmdr King—Yes.

Senator FAULKNER—In the second category, which the chair was just touching on, regarding the issue of departmental submissions, can you give us an explanation of what your role is? You were the Defence liaison officer when these events took place—I appreciate that—but by this point you had left your liaison role with PM&C. That is right, isn’t it?

Cmdr King—Yes, but of course the issue was still getting an airing in the Finance and Public Administration Committee hearings and in other areas. I guess I had an expectation that I might be called to give a contribution. I had asked Ms Sidhu if that was imminent, and there was one time when she said to me that Ms Bryant had indicated to her that submissions might be called for at any time.

Senator FAULKNER—Did you want to make a submission or did you think it was appropriate for you to make a submission in the circumstances?

Cmdr King—I could not see how I would not be included in a submission. I had already been named in *Hansard* at the Finance and Public Administration Committee, and I just assumed the link had been created.

Senator FAULKNER—Anyway, you were not asked to make a submission.

Cmdr King—No.

Senator FAULKNER—Who did you make contact with over that or who made contact with you?

Cmdr King—Within an exchange of some social email, Ms Sidhu had said that Ms Bryant had indicated that some statements might be called for—but that was only me reading that that might include me.

Senator FAULKNER—Yes, sure.

Cmdr King—I said, ‘Well, I’m standing by. Give me a call if they want to—

Senator FAULKNER—But you are saying to us that you thought it may well have been appropriate for you to have made a submission to the Powell or Bryant inquiries. Is that right?

Cmdr King—Yes.

Senator FAULKNER—Anyway, you did not, as we know. Did you have any other contact with Defence, ADF officers or officers of PM&C?

Cmdr King—Yes. At the time when there was an expectation that a submission may be crafted, I met with Dr Hammer and Ms Sidhu on an occasion just to, if you like, ensure the consistency of our understanding and recollections.

Senator FAULKNER—Whose idea was that meeting?

Cmdr King—I was invited by Ms Sidhu, presumably on behalf of Dr Hammer.

Senator FAULKNER—And the purpose of that was to ensure consistency of your evidence before this committee?

Cmdr King—I probably had recollections—I mean, some time had passed since I had left the department.

Senator FAULKNER—Sorry?

Cmdr King—Some time had passed at that stage since I had left the department, and Christmas had been, so I guess it was just to compare our recollections of events.

Senator FAULKNER—So when were you invited to that meeting?

Cmdr King—I received the invitation when I was in Sydney, from a message on my phone on the Saturday morning. I was unable to attend at that time, and we had a subsequent—

Senator FAULKNER—What did the phone message say?

Cmdr King—Just that Dr Hammer was wondering if I would be available to get together with him and her to discuss our recollections.

Senator FAULKNER—Do you have a date for that?

Cmdr King—I was at a 20-year reunion. As I recall, it was on the weekend of 9-10 March. I gave my apologies that I would not be able to return from Sydney in time to have the meeting, and we subsequently spoke on Monday morning.

Senator FAULKNER—Was Ms Sidhu proposing a weekend meeting?

Cmdr King—Sunday afternoon, yes.

Senator FAULKNER—A Sunday afternoon meeting—where?

Cmdr King—I am a little vague on that. I cannot recall if it was at the office or at the home of Dr Hammer. I really cannot recall specifically, because I was unable to attend.

Senator FAULKNER—So you are saying to us that Ms Sidhu and Dr Hammer were proposing to have a meeting with you on a Sunday afternoon, possibly at Dr Hammer's home, to discuss the evidence that you would be giving to this committee?

Cmdr King—I am not saying 'to discuss the evidence', no. Because I did not accept the invitation, I did not get into the intent of the meeting.

Senator FAULKNER—Why didn't you accept the invitation?

Cmdr King—I was in Sydney.

Senator FAULKNER—Is that the only reason you did not accept the invitation?

Cmdr King—It had been a long night, I had risen late on the Sunday morning and I did not feel that I was ready to rush back from Sydney to do that.

Senator FAULKNER—I just asked: is that the only reason you did not accept the invitation?

Cmdr King—Predominantly, yes.

Senator FAULKNER—Were there other reasons that you did not accept the invitation?

Cmdr King—I also felt I was not prepared sufficiently. I had not constructed any detailed position on these things yet, and I would much rather have been better prepared to do that.

Senator FAULKNER—Did you think it was appropriate?

Cmdr King—That is a difficult question. I guess there could be a number of reasons why, at the time, it was appropriate for Dr Hammer. They were very busy people, and weekend work was not unusual for them, I guess.

Senator FAULKNER—I am talking about you. Did you feel comfortable being asked to attend such a meeting?

Cmdr King—There are many circumstances in which you adapt, and that would have been one of them. It would not have been my first choice of timing and I thought perhaps a little unusual.

Senator FAULKNER—It sure is a little unusual; you are right about that. Is it fair to say that you felt uncomfortable about attending such a meeting?

Cmdr King—I do not want to use those words. An issue was avoided. We met the following Monday.

CHAIR—I am sorry, we did not hear your answer.

Cmdr King—Because I was unable to attend the Sunday meeting, we arranged that I would be available to meet on the following Monday.

Senator FAULKNER—So you met the next day?

Cmdr King—Yes.

Senator FAULKNER—Where did that meeting take place?

Cmdr King—In Barton; I went across to their office. I combined two items of business on the same trip.

Senator FAULKNER—So that meeting was on 10 March?

Cmdr King—On 10 or 11 March. Monday was the 11th, I think.

Senator FAULKNER—Sorry, 11 March. What was discussed there?

Cmdr King—There were two items. First, PM&C had extended to me the opportunity to recreate my Outlook account, which is my electronic diary, so I could go through that if I wanted to, and I took that opportunity. Second, we had a reasonably short discussion about how we recollected individually the briefing we had all had.

Senator FAULKNER—What did Dr Hammer and Ms Sidhu say to you at this meeting on 11 March about your evidence?

Cmdr King—Nothing about my evidence, just my recollections.

Senator FAULKNER—What did they say to you about your recollections?

Cmdr King—There were some aspects about which we agreed to disagree that our recollections were different, and I was happy with that.

Senator FAULKNER—Were you asked to go through your recollections?

Cmdr King—Our recollections were limited to a single point in time; it was a short briefing. Dr Hammer thought it would be helpful, due to my lack of experience in these forums, for him to put a position to me that you might ask and I could have the benefit of answering that as I might answer it to you.

Senator FAULKNER—So Dr Hammer pretended to be a committee member? He would probably do a lot better than us, anyway! Was it like a practice session?

Cmdr King—Yes.

Senator FAULKNER—Was there a worry that you might say something that Ms Sidhu or Dr Hammer were not comfortable with? Let us not beat around the bush here; I am just trying to understand what is going on.

Cmdr King—I do not believe there was a worry, as you put it.

Senator FAULKNER—What was it? What is a better way? I don't want to put words into your mouth, so you describe it in a way that you are comfortable with.

Cmdr King—I don't think I can offer too much.

Senator FAULKNER—Was this an informal meeting this time or a formal meeting?

Cmdr King—I would say it was informal. We were relaxed.

Senator FAULKNER—Was it in Dr Hammer's office?

Cmdr King—No, I think we had taken the opportunity to have a cup of coffee at a local venue across the road.

Senator FAULKNER—What was the venue that was organised for the meeting?

Cmdr King—The Kurrajong Hotel.

Senator FAULKNER—So it was not in anyone's office?

Cmdr King—No.

Senator FAULKNER—So you are invited to a meeting at Dr Hammer's home on the Sunday and at the Kurrajong Hotel on the Monday to discuss your evidence before the committee?

Cmdr King—If it was at the home on Sunday—I do not quite recollect—then that is true, and then yes, on Monday.

Senator FAULKNER—Can you say to the committee when you went to the Kurrajong Hotel with these two more senior officers from Prime Minister and Cabinet whether you felt uncomfortable about the informal discussion at the Kurrajong Hotel?

Cmdr King—No, I did not, because I had satisfied myself as to what I was going there for and what I was prepared to do at that meeting.

Senator FAULKNER—How had you satisfied yourself as to that?

Cmdr King—Again, it is difficult to express. You don't tend to formulate positions on these things. I was prepared to share my broad recollections and I was happy to hear theirs.

Senator FAULKNER—Did either Ms Sidhu or Dr Hammer tell you why they wanted to hear what your broad recollections were?

Cmdr King—Not specifically, other than just to ensure some consistency in our recollections, if that was possible.

Senator FAULKNER—What were you prepared to do at the meeting, Commander King?

Cmdr King—When asked the question about answering questions I might be asked by this committee, I explained that I was prepared to talk only in broad terms because I still had not fully prepared my statement with regard to my full recollections to the extent that, if I were to answer in detail to him, I might actually contradict what I said later when I had had more time to fully prepare myself.

Senator FAULKNER—What did they want you to do at the meeting?

Cmdr King—I cannot answer that question.

Senator FERGUSON—How do you expect him to know what they wanted him to do? He cannot read their minds.

Senator JACINTA COLLINS—They may have told him.

Senator FAULKNER—With respect, Senator, I want to know whether there were efforts made to suborn the witness.

Senator FERGUSON—I know what you want to know, but he cannot be expected to know what is in another person's mind.

Senator FAULKNER—That is what I want to know, and I am going to find out. It may take days and days, but I am going to find out.

Senator FERGUSON—You may.

Senator FAULKNER—I promise you.

CHAIR—Order! The witness is here for questions. Debate is for meetings. We are in a session for questions. Please proceed.

Senator JACINTA COLLINS—There may have been an agenda, Senator.

Senator FERGUSON—Well, you are into the agenda—

CHAIR—Let's save the debate for when we want to have it. We can have it any time. The witness is available now.

Senator FAULKNER—What I would like to know, Commander King, is whether it became clear to you that the others who attended this discussion at the Kurrajong Hotel had different expectations to you.

Cmdr King—Different expectations?

Senator FAULKNER—Yes.

Cmdr King—I do not believe I could give you an answer that gets close to what you want.

Senator FAULKNER—Were you asked about things that you were uncomfortable in responding to?

Cmdr King—I was not comfortable to give a detailed answer that might be construed as one that I would give before this committee.

Senator FAULKNER—Were you asked to do that?

Cmdr King—In the sense that Dr Hammer invited me to the opportunity to have a sense of how you might ask a question and how I might answer it.

Senator FAULKNER—Were you asked to do that?

Cmdr King—Yes.

Senator FAULKNER—Who by?

Cmdr King—Dr Hammer.

Senator FAULKNER—Did you do it?

Cmdr King—No.

Senator FAULKNER—Did you feel that he was trying to suborn your evidence or suborn you as a witness?

Cmdr King—I might ask for a definition of ‘suborn’.

Senator FAULKNER—And I cannot provide one. I would have to look it up in the dictionary, to be honest.

Senator MASON—To influence your testimony.

Cmdr King—Thank you. No.

Senator FAULKNER—But at that discussion at the Kurrajong Hotel you did indicate to Dr Hammer that you were not willing to answer his questions? You made that clear to him, obviously.

Cmdr King—To give a detailed answer as I might before this committee.

Senator FAULKNER—What was his reaction to that?

Cmdr King—I think we just moved on to a discussion in broader terms.

Senator FAULKNER—Why was it so important to Dr Hammer?

Cmdr King—I do not know.

Senator FAULKNER—You have no idea? Did you start to get the impression that your testimony at this committee was of some significance to certain officers of the Department of the Prime Minister and Cabinet?

Cmdr King—No, I did not get that sense from that forum. I had that sense already—nothing was added to that.

Senator FAULKNER—But you did not engage in the practice session?

Cmdr King—No.

Senator FAULKNER—Why not?

Cmdr King—Because I did not want to say something then that I might contradict later when I had had more time to consider my answers.

Senator FAULKNER—How long did the discussion take at the Kurrajong Hotel?

Cmdr King—It took about 15 or 20 minutes. It may have been longer. It seemed like that. We had a cup of coffee.

Senator MASON—You had a cup of coffee?

Cmdr King—Yes.

Senator FAULKNER—Were there any outcomes from the meeting at the Kurrajong Hotel—what happened next?

Cmdr King—I spent some time, probably the week after, preparing an outline of events or starting to craft a statement.

Senator FAULKNER—Did Ms Sidhu and Dr Hammer suggest you do that?

Cmdr King—No.

Senator FAULKNER—Did you decide to do that of your own initiative?

Cmdr King—Yes.

Senator JACINTA COLLINS—Did you have alternative advice from within Defence, for instance?

Cmdr King—No.

Senator FAULKNER—I am not critical of this at all. The Defence liaison team are properly and, in my view, appropriately assisting Defence witnesses, as well as assisting this committee. I assume you have had some assistance from the Defence liaison team for this committee?

Cmdr King—Yes.

Senator FAULKNER—That is as it should be. I do not think any committee member would be critical of that at all.

CHAIR—We have specifically given approval for that to occur.

Senator JACINTA COLLINS—In fact, in some cases witnesses have had representation. Were you offered that opportunity?

Cmdr King—Yes, I was.

Senator FAULKNER—Not as a result of what occurred at the Kurrajong Hotel, you began to prepare, in mid-March, your opening statement for this committee?

Cmdr King—Yes. I had crafted an outline of events, a broad memory dump, if you like. I had put that aside in February. As the discussions seemed to suggest that a submission might be called for, I started to craft that into a more formal contribution.

Senator FAULKNER—Did you get told at any point during this period what Ms Sidhu or Dr Hammer may or may not have done with the information that you provided to them on 11 October?

Cmdr King—No.

Senator FAULKNER—That was never canvassed?

Cmdr King—Correct.

Senator FAULKNER—The outcomes of your two formal meetings on 11 October were never canvassed?

Cmdr King—Never.

Senator FAULKNER—Did you talk to Dr Hammer or Ms Sidhu about the contents of your opening statement for this committee?

Cmdr King—No.

Senator FAULKNER—You had only the Defence liaison team? That is fair enough; I understand that that is as it should be, if that is the case. So you had contact only with the Defence liaison team about your opening statement?

Cmdr King—They asked me whether I wanted any assistance and whether I felt I could make a useful contribution to the Defence submission. I said that I did not want to do that. I felt that my statement was something that belonged to the Department of the Prime Minister and Cabinet submission and that it was only fair that, if called, I submit through that department. They respected that and offered me independent legal advice if I required it.

Senator FAULKNER—Which you did not accept?

Cmdr King—I accepted one initial session with a reserve lawyer, just to have a look at the language. Thereafter I said that I believed I did not need legal representation. My involvement in this matter is fairly simple and I trust the committee.

Senator FAULKNER—Did you have any contact after the Kurrajong meeting on 11 March with Ms Sidhu or Dr Hammer up until today's hearing?

Cmdr King—Ms Sidhu was on holiday overseas for five weeks so I had no consultation with her—

Senator FAULKNER—She's lucky.

Cmdr King—There are two other aspects. I sent an email to Mr Jeff Whalan in the Department of the Prime Minister and Cabinet on 28 February. I did that purely to disclose to him my contact details in my new position—where I was—so he could get hold of me, and advised him of the protocols for calling an officer of another department. I said that it would probably be convenient if he did that through the Vice Chief of the Defence Force, who was the sponsor of my billet in PM&C. I did that purely to facilitate them calling me when the time came.

Senator FAULKNER—Was that to Jeff Whalan?

Cmdr King—Yes. I understood that he was going to head the submission.

Senator JACINTA COLLINS—This was following the discussion of your name in Senate estimates?

Cmdr King—Around that time, yes.

Senator FAULKNER—The submission does not happen, as you know, anyway.

Cmdr King—Yes. That was when I thought the whole matter had gone away, as far as I could see. The only other communication I had was a letter from Dr Hammer.

Senator FAULKNER—When did you receive the letter from Dr Hammer?

Cmdr King—1 May.

Senator FAULKNER—What did that letter say?

Senator JACINTA COLLINS—That was yesterday.

Senator FAULKNER—Yesterday?

Cmdr King—Yes.

Senator FAULKNER—What did that letter say?

Cmdr King—It is a letter of a personal nature that tells me that we understand that we had differing recollections.

Senator FAULKNER—Oh, so it is about the evidence to the committee again?

Cmdr King—I would guess, broadly.

Senator FAULKNER—Would you be able to provide a copy of that letter to the committee, please?

Cmdr King—I would just ask for clarification of whether that is something you want me to do, or—

Senator FAULKNER—It is something I want you to do.

CHAIR—You are being asked a question; it is for you to answer. If you feel uncomfortable giving an immediate answer, please take advice on it. But it is a legitimate question and it is for you to respond.

Senator FAULKNER—I want to be clear: Dr Hammer sent you a letter yesterday about the evidence you are giving at the committee today?

Cmdr King—I guess it gets to that point.

Senator FAULKNER—I guess it does.

Cmdr King—I am ambivalent about providing it. If you have asked for it, I guess I can give it to you. I own the letter, I presume.

CHAIR—If it is a question of its confidentiality, there is a way in which it could be uttered into evidence and its confidentiality would be preserved. That may not be something that the committee is necessarily in favour of, but that is an avenue. I draw that to your attention. But it is a legitimate question and it is for you to respond to.

Senator FAULKNER—We have got Dr Hammer coming before us. What I am asking is that the letter be provided either by Commander King or I will ask Dr Hammer. I do not much care about who provides it but we had better see it.

CHAIR—I am not in any way querying the legitimacy of what you are putting, but because the witness has asked a question of me directly—

Senator FAULKNER—And I will be continuing my questioning of this particular witness after I read the letter.

CHAIR—Sure. But because the witness has asked a question of me directly, I think—

Senator FAULKNER—We have got an extraordinary situation here, Mr Chairman, where there is a very great deal of interest in this witness's evidence amongst officers of the Department of the Prime Minister and Cabinet. I am not willing to say anything other than that at this point—including a request to meet Commander King at Dr Hammer's home, then a meeting that takes place the next day, 11 March, at the Kurrajong Hotel about his evidence. Now there is a letter that has been sent; I do not know about its contents. And I make no judgment. It would be silly to make a judgment in advance of looking at the letter. But at some point I would like to look at the letter. I think I understand why this is all so significant to the Department of the Prime Minister and Cabinet, because here we have yet another formal communication about the inaccuracy of the evidentiary support for the claims that children were

thrown overboard. But you might prefer us to have a private meeting at this point. I do not mind.

Senator FERGUSON—Mr Chairman, we are due to have a morning tea break, anyway.

CHAIR—We could have a morning tea break; it is 11 o'clock. Can I just say that the line of questioning that is being pursued is probably very fundamental to the efficacy of the inquiry. With respect to any suggestion that evidence may have been tutored or encouraged in one way or another—no-one is making that suggestion but that question is at large, given the circumstances—it is probably as well for that question to be resolved as quickly as possible. Since the witness has asked me a direct question, I am obliged to directly answer, and my answer has been that the question to you, Commander, is a legitimate question and it is for you to answer, but if you wish to take advice, that is understandable.

Senator FERGUSON—He has the right to take advice, Mr Chairman.

CHAIR—Yes, that is right. I am saying that that may be an appropriate thing, but it is for the witness to decide. At this point, we will break for morning tea.

Proceedings suspended from 11.01 a.m. to 11.18 a.m.

CHAIR—When we broke for morning tea there was the question of a letter to Commander Stefan King from Dr Brendon Hammer and I am now advised that there is no objection to this letter being brought forward. I have in front of me a copy of it and I intend to table it. I understand there is no objection in the committee to its public release. That being the case, it is so ordered. It is now therefore on the record. Senator Faulkner, you had the call.

Senator FAULKNER—I know other senators want to ask some questions, so I will take a break from it in a moment and come back in a little while. I am not going to go at this point to the substance of the letter, Commander, apart from a process issue which you may not be able to assist me with, but if you can assist me I would appreciate it. It goes to the first paragraph of the letter you received, where Dr Hammer indicates:

I have been advised by the head of Government Division in PM&C that you have expressed a concern that I may have sought to influence your testimony to the Senate Select Committee on a Certain Maritime Incident.

As I say, I want to limit this to a process issue. Have you any understanding or awareness at all, in terms of maybe your contact with the Defence liaison team here, of how certain information—accurate or inaccurate; I am not even canvassing that at the moment—might get to the head of Government Division in PM&C so she might be able to advise Dr Hammer in the way she did? I think the head of Government Division is still Ms Belcher.

Cmdr King—I do not know that I can do more than speculate how that might come about. I am not aware of it. I was stunned to read it.

Senator FAULKNER—I was surprised to read it to.

CHAIR—Who is the head of Government Division? What is their name?

Senator FAULKNER—That would be Ms Barbara Belcher, who is very well known to Senator Mason and me, of course, as a very regular and very excellent witness at Senate estimates.

CHAIR—You have the pleasure; I do not. But, now I know who it is, please proceed.

Senator FAULKNER—I am sure it is Ms Belcher. She has been in that position for some time. A nod at the back of the room indicates that she is still there. Commander, are you aware of the nature of your evidence to this committee—I am talking here about officially, maybe by the Defence liaison team here—elsewhere having been discussed beyond the discussions that you have been involved in?

Cmdr King—I wouldn't believe so. My discussions have only been with the Defence task force.

Senator FAULKNER—The Defence task force?

Cmdr King—Yes.

Senator FAULKNER—Are you aware of any reporting out of the Defence task force, the Defence liaison team for this committee? I am not saying it is inappropriate. I am just wondering if that might have occurred.

Cmdr King—To the extent that the task force would report to CDF directly.

Senator FAULKNER—Do you think that has happened in this case or do you know it has happened?

Cmdr King—Yes, I believe the task force has briefed CDF on the progress, as they are probably directed to report.

Senator FAULKNER—In relation to your evidence, you mean? Which is fair enough. I just want to understand.

Cmdr King—I presume that that would be the case.

Senator FAULKNER—Do you know if it has gone any further than CDF?

Cmdr King—Other than the fact that it has now turned up in Government Division? Yes I do, but the conduit by which it did I do not know.

Senator FAULKNER—With respect, Commander, that is an assumption that you are making there. The reason I am asking these questions is that I may well be making the same assumption, and I never like to make assumptions. As my colleagues would always say, I deal strictly, strictly—

Senator JACINTA COLLINS—Forensically.

Senator FAULKNER—Forensically with the facts, yes. I make a serious point. I do not want to make an assumption about what CDF may or may not have done with information that was available to him. Do you understand the point that I make?

Cmdr King—Yes.

Senator FAULKNER—I am asking you if you can shed any light on it. I am necessarily expecting you to be able to. I just wanted to clarify that process issue. If you cannot, I would understand that you could not and I would accept it. If you have any knowledge, I wonder if you could share it with the committee. That is my question.

Cmdr King—It would seem logical to me that CDF being aware of whatever the task force reports to him would make briefings to his minister, as is appropriate, for the minister to do with it as he wishes.

Senator FAULKNER—But that is an assumption on your part?

Cmdr King—Yes.

Senator FAULKNER—Anyway, I am sorry to have interrupted you. I just wanted to clear up that.

CHAIR—You were not interrupting me. I was interrupting you, Senator Faulkner.

Senator FAULKNER—I might come back a little later, because I do have some other questions.

CHAIR—I have a couple of questions, Commander. If I can take you back to this fateful day at the Kurrajong Hotel.

Senator BRANDIS—Senator Cook is entitled to resent that Senator Faulkner has had a monopoly on the Thespian skills in this committee.

CHAIR—I think Senator Faulkner does the Thespian bit very well indeed. If there is an award though, I would certainly have to say, impartially, I would award it to you, Senator Brandis. Back to the Kurrajong Hotel. Where in the Kurrajong Hotel did the meeting occur?

Cmdr King—Are you familiar with the layout, Senator?

CHAIR—Reasonably.

Cmdr King—Outside the bar there is an open area which faces a small courtyard.

CHAIR—In a small courtyard—and that is where you drank coffee and chatted about this issue.

Cmdr King—Yes.

CHAIR—The evidence is that in this discussion there was a sort of practice run about what your recollections were. That is right, isn't it?

Senator FERGUSON—I do not think he used the term 'practice run', Mr Chairman. They discussed recollections.

Cmdr King—Actually the word practice is pretty close. It was an opportunity for me to—

Senator FERGUSON—I did not say practice run, though.

CHAIR—Thanks for helping the witness, Senator Ferguson. I would rather—

Senator FERGUSON—I have noticed Senator Faulkner has been helping him all morning, so I am just following suit.

CHAIR—Yes, but thank you for helping him, too. Perhaps we could just let the witness describe what it was.

Cmdr King—I said it was an opportunity for me to perhaps rehearse how I might receive a question and how I might go about answering it.

CHAIR—Okay. How was the discussion led? Who went first? Did you offer up your views or did someone take charge of the discussion? Did Dr Hammer say, for example, 'Let's just go through this?'

Cmdr King—Dr Hammer always takes charge of the discussion.

CHAIR—He is the senior figure, and that is what you would expect, isn't it?

Cmdr King—Yes.

CHAIR—So, how was it put to you—the purpose for being there?

Cmdr King—It is a reconstruction that I make along the lines that: 'It is a good opportunity for us to get together. It has been a while since we have seen each other, and this is just for us to put forward our recollections of the briefing and associated events such that we all understand where each other's recollections lie.' And, from there, the invitation was, 'I will ask you a question as if I were the committee, and then you could answer it.'

CHAIR—This is what has led to the jibe that maybe Dr Hammer was wanting to impersonate Senator Faulkner in his examination style. Can I just say for the record that I hope Dr Hammer had more flair than Senator Faulkner sometimes displays.

Senator FAULKNER—I walked in at the wrong time!

Senator FERGUSON—There has been a commentary on you, Senator.

CHAIR—The point is, you were having put to you by Dr Hammer questions that it was anticipated may be questions this committee would ask you.

Cmdr King—We got to one question, yes.

CHAIR—You got to one question? What was that question?

Cmdr King—I truly do not recollect; I dismissed it.

CHAIR—Can you give us any sense of—without recollecting the words put to you—what the import of it was? Did it open up this, for want of a better description, can of worms, inviting you to comment?

Cmdr King—It is very difficult for me to try to do that because of how incorrect I might be. It was a simple question—I am sure that the leading question would have been broadly about describing the briefing as it occurred. That was most likely the question, but I would not say that that was the question, and I am sorry.

CHAIR—But that is what you assume?

Cmdr King—That would make sense.

CHAIR—Did anyone else give their recollection before this question was asked?

Cmdr King—I was the only person asked the question in that way. I know that Ms Sidhu said some words to the effect of her recollection about our discussion, our primary briefing.

CHAIR—Did Dr Hammer appear to be reading from notes when he started this process—or he just extemporised?

Cmdr King—Extemporised?

CHAIR—He had no documents in front of him?

Cmdr King—Correct.

CHAIR—Just a cup of coffee?

Cmdr King—Yes.

CHAIR—So why was there only one question? If this was a ‘practice session’, why was there only one question? What caused it to stop at that point?

Cmdr King—Because I said that I did not want to provide a detailed answer in that way and would speak in general terms.

CHAIR—Was there any question put to you about why you felt that way?

Cmdr King—No.

CHAIR—Your answer was accepted, was it?

Cmdr King—By the indications at the time, yes.

CHAIR—You felt your answer was accepted?

Cmdr King—Yes.

CHAIR—Was there any further effort to encourage you to say what, broadly, you thought?

Cmdr King—Yes, there were further broad questions.

CHAIR—Can you tell us how you answered those?

Cmdr King—Yes. In broad terms.

CHAIR—Without the degree of particularity of your statement.

Cmdr King—Yes.

CHAIR—But is your statement broadly a reflection of what you would have said?

Cmdr King—The key elements of those paragraphs, yes.

CHAIR—Is that where the discussion terminated?

Cmdr King—There was general banter about recollections. There was probably a side discussion between Ms Sidhu and Dr Hammer about her recollections and her position, but that is for them to answer.

CHAIR—So you were an onlooker within the group as Ms Sidhu described, broadly, her recollections of the circumstance to Dr Hammer?

Cmdr King—Yes.

CHAIR—Was this an iterative discussion? Was there a series of questions and answers or did Ms Sidhu take the same view that you took?

Cmdr King—Yes, she probably did. There was no connecting series of statements establishing propositions as such. It was broad.

CHAIR—To use the term that has been used to describe this, there was no ‘rehearsal’ of Ms Sidhu?

Cmdr King—No.

CHAIR—There was a series of questions to Ms Sidhu?

Cmdr King—Yes.

CHAIR—And a series of answers from Ms Sidhu?

Cmdr King—Yes.

CHAIR—But you cannot recall what they were—or can you?

Cmdr King—No, I cannot recall what they were. I got the sense that Ms Sidhu probably was not showing all her cards, if you like—that there were aspects of her information that she had reserved for herself.

CHAIR—She was not showing all of her cards. Was it at that point that the discussion terminated? You swallowed the last of your coffee and all departed, or did it continue?

Cmdr King—Pretty much. Then we left together and I returned to PM&C.

Senator JACINTA COLLINS—Just on this point: there is something that Commander King said earlier that pertains to this question. You indicated earlier that you agreed to disagree about recollections. Can I ask you to be a bit more specific about what you agreed to disagree on?

Cmdr King—I do not think I can tell you what we agreed to disagree on. It would have been small aspects of the words that I may have said and the words that they may have recollected that I said. I do not believe it was substantial in that regard.

Senator JACINTA COLLINS—Was your understanding of Ms Sidhu's recollections that they were consistent with your own?

Cmdr King—The broad aspects of what happened I think we agreed were consistent and maybe on some minor aspects of how that was delivered there were some differences in recollections.

Senator JACINTA COLLINS—Where was the inconsistency? Was it between yourselves and Dr Hammer?

Cmdr King—There were certainly some aspects that we had differing recollections on, yes. I recall that that was the case, but what those instances were I felt no need to recall.

Senator BRANDIS—Were those inconsistencies of recollection matters of detail or matters of substance?

Cmdr King—More probably matters of detail.

Senator BRANDIS—It would be a surprising thing, in ordinary human experience, if three people who had participated in a discussion and had another conversation about it some months

later had an identical recollection. That would excite suspicion. But, if three people recalling a discussion several months earlier have a like recollection of the substance but differ on the detail, that is ordinary human experience, isn't it, Commander?

CHAIR—Senator Brandis is trying to help you by expressing an opinion of his own.

Senator BRANDIS—I am putting a proposition to you and inviting you to tell me whether you agree with that proposition.

Senator JACINTA COLLINS—You would suspect a rehearsal, wouldn't you, Senator Brandis?

Cmdr King—There is absolutely room to agree with that proposition, yes.

CHAIR—Could I go back to my line of questioning. Commander, looking at your statement, this is a well laid-out statement. You have numbered each paragraph: there are 17. Each paragraph deals with a separate aspect and it unfolds logically. It is a crisp, succinct statement of what happened. Back on this date, 11 March, did you feel the need to be reminded about what happened? Did you feel that need to go through a process of being reminded?

Cmdr King—No, I did not.

CHAIR—So this meeting did not occur from the point of view of any need on your part.

Cmdr King—No.

Senator FERGUSON—This thing you are talking about on 11 March: it is made to sound as though this meeting was a result of your having been called before the committee. In fact, on the 11th, you had not been called to give evidence before the committee, had you?

Cmdr King—No, I do not believe anybody had.

Senator FERGUSON—Did this meeting take place because you felt that there was a likely chance that you would be called before the committee? There is a lot of emphasis being placed as though you had been called and you were discussing your evidence. In fact, you were discussing recollections prior to ever being called before the committee, weren't you?

Cmdr King—There was an understanding at that stage that we might be invited to put forward a submission through PM&C, and I think a logical extension of that was that we may be called as witnesses.

Senator FERGUSON—If this meeting at the Kurrajong was taking place some five months or so after the event supposedly took place, wouldn't it be natural that people would get together to discuss what they could remember of a meeting that took place five months before?

Cmdr King—It may well be natural and reasonable.

Senator FERGUSON—I would have thought it was, because I cannot recall meetings in detail that took place five months before. If I wanted to get some accurate recollection, I would discuss it with colleagues or whoever was there to see whether or not it jogged my memory, to see that we did have the full details.

CHAIR—Senator Ferguson is trying to help you by expressing his opinion.

Senator FERGUSON—Yes, I am trying to help, because that is what I do, and I am wondering whether or not the people involved—you, Dr Hammer and Ms Sidhu—were doing exactly the same thing in order to try to refresh your recollections of what may have taken place.

Cmdr King—It is very reasonable to have that view.

CHAIR—But you are a commander in the Royal Australian Navy. Your training is to be able to report accurately on detail and on practical events. That is basically your training, isn't it, along with other things like sailing ships, flying planes and things of that nature?

Cmdr King—It is certainly an outcome of the experience.

CHAIR—As a key officer at commander rank, you need to be able to report to superiors crisply, succinctly and in detail what is happening in terms of the facts.

Cmdr King—Yes.

CHAIR—That is what your statement portrays here, and you have said in evidence that you did not feel that you needed to be reminded about that. So I think we can move on.

Senator BRANDIS—May I ask a question arising out of an answer Commander King gave to Senator Ferguson, please. Commander King, you said that at the time this conversation took place in March you thought that there might have been a submission to this committee from PM&C. Can you expand on what you meant by that?

Cmdr King—It was my understanding that before the meeting of this committee each department would be invited to put forward a submission. It was explained to me that I might be asked to contribute to that to save a whole host of witnesses coming forward individually—that was the natural process.

Senator BRANDIS—That is what I rather expected you meant. Information, to use a neutral word, comes to this committee in a number of ways. It comes in the form of testimony, such as you are giving now, and it comes in the form of submissions, which are not sworn and, as we know from many of the submissions that we have received—you may not be aware of this—a lot of those submissions are jointly prepared. Do I understand you to be telling us that, at the time of this conversation, you were unaware of the form that any information from you to this committee would take—whether it would be in the form of a submission or in the form of testimony?

Cmdr King—To the extent that I understand the question, that is true. I was not acutely aware of that process or how that would come about.

Senator BRANDIS—You apprehended that the committee might want to know something from you—of which you would be the source or a source—but you did not know whether it would be a written submission or whether it would be, as you are giving today, testimonial evidence. You did not know in what form that information would come from you. Is that right?

Cmdr King—I assumed that I would contribute a written document that would be incorporated.

Senator BRANDIS—Did you expect, at the time of this conversation, that the written document would be a document corporately on behalf of you and others from PM&C?

Cmdr King—To the extent that my words stood alone, yes, it would be a corporate inclusion.

CHAIR—On this point—

Senator BRANDIS—No, let me—

CHAIR—No, you are intervening on my call, Senator Brandis, so I will recover the call at this point, if I may.

Senator BRANDIS—Try to recover.

CHAIR—Yes, I will recover it. This is an important point, and we ought to tie it down. I understood from what you were saying earlier that you had a reasonable assumption—and correct my words if I am misstating it or emphasising it wrongly—that you may be called to give evidence and that this thinking was about what you would say if such an eventuality occurred. Is that right? Is my understanding correct?

Cmdr King—Can I ask you to repeat it just so that I do understand it completely.

CHAIR—From what you said earlier, I was led to believe—and I want to be careful as to whether I have understood this correctly—that you had a reasonable suspicion or belief that you may be called as an individual to give evidence about your recollections of this event, and this discussion was about what that evidence might be. Is that right?

Cmdr King—Yes.

Senator BRANDIS—May I come back, please.

CHAIR—Yes. That is at odds with the corporate view that you were taking.

Senator BRANDIS—I think it is a false dichotomy, with respect, Mr Chairman. Is this not the position, Commander King? I have listened with care to what you have said in answer to Senator Ferguson, to our chairman and to me. Let me tell you what I gather from what you are

saying and tell me if I am right and, if I am wrong, please correct me. As I understand you, the position on 11 March was that you had an expectation that you may be required to be of assistance to this committee by providing information in some form. Is that right?

Cmdr King—Yes. I am only hesitating on the word ‘expectation’. It seemed logical to me that that would happen.

Senator BRANDIS—You thought that was probably going to happen?

Cmdr King—Yes.

Senator BRANDIS—You were unaware of, or you had not turned your mind to, the manner in which you might be asked to provide that information, whether it would be by submission or by testimonial evidence?

Cmdr King—Does testimony include—

Senator BRANDIS—Testimonial evidence means what you are doing right now: appearing as a witness giving sworn viva voce evidence.

Cmdr King—I thought that one of two things would happen: I would contribute a written statement to Mr Jeff Whalan or he might interview me.

Senator BRANDIS—You thought you would probably be asked to be of assistance in some way, but you were not sure in what way that assistance would be sought from you but you thought it might be by submission?

Cmdr King—Yes. That came about because I was remote from that department.

Senator BRANDIS—And a submission—I think it is uncontroversial—is a written submission. To the extent to which you thought you might be involved in the preparation of a written submission, I understood you to tell me before that you thought that would be a corporate submission to which you would contribute. Is that right?

Cmdr King—Again, to the extent that I understand what you are driving at, my statement would either be an enclosure to a submission or it would be incorporated text, standing alone within that submission.

Senator BRANDIS—The suggestion—and Senator Collins articulated this in an interjection a few minutes ago—is that you were being, as it were, caused to rehearse your evidence.

CHAIR—No, that is not a suggestion. That is what the witness said.

Senator BRANDIS—That sounds sinister, but if, at the time this conversation happened, you were of a mind that perhaps the assistance you would give this committee would be in the form of a written submission to which you would be a contributor, then discussing the content of that

potential submission seems to me the most commonplace thing in the world. Would you agree with that?

Cmdr King—I agree that you think that is the most commonplace thing in the world.

Senator BRANDIS—Do you think it is the most commonplace thing in the world that if you are going to contribute to a written submission you discuss the contents of that submission with other people who may contribute to it?

Senator JACINTA COLLINS—And then rehearse your testimony.

Senator BRANDIS—Excuse me, Senator Collins—

Senator JACINTA COLLINS—You have done enough of it yourself, Senator Brandis. Stop being so pompous.

CHAIR—Order!

Senator BRANDIS—Senator Collins, we are hear to find facts.

CHAIR—I point out that I have got the call and I am indulging you, Senator Brandis, so—

Senator JACINTA COLLINS—The pomposity is outrageous.

Senator BRANDIS—Did you gather the question, notwithstanding the unhelpful and political interjection over there, or do you want me to repeat it again?

Cmdr King—For the purposes of the question, it is, I am sure, perfectly reasonable for some people, or even me, to have that spin on the meeting. Any view is possible; it is just a matter of establishing it.

Senator BRANDIS—Quite. So when you have this conversation, you do not know if you are going to be, as you are today, giving testimonial evidence. You do not know whether you are going to be contributing to a written submission. It is too early in the sequence of events for you to know that, but you do know that in one way or another you are probably going to be asked to provide some information in some form or another.

Cmdr King—And that is my expectation. Whether other people were more aware of the progress of that because they are within PM&C, I do not know.

Senator BRANDIS—No, of course not, and we will ask them.

CHAIR—Can I come in here, because Senator Brandis was not in the room at the beginning of your evidence.

Senator BRANDIS—No, I was listening to it on TV.

CHAIR—I am just saying that as a fact.

Senator FERGUSON—He was, at the beginning.

CHAIR—He wasn't in the room. Is that contested? Were you in the room and I didn't see you?

Senator JACINTA COLLINS—No, he wasn't.

CHAIR—He wasn't in the room.

Senator FAULKNER—He was busy briefing the press gallery.

Senator BRANDIS—No, I wasn't. You can ask them that.

CHAIR—I understood you to say—and I think I put it to you before; anyway, the *Hansard* will show—that you had some reasonable expectation that you might be called to give evidence to this inquiry and that the 'rehearsal' was about the sort of questions you would be asked by this inquiry, should you appear; that it was not that you would be a contributor to an overall omnibus submission from the department, although that was something with which you were engaged at some other point. Can you tell us what you understand was the role, given those variations of possibility?

Cmdr King—The role of the meeting?

CHAIR—Did you have an expectation that you might be called as a witness and appear before this inquiry?

Cmdr King—Again, I hesitate on the word 'expectation'. It just seemed perfectly clear and logical to me that it would happen.

CHAIR—Yes. So what was in your mind was that, perfectly logically, it would happen that you would fetch up here before us at some time and speak to us about what the events were?

Cmdr King—Yes.

Senator FERGUSON—It is also just as logical that he might only have been required to make a written submission. You are trying to put it—

CHAIR—Thank you for the help and assistance but I know how these things are weighted in the analysis that comes at the end of a report. The second point that I want to go back over is that the process was—it started out to be but it bogged down after the first question—a rehearsal of what might be said, the questions that might be asked of you and what your possible answers were. That was the process?

Cmdr King—I think last time I said that the word ‘rehearsal’ probably was not appropriate. It was expressed to me that it was an opportunity for me to gain some experience in receiving a question and answering it.

CHAIR—Yes. You had not been appearing before a Senate body before. Now you have seen us in all of our disgusting glory, how much we are unified and agree and like each other. But you had not had that experience and this was a chance to expose you to what might be in store for you were you to appear. That is a fair call, is it?

Cmdr King—I would have to say that is probably reading more into it than I would be prepared to speculate.

CHAIR—Okay. So how would you describe it?

Cmdr King—I would describe it as an opportunity for some gathering of information that perhaps was of interest to Dr Hammer just to see how we collectively review those collections. It was not for my benefit, I do not believe, but I am not saying that as a criticism.

CHAIR—Yes.

Senator FAULKNER—Can I follow up with a few questions.

CHAIR—Not at all. I am very indulgent to Senator Brandis, so I can hardly be less indulgent to you, Senator Faulkner.

Senator FAULKNER—I appreciate your extraordinary courtesy, Mr Chairman. There were two meetings sought with you, Commander King. One was on the Sunday at the home of Dr Hammer. That is right, isn’t it?

Cmdr King—I think last time I said that I was not 100 per cent sure that it was at his home, but that is my broad recollection.

Senator FAULKNER—Yes, which you have given evidence about. The second one was at the Hotel Kurrajong on the Monday following.

Cmdr King—Yes.

Senator FAULKNER—How many times have you been invited to Dr Hammer’s home?

Cmdr King—If that meeting was at his home, then I would have been invited twice.

Senator FAULKNER—How many meetings have you had with Dr Hammer in the Hotel Kurrajong?

Cmdr King—Meetings? We had a social get-together there with Dr Hammer. We started with a simple branch meeting, fairly informal, and then we continued with social activity. One other time.

Senator FAULKNER—So it is pretty unusual?

Cmdr King—It is not often that circumstances allowed.

Senator FAULKNER—Had you had any discussions about work matters in informal sittings with Dr Hammer, apart from what we have been discussing today?

Cmdr King—No.

Senator FAULKNER—This is not a critical comment, but I think it is fair to say of your relationship with Dr Hammer, from the evidence you gave earlier, that you seem to be very respectful of him. Would that be fair? I would not go as far as saying differential.

Senator BRANDIS—Why are you—

Senator FAULKNER—I want to clarify the power relationship and how unusual it is to be invited to his senior officer's home for this sort of discussion or to the pub for this sort of discussion.

Senator MASON—Both things that have happened before, Senator Faulkner.

Senator FAULKNER—And you have heard the context of them?

Senator MASON—Yes.

Senator FAULKNER—So they have not happened before.

Senator FERGUSON—Yes, they have. He said it was the second time—if he went there, it was the second time.

CHAIR—One was a social event; one was to be exposed to what might occur at this inquiry.

Senator BRANDIS—What is the big deal? They were mutually involved in these events and they talked about them because they thought they might be required to provide information in some form to us. What is the big deal?

Senator FAULKNER—I am not at all surprised you do not consider it a big deal, but I do and I think a lot of other people will.

CHAIR—Colleagues, we are debating among ourselves now. We have the privilege of having Commander Stefan King here. Let us ask him questions. You have the call, Senator Faulkner.

Senator FAULKNER—I am just asking about the nature of your relationship with Dr Hammer, which I accept is an absolutely professional one, but you certainly look to him as very much a superior officer at this time in the Department of the Prime Minister and Cabinet, don't you?

Cmdr King—I prefer to use the words ‘senior officer’. I had a great deal of respect for his abilities; he was an exceptionally professional man.

Senator FAULKNER—Yes, I have the impression that you had a very respectful relationship with him.

Cmdr King—Yes.

Senator FAULKNER—And it was obviously difficult for you to express the concerns that you did express about the proposed meeting in his home on the Sunday. It was not easy, was it?

Cmdr King—It was an awkward moment.

Senator FAULKNER—It was awkward, sure. I understand the power relationship. I know what it means to be stood over like that!

Senator MASON—Standing over a commander in the Royal Australian Navy! I can see it now, Senator Faulkner.

Senator BRANDIS—I am lost in awe that Senator Faulkner could have said that with a straight face.

CHAIR—Order! I am asking the questions. Can I suggest that it may well be that some of you will wish to ask some follow-up questions.

Senator BRANDIS—When you are finished.

CHAIR—When the examination is finished, you will get a chance to conduct your own examination—and in the usual unfettered way. Commander King, you have given evidence that Dr Hammer was a very busy person and that was why there was a delay in bringing this information back on 10 or 11 October immediately to his attention. That is in your statement; that is uncontroversial. Was it a bit of a surprise that a man this busy would say to you during a working day, ‘Let’s rock on down to the Kurrajong and have a talk about this’?

Cmdr King—That is not the context in which it happened, of course. There was a phone call from Ms Sidhu to my office that morning. In the sense that it was at another venue, mild surprise, yes.

CHAIR—What did Ms Sidhu say was the purpose of the meeting when she phoned, or did she?

Cmdr King—It would have broadly alluded to a chance to get together and simply compare our recollections.

CHAIR—Do you know Barbara Belcher, who appears to be well known to everyone on this committee bar me?

Cmdr King—I know her by name and position very briefly. I have never met her.

CHAIR—Have you talked to her on the phone?

Cmdr King—No.

CHAIR—Have you exchanged emails or anything of that nature?

Cmdr King—No.

CHAIR—Can you shed any light on how it would be that she might be in a position to advise Dr Hammer? Dr Hammer's letter states:

I have been advised ... that you have expressed a concern that I may have sought to influence your testimony to the Senate Select Committee ...

Cmdr King—Only speculating to the extent that I answered Senator Faulkner that the task force briefed CDF, CDF briefed the minister and the minister's office advised another department.

CHAIR—So it went up the chain and down then to Ms Belcher may have been the process?

Senator FERGUSON—But you surmise that?

Cmdr King—Absolutely.

Senator FERGUSON—He is only surmising that.

CHAIR—Yes, that is what he said.

Senator FERGUSON—He answered the same question asked by Senator Faulkner, and he said that he did not know.

CHAIR—I may have been out having a cup of coffee at that time. If I am asking you to cook your cabbages twice, I apologise, Commander King. Cooking them once around here should be sufficient. Apart from this meeting at the Kurrajong—and I do not think we need to go back over that again—had you expressed to anyone else in PM&C any opinions that may have caused people to assume that you were concerned that your evidence had been sought to be influenced?

Cmdr King—I think there are some nuances in that question that I need to understand, and I am going to ask you to repeat the question.

CHAIR—Let me rid it of the nuances and come straight to the point. I was actually struggling to frame the words myself. Did you say anything to anyone else in PM&C or Defence that would have caused them to think you were unhappy about this meeting with Hammer and the possibility of being influenced by it?

Cmdr King—I will answer the question in two parts. No, I did not speak to anybody about these issues broadly within PM&C; and, secondly, I never was of the wholehearted opinion I was unhappy about it. I said that I was mildly surprised that that is how it had come about.

CHAIR—I just think getting a letter setting out these things in writing is quite an extraordinary thing.

Senator BRANDIS—You could ask Dr Hammer about that.

CHAIR—Yes. The witness has said he is surprised that he actually got it. I guess I would be if I were in his position as well. This letter enjoins—rightly, of course—that you should ‘tell the whole truth in appearing before the Senate committee’. You were never intending to do otherwise, were you, Commander King?

Cmdr King—Of course not.

Senator BRANDIS—It was never at any stage suggested to you that you should do otherwise, was it?

Cmdr King—That is correct.

CHAIR—So it does raise the question: why do you need to be advised in writing to do so, doesn't it? That goes to what gave rise to—

Senator FERGUSON—What about Dr Hammer?

CHAIR—We are going to get to Dr Hammer, but at this rate of progress I am not sure when. I hope it is today.

Senator JACINTA COLLINS—Can I just go back to the cabbage for one moment and one component of it that I do not think was covered?

CHAIR—You may.

Senator JACINTA COLLINS—Commander, can you describe for us the manner in which you expressed concerns to the Defence task force?

Cmdr King—I am trying to understand what you are driving at to answer the question.

Senator JACINTA COLLINS—You are surmising that this concern could have grown from comments you made to the Defence task force. So I am giving you the opportunity to tell us in your own words what it was that you actually said to the Defence task force.

Cmdr King—Right. My preliminary discussions with the task force were that there was a sequence of events that included that contacts with me to meet at certain areas may be construed by others as unusual behaviour. I equally said that I never felt that it was Dr Hammer's intention to influence me but that, as a naval officer appearing before this committee, there may be an

outcome either in media reporting or in any other reporting where that perception may be given to that sequence of events.

Senator BRANDIS—In other words, there might be a spin put on it by people like Senator Collins.

Senator JACINTA COLLINS—Senator Brandis, I have requested the opportunity to ask this question.

Senator BRANDIS—You have interrupted me before.

Senator JACINTA COLLINS—Would you please be courteous. Commander, you said to us earlier that you resolved concerns you had about this meeting before you went to it.

Cmdr King—In my mind, yes.

Senator JACINTA COLLINS—What were those concerns and how did you resolve them in your own mind?

Cmdr King—The concerns were, firstly, that it was slightly unusual to have a meeting about a sensitive issue in an area outside a public office, largely for the reason that other people may construe that in a particular way. The second concern was just a sense that you often felt overwhelmed by Dr Hammer's own version of events because he is a very influential man and in an influential position and he is paid to be right and sometimes it is hard to be heard.

Senator JACINTA COLLINS—Is this where you resolved not to go and get caught in specifics?

Cmdr King—Exactly.

Senator JACINTA COLLINS—Before you attended the meeting?

Cmdr King—Yes.

Senator JACINTA COLLINS—So you had concerns. You felt that you had devised your own strategy on how to manage those concerns and you were then happy to attend the meeting?

Cmdr King—Yes.

CHAIR—I will not be much longer. Can I just go back to the letter now. The last contact you had with Dr Hammer was, as I understand it, at the Hotel Kurrajong on the 11th March.

Cmdr King—Notwithstanding the item of correspondence, yes.

CHAIR—Yes, up until the item of correspondence?

Cmdr King—Yes.

CHAIR—You are quite right to make that correction. Dr Hammer says in this letter:

My recollection is that during the last contact ...

That last contact that he would be referring to would be 11 March. Is that what you understand that to mean?

Cmdr King—Yes, I do.

CHAIR—At that last contact the evidence is that a question was asked, which was the beginning of what you may face when you appear before this committee, but then the discussion ran into the sand at that point and there was no actual trading of information between both of you about what you actually recalled, because you were not in a position to say what you actually recalled. Is that right?

Cmdr King—I was not prepared to relate in detail.

CHAIR—That is right. You related in the broad?

Cmdr King—Yes.

CHAIR—Did Dr Hammer relate in detail, or in the broad, to you what his recollection was?

Cmdr King—Dr Hammer did not contribute too much of his recollections. He made some broad comments about, ‘That is not the form of words that I recall.’

CHAIR—He did not gainsay what you were saying?

Cmdr King—No.

CHAIR—He did not put to you an alternative version?

Cmdr King—There was a single instance when he said, and I can remember the words fairly clearly, ‘Another or a better way to describe that might be,’ and I think that was for the purposes of definition.

CHAIR—In this letter he says:

I recall that our respective memories of the October 2001 conversation differed.

What was he referring to?

Cmdr King—Again, it drills down basically to the form of words that I used to him in that briefing, and it was detail.

CHAIR—I see. With respect to the PM&C submission that has never seen the light of day, or the possibility of preparing a submission for this inquiry, did you actually write down anything to contribute to that submission?

Cmdr King—To the extent that I prepared an outlined memory of events and I had started to craft that into a submission, yes.

CHAIR—Who did you submit that to?

Cmdr King—Nobody.

CHAIR—Do you still have it?

Cmdr King—It is in draft form on my computer, yes.

CHAIR—You have still got it?

Cmdr King—It became the basis of my statement today.

Senator BRANDIS—Did you prepare that alone—the document you have described?

Cmdr King—I prepared it alone, yes, but I did seek some advice.

CHAIR—I have concluded my line of questioning at this point.

Senator BRANDIS—Mr Chairman, I would like to ask some questions on this topic. If Senator Collins or Senator Faulkner have further questions on this topic, I am happy for them to ask those questions now, but if they want to move on to a different topic—

Senator FAULKNER—Senator Brandis, I have indicated to your colleague that I will try to limit my questioning. There is one brief issue that I will try to square away a little later. I am starting to appreciate that events have meant that we have spent longer with this witness. I will curtail my questioning.

Senator BRANDIS—I am not asking you to.

CHAIR—It is a raffle between Senator Collins and Senator Brandis as to who goes next.

Senator BRANDIS—Are your questions on this topic or a different topic?

Senator JACINTA COLLINS—My questions are more broadly related to the statement rather than to the letter, if you are saying that is the topic.

Senator BRANDIS—The meetings?

Senator JACINTA COLLINS—One. Perhaps if I ask that, it will contribute to the total picture. Commander, I have one question in relation to point 16 in your statement, relating to the series of meetings. I am sorry, it does not relate to the meetings; it involves the later discussion but I will ask it since I am halfway there now. Ms Sidhu had elected not to disclose the source of her information without the courtesy of discussing it with yourself first. Did you indicate to her that that care or concern was unnecessary?

Cmdr King—Yes, I did.

Senator JACINTA COLLINS—Do you understand whether she then relayed the true source of the information back to the social policy division?

Cmdr King—I do not know, but I suspect that she did not.

Senator JACINTA COLLINS—Did you have an understanding that she should or would?

Cmdr King—No, I simply expressed thank you, but that was not necessary.

Senator JACINTA COLLINS—So you did not understand at that point in time that there was some ambiguity about the veracity of the information that you had provided.

Cmdr King—I had no doubt about the veracity of that information.

Senator JACINTA COLLINS—No, what I am saying to you is that you had not foreseen that the information you had provided could be characterised as tearoom gossip at that point in time.

Cmdr King—I am trying to work out whether that is a negative or a positive. Sorry.

Senator JACINTA COLLINS—Back when Ms Sidhu said that she had not indicated the source of the information, you were not to know that it was going to be characterised as tearoom gossip at that point.

Cmdr King—That is correct.

Senator JACINTA COLLINS—You had no concern at that stage that perhaps the full source or context should be indicated so that nobody could try and diminish the veracity of the information.

Cmdr King—I agree with that, yes.

Senator BRANDIS—I go to these two meetings again, Commander King. Senator Faulkner put it to you that there was, as I understood the burden of his question, a power relationship between you and Ms Sidhu and Dr Hammer so that perhaps you were in a situation in which you were the weaker person in that power relationship. I hope I do not do any injustice to Senator Faulkner's question. What do you say about that?

Cmdr King—There is a natural hierarchy, so the statement is true to that extent.

Senator BRANDIS—Would you, either as a man or as a professional officer, ever have allowed the existence of such a hierarchy to have affected you in your honest and fearless recollection of the truth?

Cmdr King—In respect of the truth, absolutely not.

Senator BRANDIS—And you do not say, do you, that there was any suggestion from either Dr Hammer or Ms Sidhu that they were seeking to overbear you in that way?

Cmdr King—I do not say that, no.

Senator BRANDIS—You did not get the slightest impression that this was an attempt to suborn you, did you?

Cmdr King—Part of my mind thought, ‘Why is this happening in this forum?’ yes. ‘What is the benefit for this meeting for these other parties?’ Of course you question that.

Senator BRANDIS—Of course.

Cmdr King—I did not feel overtly pressured and I did not sense an overt attempt to influence me.

Senator BRANDIS—All right. You have directed our attention to the unusualness of the circumstances, that these were almost quasi social engagements. One was at a private home and one was at a public house. Does it occur to you that the very informality of the situations of the two meetings made them, as it were, a little more egalitarian, a little more relaxed, shall we say, certainly more informal than a more orthodox meeting in office hours?

Cmdr King—No, I do not think I would say that.

Senator BRANDIS—Were you more or less relaxed than you would have been in office hours because of the venues and situations of the meetings or just the same?

Cmdr King—I would have been equally relaxed in the office.

Senator BRANDIS—To the extent to which the informality of the meetings might be thought to be relevant, it is hardly likely that a meeting at a pub is going to reinforce a hierarchical relationship, is it?

Cmdr King—I do not know that I can answer that question.

Senator BRANDIS—In any event, your evidence is, if I can as it were summarise this and draw it all together, that there was no attempt to overbear you?

Cmdr King—Correct.

Senator BRANDIS—There was no suggestion at any stage that you should do anything other than tell the whole truth to this committee in the event that you were to be called upon to appear before the committee?

Cmdr King—I was always given that assurance.

Senator BRANDIS—Always. You, of course, have told the whole truth?

Cmdr King—Yes.

Senator BRANDIS—At the time these meetings occurred, you and Dr Hammer and Ms Sidhu did have something in common, that is, you had been participants in the earlier conversation in the previous October?

Cmdr King—Yes, we were a distinct group in that chain.

Senator BRANDIS—You thought, as a result of that, this one thing you had in common, that you may be asked to help this committee by the provision of information in some form?

Cmdr King—That is true. There was an aspect that we did not have in common, and that was that I did not know where that information had gone.

Senator BRANDIS—To the extent to which you directed your mind to this issue at all on 11 March, and I am not suggesting it should have been at the forefront of your mind—you thought that that provision of information may have been by testimony, by submission or by some other form—that was not something that you were particularly focused on?

Cmdr King—That is reasonable.

Senator BRANDIS—To the extent to which you thought about it at all, if the provision of your information was in the form of a written submission, that is something that you would have expected to develop with, among others, Dr Hammer and Ms Sidhu, you being the joint participants in the event of the previous October?

Cmdr King—Actually, no. I never expected that my contribution would be a part of an International Division contribution. I would be independent of PM&C.

Senator BRANDIS—Again, to the extent to which you directed your mind to it at the time, what form did you think any submission of yours might take?

Cmdr King—I anticipated that the head of the PM&C task force would call me and seek to interview me to see if there was a material contribution I could make and from there determine whether or not they wanted me to present a statement.

Senator BRANDIS—My note about what you said before about the extent to which these meetings were surprising is that you said that it was only because people might construe them in a particular way. Did I understand that piece of evidence correctly—that you, as it were, almost apprehended the spin that was going to be sought to be put on these events as we see this morning?

Cmdr King—There were two elements of doubt. That is one of them; the other is the element—and I hope someone will forgive me for saying this—that maybe that was his intention. That was an issue I discounted, but it is an element.

Senator BRANDIS—You discounted it because you had no reason to believe that it was?

Cmdr King—And because I believe that he is a very professional officer.

Senator BRANDIS—And because there was no suggestion evident to you that it was.

Cmdr King—Correct.

CHAIR—Were you surprised that on 11 March the cabinet made a decision about this inquiry that departments would not put in submissions?

Cmdr King—Can I ask you to clarify whether that is a question of policy.

CHAIR—No. Several selected journalists who had it leaked to them reported in their papers on 12 March that on the 11th the cabinet had made a decision that no department was to put in submissions to this inquiry and that members of staff covered by the Members of Parliament (Staff) Act 1984 were not to give evidence. Were you surprised about the proximity of the dates of your discussion with Dr Hammer and that cabinet decision?

Cmdr King—That is an interesting question. I do not think I consciously related the two activities other than the fact that they were topical. I was surprised that submissions were not going to be put forward.

Senator FAULKNER—My understanding of what you were basically saying to Senator Brandis is that you did think that the meeting was unusual; is that right?

Cmdr King—Yes.

Senator FAULKNER—But, if an attempt was made to affect your evidence in any way, it was unsuccessful.

Senator BRANDIS—He did not say that at all. He never suggested that any attempt was made to affect his evidence in any way. The implication of your question, Senator Faulkner, is quite unfair.

Senator FAULKNER—With due respect to you, Senator Brandis, the witness has told us that he thought the meeting was unusual.

Senator BRANDIS—Yes.

Senator FAULKNER—We know it is unusual. My question is: if any attempt was made to affect Commander King's evidence, it was unsuccessful. I am asking him if that is the case.

Senator BRANDIS—That carries with it the implication that there is some evidence to support the proposition that such an attempt may have been made. The evidence is to the contrary, Senator Faulkner.

Senator FAULKNER—I think that is unarguable, frankly, Senator.

Senator BRANDIS—The evidence is to the contrary.

Senator FAULKNER—No, it is unarguable that an attempt was made to influence the witness.

Senator MASON—He just gave evidence to the contrary.

Senator FAULKNER—I am asking the witness whether his evidence was influenced.

Senator BRANDIS—You can ask him that.

Senator FAULKNER—In other words, if an attempt was made, it was unsuccessful, wasn't it?

Senator BRANDIS—Come on, Senator Faulkner. You will not fool too many people with that innuendo. The evidence is clear that no attempt was made, and I would be very careful—

Senator FAULKNER—Would you mind just letting me ask the questions that I would like to ask.

Senator BRANDIS—I have objected to the question—

Senator FAULKNER—You cannot object to the question.

Senator BRANDIS—and I take a point of order.

Senator FAULKNER—That is a preposterous point of order.

Senator BRANDIS—The question is, in form and as put, misleading.

CHAIR—I did not hear the question; I was engaged offstage, I have to say.

Senator BRANDIS—Perhaps I should have ruled it out of order in the few minutes I was the acting chair.

Senator FAULKNER—By all means, rule it out of order. You can rule it out of order, and I will just ask another question.

CHAIR—On the point of order, can I just say this: if I applied that stringently, a lot fewer questions would be asked than there have been.

Senator FAULKNER—Let me make this statement: I am in no doubt, Commander King, that attempts were made to influence your evidence and your testimony. But, having said that, that is my view; I am in no doubt that that was the case, and I do not think any reasonable person would be.

Senator BRANDIS—But Commander King is in doubt, and he is the officer!

Senator FAULKNER—Even though you thought the meetings were unusual, you told the truth; you stood by your desire to tell the truth. That is right, isn't it?

Cmdr King—Yes.

Senator FAULKNER—Thank you. I move to the broader issue of the letters being tabled. I am not sure if this was done by you or Dr Hammer but, whoever did it, I appreciate that.

CHAIR—It was by me.

Senator FAULKNER—There we are; it was by neither of you. I want to clear up one issue in relation to the letter. I do not want to get bogged down; this will be brief. I go to the first paragraph of the letter, which says:

I have been advised by the head of Government Division in PM&C that you have expressed a concern that I may have sought to influence your testimony.

So Hammer has been advised by the head of Government Division in PM&C that you—Commander King—have expressed a concern. Do you know the background to that statement? In other words, were concerns expressed and, if so, to whom?

Cmdr King—One of the reasons I was so surprised to get that letter was of that first statement. I had never expressed a concern in that regard. It had been an element of a conversation with the task force that the nature of activities may be construed by others to have constituted an atmosphere of influence. I was simply forewarning the task force that in any questioning there may be a spin—a media spin or whatever—put on that issue. But it was tangible—

Senator FAULKNER—You raised it with the task force or the task force raised it with you?

Cmdr King—I raised it with the task force.

Senator FAULKNER—You raised it with the task force that that might be possible?

Cmdr King—Yes. In the preparation of the statement and in discussing the issues at a number of invitations that had taken place, at a place where people might say, 'That is unusual.'

Senator BRANDIS—Good on you, Commander King, because you have anticipated Senator Faulkner's game.

Senator FAULKNER—You thought it was unusual, and you felt that it was possible, even at this estimates committee or elsewhere—you do not deal with this matter in your opening statement, though, do you?

Cmdr King—No.

Senator FAULKNER—You do not actually deal with the meetings with Dr Hammer and Ms Sidhu in your opening statement.

Cmdr King—Correct.

Senator FAULKNER—Did you seek advice on that from the Defence task force? It is fair enough if you did.

Cmdr King—It basically was not an issue until it turned up in that letter.

Senator FAULKNER—This statement concentrates on events that occur effectively before 10 November 2001.

Cmdr King—Yes.

Senator FAULKNER—So that is one of the reasons you were surprised to get the letter. You have told us you received the letter yesterday. It is certainly dated 30 April, so that sounds likely. Let us not talk about content here. Were you surprised to receive the letter?

Cmdr King—Yes, I was.

Senator FAULKNER—Do you think the letter is couched in heavy terms?

Cmdr King—It is certainly in guarded terms, as you might expect. It is probably in heavy terms in the sense that it refers in the opening paragraph to the head of Government Division and, in the last paragraph, to the Secretary of the Department of the Prime Minister and Cabinet.

Senator FAULKNER—Let me put this into your language, Commander King. Are you aware that the person who holds the position of head of Government Division in PM&C, in naval equivalent rank, is of two-star rank, that this person is the equivalent of a rear admiral?

Cmdr King—The secretary?

Senator FAULKNER—No, the head of Government Division in PM&C.

Cmdr King—That is a reasonable alignment.

Senator FAULKNER—Yes. It uses words in the second paragraph like ‘never in any way’, ‘simply strongly encourage’ and so forth. In fact, it is copied to the Secretary of the Department of the Prime Minister and Cabinet. That person is of a higher rank, effectively, than the Chief of the Defence Force, aren’t they?

Cmdr King—I would not speculate on those equivalences, but yes, it is extremely senior.

Senator FAULKNER—You know that that is the most senior person in the Australian Public Service.

Cmdr King—Yes.

Senator FAULKNER—So it is pretty heavy, isn’t it?

Cmdr King—It is.

Senator BRANDIS—And unnecessary, Commander King.

Cmdr King—To the extent that I can have an opinion on that, I believe so.

Senator FAULKNER—You receive this very heavy letter the day before you give evidence to this inquiry. Isn't that in itself an attempt to influence?

Cmdr King—That is possibly for others to determine.

Senator FAULKNER—What do you think?

Cmdr King—I was uncomfortable receiving the letter. It surprised me; it caught me off guard.

Senator FAULKNER—How did you get this, by the way? Did it come through the post?

Cmdr King—It was hand-delivered by a courier to a colleague of mine—I was out of the office at the time—in a sealed envelope.

Senator FAULKNER—Hand-delivered to your new naval work address.

Cmdr King—Yes.

Senator BRANDIS—It is also fairly insulting to you, is it not, Commander King, reminding you that you have to tell the whole truth when there has never been any suggestion that you would do otherwise?

Cmdr King—I was not insulted by that element.

Senator BRANDIS—I would have been if I had received a letter like that, I can tell you!

Cmdr King—That had been almost a statement of assurance that I had received consistently that I should feel comfortable to tell the truth.

Senator FAULKNER—You do accept that this is a very heavy-handed effort prior to you giving evidence today.

Cmdr King—I think it is reasonable of me to feel that way.

Senator FAULKNER—But you have assured the committee that, albeit heavy-handed, it has not affected what you have told us today?

Cmdr King—Correct.

Senator FAULKNER—I do not want to go back, for another long period of time, to the issues that Senator Cook and Senator Brandis have talked about in relation to the recollections and so forth. What I might consider doing, Chair, in relation to that is placing one or two questions on notice in clear and precise terms to Commander King so he can reflect on those in the fullness of time. That might actually save the committee some time and save all of us a little agony in the circumstance.

CHAIR—I am a vote for saving time and being more efficient at any point, so if you would choose to do that, Senator.

Senator FAULKNER—Yes. Did you treat this as a personal letter, by the way?

Cmdr King—I did because it is not on letterhead.

Senator FAULKNER—But you would not have a personal letter copied to the Secretary of the Department of the Prime Minister and Cabinet, would you?

Cmdr King—Not normally, no.

Senator FAULKNER—Have you ever copied any of your personal letters to the Secretary of the Department of the Prime Minister and Cabinet?

Cmdr King—Almost never.

Senator FAULKNER—That is something we have in common. I assume you would not copy a letter to the CDF either. So did you treat it as a personal letter or not?

Cmdr King—To the extent that it was obviously meant for me and it conveyed some issues that were obviously very close to Dr Hammer's heart.

Senator FAULKNER—So to some extent you define it as a personal letter? You mean it is hard to define in reality, do you?

Cmdr King—I have barely had a day to get over the surprise of receiving it and its contents—well, particularly the first paragraph.

Senator FAULKNER—In relation to differences of recollection, I may follow that through a little later with a question on notice. It might be better if I have a look at the *Hansard* record and consider that as—

Senator BRANDIS—Mr Chair, we have no further questions of the witness.

Senator JACINTA COLLINS—I just have one.

CHAIR—You just have one. We are overdue for lunch, but please ask your one question and then we can excuse the witness, which I am sure will be a relief to him. We can then move on to the next witness and that will be a relief to that witness. So please get on to it.

Senator JACINTA COLLINS—This was my other question from earlier, which was more general. It relates to point 9 in your opening statement, where you explain:

My logic for this was that in my three months experience in that department it was obvious that great care was taken to ensure that any public announcements by the Prime Minister and by other Ministers were consistent.

Was this a new experience for you—this care and attention to consistency as opposed, for instance, to accuracy?

Cmdr King—I do not intend to speak to any detail about the logic of the PM&C because I was a guest in that department—I had been there three months—but it did not seem to be a new initiative. It was a general matter of business that there was coordination between the departments and that that was something that was preserved.

Senator JACINTA COLLINS—But within PM&C you note particular attention is paid to consistency?

Cmdr King—Yes.

Senator JACINTA COLLINS—And you noted that from your experience within Defence?

Cmdr King—Within Defence you do not have much observation of the operation of other departments, so I could not comment.

Senator JACINTA COLLINS—Is it fair to say that within Defence the focus is more on care and attention to accuracy?

Cmdr King—It is fair to say that there is a great deal of care and devotion given to accuracy.

Senator FAULKNER—Just so we are clear, how do you apply that to the question and answer approach at the meetings we have been discussing and the meeting on 11 March?

Cmdr King—I would not attempt to relate the two. I am not sure how that will be helpful.

Senator FAULKNER—In an attempt to get consistency, that is what it is all about, isn't it?

Cmdr King—The principles are the same, yes.

Senator FAULKNER—Yes, the principle is the same: an attempt to hammer out a consistent position.

Senator BRANDIS—Oh, come on, Senator Faulkner!

Senator FAULKNER—An attempt to hammer out a consistent position where recollections are different.

Senator BRANDIS—The answers are the evidence, not the questions—

Senator FAULKNER—Exactly.

Senator BRANDIS—and the questions, larded with innuendoes unsupported by the evidence, do you no credit.

Senator FAULKNER—This was an attempt to hammer out a consistent position where recollections were different and, of course, in itself that was an attempt to influence this witness's testimony.

Senator BRANDIS—Come on, Mr Chair— questions, not speeches.

CHAIR—This may be a debate you would choose to continue over lunch—

Senator FAULKNER—Or not.

CHAIR—or not. But I do understand that questions are concluded. Before the break, I would not mind very briefly conferring with the committee about the rest of the day, because it seems to me reasonable that we are not likely to complete our witness list and some people have travelled here. So please hold back, colleagues. Commander King, thank you very much for your attendance today. It went on a little longer than I think we anticipated, or indeed you may have done, but thank you for the way in which you have conducted yourself. We appreciate that and you are now excused.

Cmdr King—Thank you.

Proceedings suspended from 12.35 p.m. to 1.37 p.m.

SIDHU, Ms Harinder, Senior Adviser, Defence, Intelligence and Security Branch, International Division, Department of the Prime Minister and Cabinet

CHAIR—Welcome. Do you have any opening remarks to make?

Ms Sidhu—Yes, I do have.

CHAIR—If they are written it would help us, rather than having to dwell on the *Hansard* for a written record, to have a copy of those.

Ms Sidhu—They consist largely of speaking notes over which I have scribbled.

CHAIR—I understand. Please proceed.

Ms Sidhu—I am pleased to be here to assist the committee in its inquiry. I would like to make a short statement just to clarify my role and recollection of the events surrounding the SIEV4 incident.

I was informed by Commander Stefan King, who was then a Defence secondee to International Division and a member of my section, that he had just returned from an interdepartmental meeting at Strategic Command in Defence regarding Operation Slipper. He said to me that, in the margins of the meeting, he had overheard a conversation between other Defence officials regarding the SIEV4 incident. He said the nature of the discussion was that the photographs which had been published in the media depicting the ‘children overboard’ incident were not of the alleged incident; rather they had been taken a day later when the Navy was conducting a rescue of asylum seekers once their boat had sunk into the water.

I do not recall the date I received this information. I am aware of Commander Chatterton’s and Commander King’s advice to this committee that these conversations took place on 11 October 2001. While I do not dispute this date, I have no independent recollection of this date. It was usual practice for Commander King and I to debrief our branch head, Dr Hammer, on key issues raised at the Op Slipper meetings, and we did so on this date. Near the conclusion of that meeting, Commander King repeated his story to Dr Hammer but in a more abbreviated form. I do not have a clear recollection of Dr Hammer’s response, except that I left the meeting with a sense that I need not concern myself with this matter further.

I thought no further about this incident until the evening of 7 November 2001 when Catherine Wildermuth from Social Policy Division sought my assistance to check the content of some reports surrounding the SIEV4 incident. I advised her that I did not possess any hard copy reports but that I did have access to some DFAT cabled reports electronically. I invited her to my office to read these. While we were searching through the reports on my computer, I repeated to her Commander King’s remark. She expressed surprise at the story and, indeed, I expressed equal surprise that she had not already encountered the rumour.

I acknowledge that there was a delay between Commander King’s remarks to me and my mentioning it to Social Policy Division. I did not pass the story on immediately for a few

reasons. Firstly, I understood it to be uncorroborated hearsay, received second-hand. Secondly, I was not by that stage involved in the work of the People Smuggling Task Force and, as a consequence, had no context in which to place the information or to assess its significance. Finally, I was aware, nevertheless, of the chain of reporting within Defence, and particularly with respect to reporting information outside the Department of Defence. I was also aware that Strategic Command was represented on the task force. If this information was true, I understood that it would be appropriate for Defence to report to the task force at a senior level through Strategic Command. I would be happy to take any questions the committee may have on this matter.

CHAIR—I think the courtesy is first extended to Senator Brandis.

Senator BRANDIS—I do not really have any questions just for the moment. I might have some follow-up questions, depending on what other senators have to say, but I have none just for the minute.

Senator FAULKNER—What is your understanding of the role of the Defence liaison officer in PM&C?

Ms Sidhu—It has been a long tradition for the Defence Branch in PM&C to have a military secondee. My understanding is that it is an agreement between the two departments to provide some benefit to Defence to allow the military an insight into the workings of government at a high level and across government. From the PM&C perspective, the military secondee carries out many of the tasks that would normally be assigned to somebody in the Defence Branch but also provides valuable insight, support and, frankly, a reality check on a lot of the policy work that we do. It is an arrangement that is of mutual benefit to both departments.

Senator FAULKNER—We have just heard from Commander King. I do not know whether you heard his evidence. He obviously fulfilled his role through some of the period in which this committee is particularly interested. Do you feel that he worked effectively with PM&C as a Defence liaison officer?

Ms Sidhu—Very.

Senator FAULKNER—Was he a good one?

Ms Sidhu—Very good, yes.

Senator FAULKNER—Can you list for the committee the actual contacts you had with Commander King about the ‘children overboard’ incident, in the broad? I do mean by this the incident or the photographs. I ask you to treat that question with a broad perspective from the point of view of the so-called certain maritime incident, if you would not mind.

Ms Sidhu—You are referring to it in general rather than to the specific discussion?

Senator FAULKNER—Yes. Could you just detail for us the number of contacts you had with him and when they occurred.

Ms Sidhu—I have heard Commander King’s evidence, and I concur with his description of the contacts that we had—that is, his first contact with me following his meeting and describing what he had heard about the photographs. I was present at the meeting with Dr Hammer later that afternoon. As far as I can recall, we did not speak of it again until the day after I spoke to Catherine Wildermuth when, since it became evident to me that he may be questioned, I informed Commander King as a matter of courtesy that I had mentioned this to Social Policy Division. We did not speak of it again until, I think, I had contact with him around, maybe, Senate estimates in February. I had been advised to pull my recollections together, and it was suggested to me that it might not be a bad idea if I made the same suggestion to Commander King. For the sake of my own memory and for his memory, I contacted him on that date, and after that followed the meeting of 11 March.

Senator FAULKNER—Let us go back to 11 October 2001, if we could. Do you recall what Commander King told you in that meeting on that morning about the photographs and the SIEV4 incident?

Ms Sidhu—I recall quite clearly. He told me that the photographs were not what they appeared to be. He may have made mention of captions, and I seem to recall he may have mentioned something relating to captions being mixed up or lost—I cannot recall exactly what. He said to me that he heard about this in the margins of the Strategic Command meeting. I am fairly clear he told me that he had overheard talk to this effect.

Senator FAULKNER—That of course is somewhat in conflict with what both Commander Chatterton and Commander King have told this committee. Most of what you say is very much in accordance with what they have said except, if you like, the suggestion that this matter was something that Commander King had overheard. Commander Chatterton tells us that he involves Commander King as a conduit of information and Commander King tells us, I think you appreciate, that he treats it seriously and formally.

Ms Sidhu—I do recall Commander King being quite perturbed by the story. I did press him to tell me who had been saying this and he seemed reluctant to give out the name. I respected that. Commander King was the fourth military secondee with whom I have worked in PM&C. It is not uncommon for them to, in casual conversation, pick up a rumour or a story and to repeat it on return from a meeting, so I understood that he may be reluctant to mention who had said this.

Senator FAULKNER—You do not have any recollection of him mentioning Commander Chatterton’s name to you?

Ms Sidhu—He never mentioned Commander Chatterton’s name. The first I heard of Commander Chatterton’s name was when he appeared before this committee.

Senator FAULKNER—What was Commander King’s tone when he was conveying this information to you on the morning of the 11th? You said concerned, I think.

Ms Sidhu—Yes, he appeared—

Senator FAULKNER—Or perturbed.

Ms Sidhu—Yes, perturbed, a bit worried, concerned. Clearly, what he had heard had disturbed him.

Senator FAULKNER—This goes to the extent of him meeting with you in your office about it?

Ms Sidhu—It was usual. The Op Slipper briefings, as you can imagine, went into a great deal of operational detail. He would usually come out of those meetings when he returned to PM&C and discuss all of the detail and brief me on exactly everything that was said. We would agree on what the pertinent elements were. He would then brief Dr Hammer later on the key elements or the key outcomes of the meeting rather than burden Dr Hammer with all the details.

Senator FAULKNER—Sure. Do you have file notes or a record of what was discussed at that meeting?

Ms Sidhu—No. As you can imagine things were very fast moving. My role in that meeting was to act as a filter for information to work out what was pertinent and what was not and to advise Commander King on which parts of the information he should pass on to Dr Hammer.

Senator FAULKNER—This meeting was around 10 minutes, I think we were told. Would that be about right? I do not expect you to know precisely when it started or ended, but around 10 minutes would be fair enough to say?

Ms Sidhu—Yes.

Senator FAULKNER—It appears, from what we know currently, that the conclusion of that meeting is that you both briefed Dr Hammer at the earliest possible opportunity. Was that the outcome?

Ms Sidhu—Yes.

Senator FAULKNER—In fact, you tried to do so immediately?

Ms Sidhu—Yes, that is right.

Senator FAULKNER—You could not do that?

Ms Sidhu—No.

Senator FAULKNER—Why did you want to brief him immediately?

Ms Sidhu—Even if things are rumour or unsubstantiated, sometimes they form smoke for which there is fire. I was surprised at the story, frankly, and I thought Dr Hammer might have some context or additional information or a view on it. I did not quite know how to react to it or how to judge the information. So it was partly to inform Dr Hammer that there was this story about and partly also to seek a view from him on how to proceed and what to do, if anything.

Senator FAULKNER—Did you make the decision to talk further to Dr Hammer or did you both make that decision, or would it be the standard way you would approach such an issue?

Ms Sidhu—It was inevitable in any case that Commander King would brief Dr Hammer at some point on the outcome of the Slipper meeting. I cannot recall whether I personally made that decision or whether it came out of a discussion between the two of us.

Senator FAULKNER—When you had your 10-minute meeting—that is just you and Commander King—did he also provide an Operation Slipper briefing to you at that point?

Ms Sidhu—Yes, he did.

Senator FAULKNER—So there are two elements to the briefing, effectively?

Ms Sidhu—Yes; and the greater part of it, frankly, was the Operation Slipper briefing.

Senator FAULKNER—There is the Operation Slipper element of it and then there is the photographs relating to the ‘children overboard’ incident—those two elements?

Ms Sidhu—That is right.

Senator FAULKNER—Why the urgency? Why did you try to contact Dr Hammer immediately? Was it because of the ‘children overboard’ element or the Operation Slipper element?

Ms Sidhu—It was because of the ‘children overboard’ element. We try, as far as possible, to operate on a ‘no surprises’ basis. Frankly, this story was a surprise, and I thought Dr Hammer would appreciate being informed of it as early as possible.

Senator FAULKNER—So it was significant enough information for you to try to contact him immediately?

Ms Sidhu—Yes.

Senator FAULKNER—That is fair enough. You considered it urgent?

Ms Sidhu—I would not say urgent, as such. Because things move so fast in PM&C, we do try to bring closure as quickly as we can to an issue. I did not feel a particular sense or urgency about it, but I felt it was something that I had better communicate now rather than later. In the event, it did not—

Senator FAULKNER—To try to do it immediately seems pretty urgent to me, I have to say.

Ms Sidhu—It is not unusual. There is a lot of to and fro between Dr Hammer’s office and my office on issues as they arise. It is not unusual for me when I receive information, however trivial, to go over immediately to Dr Hammer’s office and inform him of it.

Senator FAULKNER—Is it unusual for you to meet on such a matter with the Defence Liaison Officer in Dr Hammer's office?

Ms Sidhu—No.

Senator FAULKNER—Anyway, that happened a little later in the afternoon, didn't it?

Ms Sidhu—Yes, it did.

Senator FAULKNER—The actual meeting occurred in Dr Hammer's office. Are you able to share with us what occurred at that particular meeting? In this instance, maybe you could begin by confirming or not confirming the account that we have heard of it so far, which is that on the record from Commander King.

Ms Sidhu—I do not dispute Commander King's account of that meeting. As I said at the beginning, Commander King briefed Dr Hammer on the Op Slipper meeting. At the conclusion of that briefing, he mentioned to Dr Hammer again the story about the photographs but in a more abbreviated form. I remember that clearly; he was very succinct. Frankly, I cannot clearly remember Dr Hammer's response. We left the meeting straight after that.

Senator FAULKNER—So you do not have a recollection about what Dr Hammer may have said about the element of the briefing that goes to the 'children overboard' issue?

Ms Sidhu—No, I am not clear, in fact, whether he said anything at all. I do not know. I did leave the meeting with a sense of closure, that I need not worry about it, that it was finished with.

Senator FAULKNER—Did you have any sense of whether this was new information as far as Dr Hammer was concerned or that he might have heard it before?

Ms Sidhu—It appeared to me as if it was new information to him.

Senator FAULKNER—It was definitely new information for you when you first heard it that morning, wasn't it?

Ms Sidhu—Most definitely.

Senator FAULKNER—There does seem to be a substantial inconsistency here between the version that Commander King has provided to the committee and the version that you are providing to the committee on the nature of the original communication to him from Commander Chatterton. I do not know how they can necessarily be reconciled. In my own mind I cannot reconcile them, I have to be frank with you. I do not know whether you think that is a fair enough conclusion for me to draw, but Commander King said to us that he believed this was a direct transmission of credible information from a credible source and you put it more as unsubstantiated rumour overheard between Defence officers. There is quite a substantial difference there, isn't there?

Ms Sidhu—Yes, that is true; I acknowledge that. I can only explain that, as I said in my opening statement, there is a chain of command within Defence. There are rules within Defence that I am aware of about communicating important and sensitive information outside the Department of Defence. In my experience, this is always communicated at a senior level, and to the most senior possible PM&C officer—for example, someone from Dr Hammer’s level up. I was also not told the name, rank or source of the information, so I had no way of assessing whether this had come from a senior officer in the form of a formal communication or otherwise. But my clear recollection is that I was told that it was overheard in the margins of the meeting. It may be a false recollection on my part, but it is how I clearly recollect being told that.

Senator FAULKNER—Was this a usual or unusual way for Commander King, as the Defence Liaison Officer, to act as the conduit for information or some information between Defence and PM&C? Would you be able to characterise it in those terms?

Ms Sidhu—In this instance, it would be unusual. It would be usual for Commander King to be the conduit for information that is formally conveyed in a meeting at which he is representing PM&C. I would not think it was usual for information of this sensitivity to be conveyed in what appears to me to be an informal sense, outside a formal meeting, to Commander King.

Senator FAULKNER—Do you think Commander King acted appropriately or inappropriately in conveying this information to PM&C in the way he did?

Ms Sidhu—I believe he acted appropriately. He understood that the interests of PM&C in a topic were often different from the interests of any other government department. We come at things from a different angle. So he would usually come with information and seek advice on how best to handle that information.

Senator FAULKNER—After your meeting with Dr Hammer during the afternoon of 11 October—this is before the November incident; I am quarantining that, if you like—on that day or during the days after the 11 October incident, did you pass this on to anyone else?

Ms Sidhu—No.

Senator FAULKNER—Did you take any further action about that information at all?

Ms Sidhu—No.

Senator JACINTA COLLINS—Except with Ms Wildermuth?

Ms Sidhu—Yes. That is a separate—

Senator FAULKNER—That is later, in November. Did you treat the information that Commander King provided to you as serious?

Ms Sidhu—I thought that if it was true, it would be very serious, yes. But I had no way of making that judgment.

Senator FAULKNER—You did not take any contemporaneous notes around 11 October about any of these matters?

Ms Sidhu—No, largely because this issue fell outside the province of my responsibilities as well.

Senator FAULKNER—Did you have an expectation about what Dr Hammer might do in receipt of this information?

Ms Sidhu—Only that he might provide some guidance about what to do or take over the handling of the issue if he judged it to be of sufficient importance.

Senator FAULKNER—Do you mean guidance to you or to Commander King in this instance?

Ms Sidhu—Either.

Senator FAULKNER—Or take over the matter. But you can't recall, I think you said to us, what, if any, action he indicated he proposed to take?

Ms Sidhu—My recollection is that he did not propose anything concrete at that meeting.

Senator FAULKNER—So what you are saying to us is that you understood the gravity of what was being said, but on the surface it does not appear as if there was much follow through.

Ms Sidhu—I said that I appreciated its importance if it were true. Where I sit I hear many rumours and I often have no way of judging whether they are true or not. Some of them are potentially serious, yes, and we find we have to be cautious—I certainly do. In PM&C there is a rule about which we chase up and how we handle them. Clearly, you cannot set hares running every time you hear a story. I thought that, if it were true, it would be significant and important.

Senator FAULKNER—But you did not hear about this issue again until 7 November?

Ms Sidhu—I never heard the story again repeated from within Defence. I never heard the story coming again from another source in Defence.

Senator FAULKNER—Did you hear it coming from any other source?

Ms Sidhu—There was speculation in the newspapers, I recall, around 7 or 8 November about the veracity of those photographs.

Senator FAULKNER—But did you hear from any government source—and I am using the terminology 'government' in the broad? Is this matter discussed with you or drawn to your attention in any way after your meeting with Dr Hammer on 11 November, before the sequence

of events that we know something about on 7 November? Was this discussed with you or drawn to your attention in any way at all in that period?

Ms Sidhu—Absolutely not.

Senator FAULKNER—I missed a very small amount of your opening address, which I apologise for. If I am asking a question about an issue that you have canvassed, no doubt you will tell me so. But I do apologise in advance in case I do that. As I understand the sequence of events on 7 November, Ms Wildermuth from the Social Policy Division of PM&C spoke to you about a request from Mr Jordana. Is that right?

Ms Sidhu—I was not aware where the request came from. She called me and asked if I had any reports or sit reps relating to the SIEV4 incident. I believe I checked our files and it was quite clear that we held no paper at all on that incident. I cannot recall if she asked me whether I suggested I might trawl the electronic database. I do recall Ms Wildermuth read over the phone to me a reference number. When I put that reference number, which I now understand to be the reference number for NORCOM, into the search function a number of cables came up. It was at that point that I invited Ms Wildermuth to view these and to see if any of them constituted the report that she was looking for.

Senator FAULKNER—Did she actually specify to you what report she was looking for?

Ms Sidhu—No. She did mention when she was in my office that she was looking for a report regarding people having been thrown overboard, but she did not mention which specific report she was after.

Senator FAULKNER—So there were a number of reports that had been received by PM&C about SIEV4 that you were able to locate by putting in this reference number?

Ms Sidhu—PM&C—and only International Division, by the way—has limited access to Defence and Foreign Affairs cables on the Department of Foreign Affairs and Trade cable system. So I was able to access those.

Senator FAULKNER—How many did you find in relation to SIEV4?

Ms Sidhu—I do not know. I pulled up a number of cables, I think probably 10 or 11, not all related to SIEV4. These were the cables that corresponded to the reference number I was given.

Senator FAULKNER—Yes, because the reference number is NORCOM.

Ms Sidhu—Exactly.

Senator FAULKNER—This means they come through NORCOM?

Ms Sidhu—I presume so. I think NORCOM is the originator.

Senator FAULKNER—Or NORCOM is an addressee or something like that.

Ms Sidhu—Yes, they may be an addressee. If it finds that reference in the text anywhere it will pull that cable up.

Senator FAULKNER—Was a record taken of those cables at the time?

Ms Sidhu—No.

Senator FAULKNER—So you show these—

Ms Sidhu—Electronically on the screen.

Senator FAULKNER—electronically on a screen to Ms Wildermuth from the Social Policy Division?

Ms Sidhu—Yes, that is right.

Senator FAULKNER—Do any of them particularly spark her interest?

Ms Sidhu—It seemed to me that none of them fitted what she was looking for.

Senator FAULKNER—Because she was looking for a reference that children had been thrown overboard?

Ms Sidhu—I do not think it was children specifically. I think it was people.

Senator FAULKNER—She was looking for a reference that people had been thrown overboard?

Ms Sidhu—Yes.

Senator FAULKNER—And none of the cables that had come to PM&C via NORCOM showed that people had been thrown overboard?

Ms Sidhu—No, but she understood that would not constitute the entirety of the cables that were out of NORCOM or out of Defence on the topic. We do not get access to every single cable.

Senator FAULKNER—No, but would it constitute the entirety of the cable traffic to PM&C?

Ms Sidhu—Yes.

Senator FAULKNER—That is all you could possibly deal with, isn't it? You can only deal with the PM&C cables?

Ms Sidhu—Exactly.

Senator FAULKNER—No-one could expect you to be dealing with other agencies' cables. So you have now been able to indicate to the committee that there was no cable traffic via NORCOM to PM&C that indicated that people had been thrown overboard during this period?

Ms Sidhu—Yes.

Senator FAULKNER—That is helpful in itself and I appreciate the information. When did you find out that Ms Wildermuth from the Social Policy Division had actually made this request to you on 7 November as a result of a request to her from Mr Jordana?

Ms Sidhu—It was at Senate estimates, when I was over here—

Senator FAULKNER—Good old Senate estimates! But you certainly did not have any knowledge of that until then?

Ms Sidhu—No.

Senator FAULKNER—That would be partly because Ms Wildermuth and you were working in different divisions of the department—would that be right?

Ms Sidhu—And on different floors, yes.

Senator FAULKNER—Were any of these cables or signals, or whatever they may have been, from NORCOM printed out or was it just a search on the screen and left at that because it did not fit what Ms Wildermuth was looking for?

Ms Sidhu—We printed two.

Senator FAULKNER—Can you identify which two they were?

Ms Sidhu—Not offhand. I recall one was a report dated 7 October and another was a summary digest or something dated 8 October.

Senator FAULKNER—I think I know the documents to which you are referring, but would take on notice for me, Ms Sidhu, the detail of those documents so we can cross-reference that with the material that we have had provided to the committee? Would you mind taking that on notice so we do not get the committee bogged down on that at this stage?

Ms Sidhu—Okay.

Senator FAULKNER—After you had that contact and provided that documentation, did Ms Wildermuth take away the hard copy of those two cables?

Ms Sidhu—Yes. It is not usual practice, I have to say. Because it was getting late in the evening and she appeared to want to think about them, I asked her to keep them only overnight and return them to me the next morning, which she did.

Senator FAULKNER—So it was not usual practice to give cables like that to other officers in the department?

Ms Sidhu—No.

Senator FAULKNER—Why not—because of the security?

Ms Sidhu—Security, yes. It is just that we are not meant to print cables and let them out of our possession.

Senator FAULKNER—So why did you break your usual practice on this occasion?

Ms Sidhu—I was about to leave for the evening, and Ms Wildermuth needed more time to consult with her superiors or colleagues about whether those cables were of any use. I was aware that Ms Wildermuth was appropriately cleared and would look after the documents and secure them properly. She gave me a firm undertaking that she would return them the next morning which, as I say, she did.

Senator FAULKNER—Do you know what happened in the meantime to those particular cables?

Ms Sidhu—No.

Senator FAULKNER—Did she say what the need for that urgency was?

Ms Sidhu—If she did, I don't recall it.

Senator FAULKNER—Was the case made for you to break what your normal procedure would be, which is not to provide such cables to a more junior officer than you in the department?

Ms Sidhu—Ms Wildermuth and I are the same level.

Senator FAULKNER—I am sorry, an officer of equal status. I apologise.

Ms Sidhu—I understood that she may have needed them for a briefing. Often we are asked to do briefings at short notice and late in the evening. I was trying to assist her.

Senator FAULKNER—I am not doubting for one moment or questioning your motivations in this, Ms Sidhu. I am just trying to get to the bottom of it. Do you know who was being briefed and by whom?

Ms Sidhu—No.

Senator FAULKNER—Just a briefing?

Ms Sidhu—Yes. I assumed it was of some importance; she seemed particularly anxious.

Senator FAULKNER—Did she mention any names?

Ms Sidhu—No. She mentioned Ms Bryant's name, but I understood Ms Bryant was not the person being briefed.

Senator FAULKNER—And you did not ask her who was being briefed?

Ms Sidhu—No.

Senator FAULKNER—You did not ask her what they were being briefed about?

Ms Sidhu—No.

Senator FAULKNER—You just gave her the cables?

Ms Sidhu—Yes, that is right.

Senator FAULKNER—Do you regret that?

Ms Sidhu—No.

Senator FAULKNER—Anyway, what happens then?

Ms Sidhu—She returned me the cables the next morning. I heard nothing further until close to Christmas. Jenny Bryant called me seeking to clarify the date of my conversation with Catherine Wildermuth.

Senator FAULKNER—And do you know why Ms Bryant rang you about that?

Ms Sidhu—I understood it was in the context of her investigations into the incident, but I did not know the precise context.

Senator FAULKNER—One thing that interests me about this is: do you actually head up the International Division or does Dr Hammer do that? It is not entirely clear to me.

Ms Sidhu—Mr Potts heads the International Division.

Senator FAULKNER—Mr Potts heads it up. Ms Bryant said to us that she tried to follow up with your division the status of the Chatterton-King information recently. Are you aware of this?

Ms Sidhu—I am not sure exactly. She was trying to follow up exactly what?

Senator FAULKNER—The suggestion that, according to the division, this had originally been a rumour or tearoom gossip but that the division no longer believed that.

Ms Sidhu—Yes, I am aware of that.

Senator FAULKNER—I do not think I have a *Hansard* reference. I do not want to do—

Ms Sidhu—Yes, I recall that in the *Hansard*.

Senator FAULKNER—I can probably turn it up in a moment, anyway. There was a change of view in the International Division. Is that a fair summation of it?

Ms Sidhu—International Division now accepts the statements by Commander King and Commander Chatterton that there was a direct contact. That said, that is not how I recall it being conveyed to me. The first I had an inkling of, or an understanding, that there had been a direct, as opposed to an indirect, contact or indirect information, was when Commander King said as much when we had coffee at the Kurrajong on the 11th .

Senator FAULKNER—Yes, but you know it is Ms Bryant who sends Ms Wildermuth to you on that evening of 7 November?

Ms Sidhu—Yes.

Senator FAULKNER—That is clear, isn't it?

Ms Sidhu—Yes, that is clear.

Senator FAULKNER—That was made clear to you by Ms Wildermuth at the time?

Ms Sidhu—Yes.

Senator FAULKNER—But it is not just a matter, is it, of Ms Wildermuth being provided with a couple of cables. You actually had a broader conversation with her, didn't you, about the status of the 'children overboard' claims?

Ms Sidhu—When Ms Wildermuth came up, I was not entirely clear what she was looking for. As we looked through the cables—I stayed in the room, obviously, while she looked through the cables—she remarked to me that none of them appeared to mention people having been thrown overboard. This triggered my memory of the story and triggered my remark to her as well that I had heard these rumours to the effect that the photographs may not in fact be accurate and they cast doubt on the story.

Senator FAULKNER—So you told her about Commander King's information that he had passed to you and Dr Hammer nearly a month earlier?

Ms Sidhu—Yes.

Senator FAULKNER—Could you outline for the benefit of the committee the broad terms in which you communicated that to Ms Wildermuth?

Ms Sidhu—It was practically a throwaway comment: 'Haven't you heard there are rumours circulating in Defence that the photographs are not actually as they have been presented?'

Senator FAULKNER—Is that all you say?

Ms Sidhu—That is all I say.

Senator FAULKNER—You do say they are only rumours?

Ms Sidhu—Yes.

Senator FAULKNER—You are clear on that point?

Ms Sidhu—Absolutely clear.

Senator FAULKNER—Do you say how you are aware of that or do you just say there are rumours circulating in Defence?

Ms Sidhu—I recall starting it off, ‘Haven’t you heard there are rumours?’ I believe she may have asked me where I had heard it from and I think I used the words that one of my colleagues had overheard this at a meeting in Defence.

Senator FAULKNER—Was she surprised?

Ms Sidhu—Very.

Senator FAULKNER—Would you say quite genuinely?

Ms Sidhu—Genuinely surprised.

Senator FAULKNER—People can pick these sorts of things up.

Ms Sidhu—Yes.

Senator FAULKNER—You don’t think she had heard such rumours before?

Ms Sidhu—It was quite clear to me that she had not.

Senator FAULKNER—Fair enough. You say, ‘Haven’t you heard there are rumours circulating in Defence that the photographs don’t represent children who’d been thrown overboard?’

Ms Sidhu—Yes, or words to that effect.

Senator FAULKNER—Words to that effect, but along those lines?

Ms Sidhu—Yes.

Senator FAULKNER—Is that a fair representation of it?

Ms Sidhu—Yes, it is fair.

Senator FAULKNER—She is very surprised, you have told us?

Ms Sidhu—Yes.

Senator FAULKNER—And I think she reports that back to Ms Bryant, does she not? You may not know that at the time.

Ms Sidhu—I do not know that at the time, but she does, clearly.

Senator FAULKNER—It is clear from other material that is in the public arena.

Ms Sidhu—Exactly.

Senator FAULKNER—But are you aware of what happened as a result of your communication to Ms Wildermuth around the time? Do you have any information you can offer to the committee about those circumstances as you understood them then as opposed to understanding them now, which of course, as with us all, is with the benefit of an awful lot of material that has been made public in the meantime?

Ms Sidhu—Beyond the conversation between Ms Wildermuth and me, I am not aware of what happened to what I had told her. I had no idea that anyone had any particular interest in it until Ms Bryant called me in December to try to verify the date of our conversation.

Senator FAULKNER—I just want to be clear on this. If these were passed to Ms Wildermuth as just rumours, she seems to have treated them very seriously in telling Ms Bryant, Ms Bryant immediately ringing Ms Halton at home, and Ms Halton writing a letter that was tabled in parliament telling us how shocked she was by this, and immediately ringing the Prime Minister's office and Mr Max Moore-Wilton—and so it goes on. Are you sure that accurately reflects the nature of your conversation with Ms Wildermuth, given the reaction to it? I just want to be clear on this because I think we do know that, subsequently, a considerable chain of events was put in place as a result of your conversation in front of the computer screen. I just want to be assured that this is not just a matter of retailing rumours.

Ms Sidhu—I cannot comment on the actions or the reactions of people beyond Ms Wildermuth and what she did after that. I am clear about what I told her.

Senator FAULKNER—The reason I ask you this is that that pattern of events after your discussion with Ms Wildermuth again does not seem to fit information that is best characterised as trivial gossip or rumour—which of course is the same situation that we have in relation to the other end of the chain where Chatterton and King are saying that that is definitely not the nature of the information. So that is why I am asking you if you are really clear on that because, as you know, Chatterton and King say that it was definitely not rumour or gossip. Your discussion with Ms Wildermuth appears to have dominoed through on the night, and you would not think that that would occur if this was merely information that was characterised as pretty trivial stuff, tea room gossip.

Ms Sidhu—I cannot explain it myself either. I have no answer.

Senator FAULKNER—Do you understand why I am asking that?

Ms Sidhu—I do understand. I understand your concern, but it is the truth and I do not have anything else to add to that.

Senator FAULKNER—You noted first-hand that Ms Wildermuth was shocked.

Ms Sidhu—Yes.

Senator FAULKNER—We know, because she has written a letter about it, that Ms Halton was shocked. It does, I have to say to you, stand to reason that there must be some semblance of detail. It does sound as if someone has upgraded the thing from a bit of gossip to a full briefing at some point along the line. You cannot help us with that?

Ms Sidhu—No, I am afraid not.

Senator FAULKNER—I have been able to turn up in the meantime the *Hansard* reference—I hope you do not mind but I would like to take a moment to read it to you if I could because I would like you to comment on it. This is from page 1290 of this committee's *Hansard* from 18 April; it is an answer from Ms Bryant to a question that I asked.

I should put it in context for you. This is in context of me asking Ms Bryant about satisfying herself whether or not it was tearoom gossip that we are talking about. Ms Bryant said:

I did make some further inquiries about that yesterday—

which in this case would be 17 April 2002. She went on—

obviously in anticipation of this discussion. I now understand, and again it is the advice to me, that it was not tearoom gossip at all ... I saw Commander Chatterton's evidence and, in the light of that obviously, yesterday I made some inquiries. I was informed that the International Division now understood that it had not been tearoom gossip, that Commander King had advised the International Division officers that it was rumours or tearoom gossip and that that had been their understanding but they had a view that, in the light of what Commander Chatterton said, it had a much more formal nature.

What I was wanting to ask you before is: can you support that evidence that Ms Bryant gave that, as this thing evolves publicly and more information is extracted about it, there is a bit of a reassessment in the International Division? You may not be aware of this or not, but I wondered if you could help us if you are.

Ms Sidhu—I cannot speak for International Division as a whole. I certainly have not discussed this within the International Division. All I can say is that, having had a conversation with Commander King and having heard Commander Chatterton's and Commander King's evidence, I accept now that there may have been a formal approach. But, equally, my clear recollection at the time is that it was conveyed to me as an informal overhearing of another conversation in the margins of the meeting.

Senator FAULKNER—But have you changed your mind about whether it was a status that you have described in your evidence today? Have you changed your mind about the original status of this communication from King?

Ms Sidhu—I have changed my mind about how it was conveyed to Commander King in the first instance. I have not changed my mind about my recollection of what Commander King told me.

Senator JACINTA COLLINS—Do you recall asking Commander King for the source of his information?

Ms Sidhu—I do recall asking him who was saying this. I had asked that question to try to gauge whether it was somebody who had heard things second- or third-hand or whether it may have been said by a senior officer who might be closer to the facts.

Senator JACINTA COLLINS—And what do you recall, being as specific as you can, was his response?

Ms Sidhu—I think he may have said something to the effect of, ‘I would rather not say.’ That is when he reinforced again that this was something that had been picked up in the margins of the meeting.

Senator JACINTA COLLINS—Is it possible that you assumed from your past experience that you mentioned earlier that he may not want to say rather than that he expressly indicated such?

Ms Sidhu—No, I seem to recall quite clearly that he did not wish to name names.

Senator JACINTA COLLINS—He indicated that to you quite clearly?

Ms Sidhu—Yes.

Senator FAULKNER—The 7th November is the day we are talking about when you have your discussion around the computer screen with Ms Wildermuth. This is also the day when in the morning the *Australian* newspaper—having got this thing so horribly wrong earlier in the election campaign, I quickly add—had a very prominent article casting serious doubt about the photographs. Had you seen that article?

Ms Sidhu—I am sure I would have.

Senator FAULKNER—I would imagine that it would have been in the clips of the International Division, wouldn't it?

Ms Sidhu—Yes.

Senator FAULKNER—That sort of thing would hit you in the eye through the newspaper clips. So, surely, you would have seen that before you had your conversation with Ms Wildermuth?

Ms Sidhu—Yes, most probably.

Senator FAULKNER—I suspect she would have too.

Ms Sidhu—I am sure she would have.

Senator FAULKNER—I know you cannot answer for her.

Ms Sidhu—No, I cannot.

Senator FAULKNER—But that is a pretty reasonable conclusion to draw. Surely in that context you were aware of the significance of—I will use the terminology that you are comfortable with—the so-called rumours about the photos? Surely that makes this far more a front of mind issue for you?

Ms Sidhu—It may well have done on that day; I cannot specifically recall whether it was the newspaper article or my discussion with Ms Wildermuth, but I do recall a point in my discussion with Ms Wildermuth where the story triggered itself again in my brain and I spoke to her of it.

Senator FAULKNER—So the publication of that article in the *Australian* newspaper did not trigger anything in your mind?

Ms Sidhu—It may well have, but it may not have been as front of mind as when she was in my office.

Senator FAULKNER—Looking for evidence to try to prove that people had been thrown overboard.

Ms Sidhu—As I said to you before, she was looking for a specific report.

Senator FAULKNER—Yes, desperately scrabbling around to try to find a report that showed that people had been thrown overboard—which she could not find. Of course she could not find it, because it did not exist. I am not critical of you or her about that. In that regard, you were properly fulfilling your responsibilities. But that is the truth of it, is it not?

Ms Sidhu—That is your view.

Senator FAULKNER—This is a front-page story in Australia's national daily newspaper. I find it incredible that this would only have been triggered in your mind that evening when Ms Wildermuth comes up from Social Policy Division in a desperate search to try to find some evidence to try to prove the unprovable.

Ms Sidhu—As I said earlier, I did not dispute that I might have thought of the story again when I read the newspaper article, but I clarified that I specifically thought of it when Ms Wildermuth was in my office.

Senator FAULKNER—After 7 November, did you have any other contact on this issue before what you have described to us in February?

Ms Sidhu—Only the phone call from Ms Bryant in December.

Senator FAULKNER—And that was about her report, was it not? This was when she was doing her report, was it not?

Ms Sidhu—I understood it was in the context of her report.

Senator FAULKNER—Did she say whether that matter would be included in the report?

Ms Sidhu—No. It was a very short conversation. She just asked me if I could remember the date of my conversation with Ms Wildermuth.

Senator FAULKNER—Were you able to help her?

Ms Sidhu—No, sadly, on the diaries and information I had available to me at that time, I was unable to clarify the date.

Senator FAULKNER—But we know it was 7 November. Did you talk to Dr Hammer about that *Australian* article that got such prominence?

Ms Sidhu—No.

Senator FAULKNER—Did you talk to Dr Hammer about the contact you had had with Ms Wildermuth on 7 November?

Ms Sidhu—No.

Senator FAULKNER—In the period immediately after 7 November up until February, you only had contact in the broad sense on this issue with Ms Bryant in the way you have described for the preparation of her report?

Ms Sidhu—That is right.

Senator FAULKNER—That really then takes us, as far as your involvement in this whole thing is concerned, right through to February, does it not?

Ms Sidhu—Yes, it does.

Senator FAULKNER—And in February there was some activity as far as your are concerned, or International Division was concerned, because of preparation for the Senate estimates committee?

Ms Sidhu—Yes.

Senator FAULKNER—Could you explain that to us?

Ms Sidhu—I am not clear on the wider activity. I am just trying to get the sequence straight. I believe Ms Bryant called and asked me to go to her office. When I did, she suggested that I might find it useful to write down a sequence of events, as I recalled it, to help my memory should I be asked questions about the story that I had heard and my conversation with Ms Wildermuth. She specifically asked me to try to recall dates: the date Commander King spoke to me, and when I spoke to Ms Wildermuth. That was the extent of that conversation.

Senator JACINTA COLLINS—When did that conversation occur?

Ms Sidhu—I believe it would have been perhaps the second week in February.

Senator JACINTA COLLINS—Before or after the PM&C estimates?

Senator FAULKNER—It would be before.

Ms Sidhu—I think it would be before.

Senator FAULKNER—I think they were about the 20th. This was done in the context of your PM&C officers preparing for the estimates round, wasn't it?

Ms Sidhu—Yes, that is right.

Senator FAULKNER—You would consider that pretty normal, wouldn't you?

Ms Sidhu—I did not think there was anything unusual about it, no.

Senator FAULKNER—So what happened on that occasion was that Ms Bryant asked you to think carefully about a sequence of events and some of this background, in case someone such as me was unkind enough to ask you about them?

Ms Sidhu—I was certainly given no impression that I would be asked directly about it. It was more that, if people within PM&C needed to go into that issue, it would be useful for me to have clear in my head what had happened and what the sequence of events was.

Senator FAULKNER—That is right. It could have been direct evidence that you might have given—or a more senior officer; Ms Bryant, who had prepared the report; Mr Moore-Wilton; Mr Henderson or anyone, couldn't it?

Ms Sidhu—Yes.

Senator FAULKNER—Did Ms Bryant indicate whether that was an initiative she was taking or whether she had been asked to take that initiative by someone more senior in the department?

Ms Sidhu—She did not indicate either. I assumed she was just trying to be thorough.

Senator FAULKNER—I appreciate you may not know precisely, but did that occur, let us say, before the Senate estimates committee, some time around the early to middle part of February?

Ms Sidhu—That would be right, yes.

Senator FAULKNER—Did you have any other contact in February on this particular matter?

Ms Sidhu—I do not recall any specific contacts. There may have been one after Ms Halton's letter was tabled. I understand I was named in that letter.

Senator FAULKNER—You were, yes.

Ms Sidhu—I may have had another contact with Ms Bryant, but I do not think it was for any specific reason. I do not recall.

Senator FAULKNER—If your name is mentioned in a letter that is tabled in the parliament, wouldn't you be likely to remember whether someone rings you about it from the department? I thought you would be likely to remember that.

Ms Sidhu—No. Unless there was a specific event attached to it, I did not. So, clearly, there was not a specific request or event.

Senator FAULKNER—You think you were contacted by Ms Bryant?

Ms Sidhu—Yes.

Senator FAULKNER—To check?

Ms Sidhu—I recall a subsequent contact from Ms Bryant—but I cannot recall exactly when—when we spoke in general terms, and she asked whether I had compiled a chronology, or memory-jogger; I responded that I had.

Senator FAULKNER—This was for the purposes of the estimates committee?

Ms Sidhu—I am not quite sure what the purpose was at that point. It may well have been for the estimates committee.

Senator FAULKNER—Is Ms Bryant the only person from PM&C who spoke to you about this issue: the children overboard issue?

Ms Sidhu—There was a point at which almost everybody mentioned it in some way, but not in an official way. I believe Dr Hammer, at some point, forewarned me that Ms Halton's letter was about to be tabled or that it had been written—I cannot remember—and that my name was in it.

Senator FAULKNER—Do you remember when you were warned about it?

Ms Sidhu—I believe it was on a weekend.

Senator FAULKNER—The letter was dated on a weekend.

Ms Sidhu—We were both at work on the Sunday.

Senator FAULKNER—Can you remember when on the weekend?

Ms Sidhu—I cannot remember. It was in the afternoon at some point.

Senator FAULKNER—Saturday or Sunday?

Ms Sidhu—Probably a Sunday.

Senator FAULKNER—So you got a call from Dr Hammer telling you that that was the situation?

Ms Sidhu—No. I had gone into the office to catch up on some work, he happened to be there and he mentioned to me that Alan Henderson had spoken to him. He conveyed Mr Henderson's comments that my name might be mentioned.

Senator FAULKNER—So he contacted you about the Halton letter. Did you speak to anyone else about the Halton letter?

Ms Sidhu—No.

Senator FAULKNER—Did he tell you why Ms Halton was mentioning your name?

Ms Sidhu—I understood that I would be mentioned as the source of social policy group's information about this incident.

Senator FAULKNER—Did you express a view to him?

Ms Sidhu—Not any particular view, no. I was a bit concerned about it, obviously.

Senator FAULKNER—Did he say to you what the purpose of Ms Halton's letter was?

Ms Sidhu—No, although it was not hard for me to divine by that stage. I understood there was a fair bit of media speculation about Ms Halton's role in these issues.

Senator FAULKNER—But he did not tell you the purpose of the letter and you did not ask?

Ms Sidhu—No, I did not ask and he did not really explain it in any great detail.

Senator FAULKNER—Did he explain it in any detail?

Ms Sidhu—I cannot recall what words he might have used. I understood that Ms Halton had written a letter to clarify her role in the face of the media speculation about her role in this issue and that I was being mentioned in that context.

Senator FAULKNER—Were you told that it was going to be tabled in the House of Representatives by the Prime Minister?

Ms Sidhu—No, not at that point, not on the Sunday.

Senator FAULKNER—When were you told?

Ms Sidhu—To be absolutely clear, I do not think I was told in advance. I think the first I saw or heard of it was when I was watching question time and the Prime Minister read out the letter.

Senator FAULKNER—Had anyone given you a copy of the letter beforehand?

Ms Sidhu—I had seen a copy of the letter, but nobody had given me a copy.

Senator FAULKNER—Who showed you a copy of the letter?

Ms Sidhu—Mr Potts, the International Division head.

Senator FAULKNER—When did he do that?

Ms Sidhu—It may have been on the day it was tabled. I cannot be categorical, I am sorry.

Senator FAULKNER—But it was before it was tabled by the Prime Minister?

Ms Sidhu—Yes.

Senator FAULKNER—So the contents of the letter were not a surprise to you?

Ms Sidhu—No.

Senator FAULKNER—Did any officer of Prime Minister and Cabinet or anyone else ask you whether you had a view about the contents of the letter, given that your name was mentioned, or whether or not you could confirm the accuracy as it applied to you?

Ms Sidhu—No.

Senator FAULKNER—Did you see a draft of the letter?

Ms Sidhu—No.

Senator FAULKNER—You were shown a signed copy of the letter?

Ms Sidhu—Yes, that is right.

Senator FAULKNER—And that happened on the Monday morning?

Ms Sidhu—I would assume so. As I said, I cannot be categorical.

Senator FAULKNER—What is Mr Potts's status in the department? Is he a deputy secretary?

Ms Sidhu—He is a division head but, like a deputy secretary, he reports directly to the secretary. He has the equivalent status of a deputy secretary.

Senator FAULKNER—So you are told by two more senior officials in the Department of the Prime Minister and Cabinet that you are to be mentioned in a letter from Ms Halton to Mr Moore-Wilton about an extremely sensitive issue, and you just accept that, nod your head, ask no questions and move on.

Ms Sidhu—As I understood it, it was something that had happened and was beyond any power of mine to change if I wanted to. I was concerned, naturally, that my name would appear in this context and in this way, but—

Senator FAULKNER—Did you express that concern to anyone?

Ms Sidhu—I may have, in terms of my reaction to reading the letter or finding out about it, yes, but I cannot recall in what terms.

Senator FAULKNER—You may have—to whom?

Ms Sidhu—Particularly to Dr Hammer, because that was the first time I heard of it.

Senator FAULKNER—So you expressed concerns to Dr Hammer on the Sunday afternoon.

Ms Sidhu—Yes.

Senator FAULKNER—Can you share with us what your concerns were?

Ms Sidhu—Simply that my name would appear in relation to such a sensitive and relatively high profile issue. I was not, frankly, entirely comfortable about that. It is not something that has happened to me before.

Senator FAULKNER—And to Mr Potts?

Ms Sidhu—I said very little. Mr Potts showed me the letter as a courtesy. He felt I should see it, and I thanked him for the courtesy. Having read it, I passed the letter back to him.

Senator FAULKNER—Without comment?

Ms Sidhu—Beyond thanking him for the courtesy, no.

Senator FAULKNER—But this all happened before question time.

Ms Sidhu—Yes, as I recall it.

Senator FAULKNER—So question time was not the first time you knew about the letter.

Ms Sidhu—No, as I said earlier, it was the first time I was aware that the Prime Minister would table the letter, but I was aware—

Senator FAULKNER—But neither Mr Potts nor Dr Hammer told you that the Prime Minister was going to table that letter in question time.

Ms Sidhu—No, not as far as I recall.

Senator FAULKNER—What did you think its purpose was?

Ms Sidhu—These are obviously decisions that are made way above my head. I do not know.

Senator FAULKNER—That is true.

Ms Sidhu—I assumed this was highly political and highly—

Senator FAULKNER—Well, it would be if Mr Moore-Wilton was involved—very political. You are quite right about that.

Ms Sidhu—Yes, so I left it in that realm.

Senator FAULKNER—You had contact with Mr Potts and Dr Hammer. Any other officials of Prime Minister and Cabinet you had contact with in this formal or semiformal way, apart from genuine gossip? You made the point, and I accept it, that a lot of people were chatting about it. I understand that. I am sure you understand the distinction I am drawing with you. I wonder if, understanding that distinction, you can say if any other officials of the Department of Prime Minister and Cabinet had contact with you in that period.

Ms Sidhu—No.

Senator FAULKNER—This is in the lead-up to your and Dr Hammer's meeting with Commander King.

Ms Sidhu—The answer is no.

Senator FAULKNER—You had no contact with Mr Moore-Wilton?

Ms Sidhu—Absolutely none.

Senator FAULKNER—No contact with Ms Halton?

Ms Sidhu—No.

Senator FAULKNER—No further contact with Ms Bryant?

Ms Sidhu—Aside from work related contact, no.

Senator FAULKNER—I am drawing a clear distinction between that and the matters that we are speaking about. You do not have any contact with prime ministerial office staff in your role?

Ms Sidhu—I do from time to time if, say, Dr Hammer is not available, but not on this topic, no.

Senator FAULKNER—So you have never had any contact with PMO staff on matters relating to the ‘children overboard’ issue?

Ms Sidhu—Not at all.

Senator FAULKNER—Apart from those contacts with PM&C staff and the Defence staff and, obviously, Commander King that you have mentioned, up until your meeting with Commander King and Dr Hammer on 11 March there were no other contacts that you could draw to the attention of the committee?

Ms Sidhu—No, there were not.

Senator FAULKNER—Whose idea was it to talk to Commander King around March of this year about his possible evidence to this committee?

Ms Sidhu—My recollection is that it was towards the end of Friday, 8 March. Dr Hammer may have come over to my office, but, anyway, we had a conversation where he asked if I might contact Commander King so that we might get together to refresh our collective memories of this incident. I gained the impression, and I cannot be sure, that this had been suggested to Dr Hammer by someone else. I just gained the impression that it was not entirely his idea. So I cannot say whose idea it was.

Senator FAULKNER—It was someone else’s idea?

Ms Sidhu—It may well have been. I just had this impression.

Senator FAULKNER—You did not hear a name mentioned?

Ms Sidhu—No.

Senator FAULKNER—Just a bit of blame shifting?

Ms Sidhu—No, it is not blame shifting. It is just how I perceived Dr Hammer. It was almost as if: ‘It has been suggested to me that it would be a good idea if we got together to refresh our memories’; it was in that vein. He knew that I was in intermittent contact with Commander King for work related things that were holding over, and he asked if I might contact Commander King and see if it might be possible for us to meet perhaps on the weekend.

Senator FAULKNER—Anyway, it was on the Friday—what was that—8 March?

Ms Sidhu—That is right.

Senator FAULKNER—This was just a conversation you had with Dr Hammer, was it?

Ms Sidhu—Yes, he sought me out. I cannot recall whether he came to my office or we happened to bump into each other in the office somewhere.

Senator FAULKNER—He sought you out and he obviously found you?

Ms Sidhu—Yes.

Senator FAULKNER—He suggested that you three get together?

Ms Sidhu—To refresh our memories. We had not spoken of the incident. Frankly, the three of us had not ever spoken about it since the actual meeting we had, so he felt it might be useful if we got together to talk about it briefly.

Senator FAULKNER—What did you think?

Ms Sidhu—I thought that would be a good idea. Frankly, I had entirely forgotten that we had ever had a meeting in Dr Hammer’s office. It was something that I remembered later on when the issue came up again. I thought it would be a useful idea and, as you know, my recollection of the meeting in Dr Hammer’s office is not the strongest recollection I have of the incident.

Senator FAULKNER—Of course you were aware at this stage, weren’t you, that there was a different view about the nature of the communications?

Ms Sidhu—No.

Senator FAULKNER—You were not aware?

Ms Sidhu—No. At that stage I remained convinced that it was an indirect informal rumour.

Senator FAULKNER—When did you first become aware that Commander King had a distinctly different impression from the one that you had about the nature of those communications?

Ms Sidhu—When we had coffee on 11 March.

Senator FAULKNER—You did not know about it beforehand?

Ms Sidhu—Not at all, no.

Senator FAULKNER—So you thought that was a reasonable thing to do, did you?

Ms Sidhu—I welcomed it, in fact, because I was not entirely clear on my own recollections. I thought perhaps some memories might be clearer if we talked them through. Yes, I did welcome it. I did not see anything—

Senator FAULKNER—First of all, there was a proposal to have a meeting on Sunday the 10th. Is that right?

Ms Sidhu—Yes.

Senator FAULKNER—You can clear up the proposed venue of that. Was that Dr Hammer's home?

Ms Sidhu—Yes. I asked Dr Hammer whether we should come into the office, and his response was to the effect that he already saw altogether too much of the office and he wanted to avoid coming in on the weekend if he could. He thought a better venue might be his home.

Senator FAULKNER—I see. You did not give that a second thought?

Ms Sidhu—No.

Senator JACINTA COLLINS—Ms Sidhu, why were you suggesting a Sunday?

Ms Sidhu—I do not know. That was Dr Hammer's suggestion; I do not know why. It may have had to do with his schedule; I do not know.

Senator FAULKNER—Who contacted Commander King about the meeting?

Ms Sidhu—I did.

Senator FAULKNER—So you tracked him down. How did you track him down?

Ms Sidhu—I called his mobile on the Friday, but I believe it was switched off or out of range. I finally got through to his voice mail, I believe, on the Saturday and left a message asking him to call me. He returned my call on the Sunday.

Senator FAULKNER—The day of the proposed meeting?

Ms Sidhu—Yes, that is right.

Senator FAULKNER—What did he say to you and what did you say to him?

Ms Sidhu—I believe I conveyed to him exactly that Dr Hammer had asked if he would be available for us to get together on Sunday at Dr Hammer's home to refresh our memories about the incident in question. I asked if he might be available on Sunday; I believe it was about three or four in the afternoon. He replied that he had been at a Navy celebration the night before, that he was a little bit under the weather and that he would prefer not to come on the Sunday. I accepted that. He said that he was in Sydney as well, and I did not feel it was of such urgency that he should hike back to Canberra for a meeting such as this. I told him it was fine and I would contact him during the week.

Senator FAULKNER—During the week?

Ms Sidhu—Yes.

Senator FAULKNER—The meeting happened the next day, didn't it?

Ms Sidhu—I phoned Dr Hammer up—I believe on the Sunday—and informed him that Commander King would not be available. He asked me to see whether we could get together quickly on the Monday.

Senator FAULKNER—Why the urgency?

Ms Sidhu—I do not know. I believe Senate estimates were imminent.

Senator FAULKNER—No, Senate estimates were over, I think, at that point.

Ms Sidhu—There may have been a suggestion that there needed to be a submission on which I might need to clarify thoughts—I cannot recall exactly.

Senator FAULKNER—You did not ask him about the urgency?

Ms Sidhu—No. I do not recall a particular urgency. It is partly to do with work style, I think.

Senator FAULKNER—The next day is pretty urgent, making it at his home on the weekend. After all, we have heard how Dr Hammer was always in the office on the weekend. I am surprised he did not want to have the meeting there. But it was a special occasion and he thought he would have it at his home on the weekend, or the next day because King was in Sydney. That sounds pretty urgent to me.

Ms Sidhu—It may appear that way. I did not feel any particular sense of urgency about it.

Senator FAULKNER—Of course, parliament sat on Monday, 11th. That may have been a consideration. Was that mentioned to you?

Ms Sidhu—No. I believe it had to do with the PM&C submission.

Senator FAULKNER—That is the PM&C submission that did not ever happen.

Ms Sidhu—Yes.

CHAIR—Are you aware that that was the day federal cabinet made the decision relating to this inquiry?

Ms Sidhu—At the time I was making the phone calls I was not aware that federal cabinet was even considering it. I heard about the decision only, I believe, the next day, once it was made. Frankly, I learned of it only through reading a report in the newspaper.

CHAIR—That is basically how we heard about it, as well.

Senator FAULKNER—Did you get the feeling that Commander King was uneasy about this?

Ms Sidhu—I did not get a feeling that he was uneasy about coming to talk to us, but I have to say that, in the course of our discussion, I got a distinct feeling that he was uneasy or uncomfortable.

Senator FAULKNER—Did this discussion take place on the Sunday or the Monday?

Ms Sidhu—The Monday—after we had coffee.

Senator FAULKNER—You mean the actual—

Ms Sidhu—The actual meeting.

Senator FAULKNER—The actual—face to face, if you like.

Ms Sidhu—That is right.

Senator FAULKNER—He did not express any—

Ms Sidhu—Before that he did not express any reservations, no.

Senator FAULKNER—And willingly agreed to come to the meeting on Monday?

Ms Sidhu—Yes.

Senator FAULKNER—Why was the venue of the Kurrajong Hotel decided upon? You see too much of the office, really?

Ms Sidhu—There is that, and also Dr Hammer's office is located in a part of the division where there is a lot of through traffic and phone calls.

Senator FAULKNER—People would see you.

Ms Sidhu—No, I do not think that was a problem. In fact, I escorted Commander King back into the building afterwards in full view of everybody.

Senator JACINTA COLLINS—But you cannot do rehearsals there.

Senator FAULKNER—You would not want to rehearse evidence before a Senate committee! It is better to do it at the Kurrajong Hotel than in the offices of the Department of the Prime Minister and Cabinet. God knows what happens in the offices of the Department of the Prime Minister and Cabinet. The mind boggles, frankly.

Ms Sidhu—Frankly, I would rather do it in an office behind closed doors than out in a public—

Senator BRANDIS—Of course, the first place you would want to go if you were doing something surreptitious would be the Kurrajong Hotel.

Ms Sidhu—Exactly. We were surrounded by people who were also having coffee and who might have overheard our conversation.

Senator BRANDIS—Other people who were rehearsing their evidence for other Senate committees, if the conspiracy theory on my right is to be believed.

CHAIR—Where do you go to do something surreptitious?

Senator BRANDIS—I do not do anything surreptitious.

Senator JACINTA COLLINS—In a public space where you are not easily identifiable.

CHAIR—Is that right? I am innocent in these things.

Senator FAULKNER—Anyway, you were in a very public place in a coffee shop at the Kurrajong Hotel and everyone could see you. When you were having the coffee did you get the feeling that Commander King was uneasy?

Ms Sidhu—Yes.

Senator FAULKNER—And why did you have that feeling?

Ms Sidhu—I believe I had a feeling that he was reluctant to share in any detail his recollections, particularly of our meeting between the three of us and of the specifics with respect to the issue.

Senator FAULKNER—Did you get the feeling he thought he was being stitched up in some way?

Ms Sidhu—No, I do not think so.

Senator FAULKNER—But why was he uneasy about it? Did he express it in a way that you can reflect at this meeting?

Ms Sidhu—I do recall him saying at one stage, and this may have been in response to the hypothetical question that Dr Hammer put, that he did not feel he should get into that or answer the question.

Senator FAULKNER—You did not think it unusual for you to have a meeting at the Kurrajong Hotel about Commander King's evidence to this committee? You thought that was standard operating procedure?

Senator BRANDIS—I raise a point of order, Mr Chairman. That is an unfair question. The evidence is not that the meeting was about Commander King's evidence.

CHAIR—What was the question you were asking, Senator Faulkner?

Senator FAULKNER—I was asking whether Ms Sidhu herself thought it was unusual to have such a meeting in such a place about Commander King's evidence.

Senator BRANDIS—My point of order is that it is an unfair question because once again it is based on a false rendering of the evidence. It is not the evidence of this witness that this conversation or the purpose of this meeting was to discuss Commander King's evidence. There is an implication in the question that is quite unsupported by anything Ms Sidhu has said.

CHAIR—I think I have ruled earlier that, if I were to rule out questions on the basis that some of the content of the question was unsupported by the evidence, the amount of time we would have spent at this inquiry would have been about half.

Senator BRANDIS—That is probably right, Mr Chair, but, with respect, there are some issues of fairness to witnesses. Not every question that might be imprecise is going to be equally unfair to a witness. I have been very economical in taking objections. I dare say I have probably in the last 11 days objected to a couple of dozen questions of all the questions, only on the grounds of unfairness to a witness.

Senator FAULKNER—And I dare say I have not objected to any questions, even though if I was going to use the same basis as Senator Brandis does I probably could have objected to about 700. Anyway, if it is so offensive—I understand why Senator Brandis does not want the witness to answer the question. I understand why you do not want the question asked or answered. Let us move on.

Senator BRANDIS—The TV news deadline has passed, Senator Faulkner. You can turn away from your theatrics.

CHAIR—I am glad everyone has got that off their chest. They may feel a bit easier. Let us try and move the evidence along as quickly as we can because we would like to get some more in if we can. Now that you have drawn attention to it, it is doubly highlighted. Ms Sidhu is a senior officer and we all understand questions in the English language. This is not a court of

law; it is an inquiry, and I think the approach I would prefer to take is that people can answer and fend for themselves.

Senator FAULKNER—Did anyone talk to you about your evidence, Ms Sidhu?

Ms Sidhu—My evidence today?

Senator FAULKNER—Yes.

Ms Sidhu—No.

Senator FAULKNER—You have not discussed it with anyone?

Ms Sidhu—No, except where I have tried to refresh my memory on various bits and pieces—in the checking process, I suppose you would call it.

Senator FAULKNER—You have not talked to Dr Hammer about it?

Ms Sidhu—No.

Senator FAULKNER—So when the meeting on Monday, 11 March went next to nowhere, what happened then?

Ms Sidhu—Nothing. As far as we were concerned, we had got together, shared what we—certainly from my perspective I had shared what I recalled and—

Senator FAULKNER—Did you receive a letter from Dr Hammer before you gave evidence today?

Ms Sidhu—No.

Senator FAULKNER—Were you aware that Dr Hammer had sent his letter to Commander King?

Ms Sidhu—Just before coming here, I was made aware of a letter, yes.

Senator FAULKNER—Who told you that?

Ms Sidhu—Mr Potts from the International Division.

Senator FAULKNER—He had a copy, too?

Ms Sidhu—I don't think he had a copy, no.

Senator FAULKNER—What did he say to you?

Ms Sidhu—It was very brief. I was literally out the door. He said that there appeared to have been a suggestion that Commander King was not comfortable—I can't recall the exact phrase—and that Dr Hammer had sent Commander King a letter reassuring him of his good faith. I don't recall—

Senator FAULKNER—It was described as reassurance, was it, by Mr Potts?

Ms Sidhu—He didn't use those words, no.

Senator FAULKNER—Did Mr Potts express a view as to whether he thought it was a good idea for Dr Hammer to have sent that letter?

Ms Sidhu—No, he did not express a view.

Senator FAULKNER—It is a pity. It would be very interesting to know what his view was.

Ms Sidhu—It was strictly factual. He just said that he thought I should know—

Senator FAULKNER—Mr Potts was strictly factual; is that what you mean?

Ms Sidhu—Yes.

Senator FAULKNER—You know that Commander King was not comfortable at that discussion on Monday the 11th?

Ms Sidhu—I felt that he was not comfortable.

Senator FAULKNER—As a result of you feeling that, did you try to change the subject, pull up stumps, have a quick cup of coffee and leave? What was your human reaction to that, given the circumstances?

Ms Sidhu—I have to say that my sense of his discomfort is confined to a particular point in time in our discussion. My recollection is that the discussion moved on after that.

Senator FAULKNER—What was the particular point in time, as you describe it, that he was concerned about?

Ms Sidhu—It appears to relate to the time when Dr Hammer put a hypothetical question to him as if he were in the committee. He appeared very uncomfortable with being put on the spot, I suppose, in that way.

Senator FAULKNER—You could understand that, couldn't you?

Ms Sidhu—Yes, absolutely.

Senator BRANDIS—Ms Sidhu, are we to understand your evidence that the discomfort of which you speak was a momentary thing in response to one particular episode in the course of the conversation?

Ms Sidhu—That is my understanding. That was certainly my feeling—that that was the point at which he was uncomfortable, yes.

Senator FAULKNER—Did you feel uncomfortable about what Dr Hammer was doing, too? You said you understood why King felt uncomfortable; did you feel uncomfortable?

Ms Sidhu—I did, in a sense. I believe I know Commander King and Dr Hammer quite well, and they are very different people. Commander King is a fairly sensitive person and I felt for him, I guess, yes.

Senator FAULKNER—I assume we will have to read into that that Dr Hammer is like me and he is not very sensitive at all.

Ms Sidhu—No, I didn't say that at all.

Senator FAULKNER—No, I did; I said that.

Senator JACINTA COLLINS—What was the question?

Ms Sidhu—I can't recall. It had to do with the three-way meeting—'What do you remember,' or something like that. 'What do you remember about the meeting?' 'What did you say at the meeting?' It was something like that. I can't recall exactly, but it was words to that effect.

Senator FAULKNER—What happened then? Did Dr Hammer stop asking questions?

Ms Sidhu—Yes, he did.

Senator FAULKNER—Was there an embarrassed silence?

Ms Sidhu—No, we moved on to something else, I understand.

Senator FAULKNER—What was the 'something else'? You stopped talking about his evidence, basically?

Ms Sidhu—Yes. It was not about Commander King's evidence but it was about the topic generally.

Senator FAULKNER—The attempt to talk to King about his evidence failed?

Ms Sidhu—We did not have that meeting specifically to talk to Commander King—

Senator FAULKNER—You did not, Ms Sidhu. What do you think Dr Hammer's motivations were?

Ms Sidhu—I believe Dr Hammer was genuinely trying to refresh his memory about the meeting that we had.

Senator JACINTA COLLINS—Did you express your recollection as to the status of the report?

Ms Sidhu—Yes I did. And, as I said to you, that was the point at which Commander King said, 'No, it was told to me directly.' I expressed surprise at this.

Senator JACINTA COLLINS—Why do you think it might be that you can recall that that significant discrepancy occurred in that three-way meeting and yet today, when we asked Commander Stefan King what were the issues that you agreed to disagree on, he could not? Maybe the heavy letter he received yesterday?

Ms Sidhu—I cannot surmise what Commander King was thinking. I think it was of significance to me because, for me, it was a central element of my recollection of the event, but I cannot begin to explain what Commander King thought.

Senator JACINTA COLLINS—How did you describe your recollection of the event at that meeting?

Ms Sidhu—We were going around the table just describing what we remembered. I ran through what I recalled, which was that Commander King had told me that he had overheard a conversation to this effect. Commander King corrected me, or so he thought, and said, 'No, I had not overheard the story, I had heard it directly.' Even at that point he did not name Commander Chatterton, and that came as a surprise to me.

Senator JACINTA COLLINS—Was it as specific as you saying, 'You never told me the source,' and him saying, 'Yes I did'?

Ms Sidhu—No. It was specific: I said words to the effect of, 'You never told me this was a direct conversation.'

Senator JACINTA COLLINS—And him saying?

Ms Sidhu—I think he said words to the effect of, 'I was trying to protect my source.'

Senator JACINTA COLLINS—You think he said that?

Ms Sidhu—Yes.

Senator JACINTA COLLINS—None of which, unfortunately, Commander King was able to recall earlier. One thing he did recall though, and I am interested in your response to this, was

the impression that you were holding your cards back. Would you care to comment on his comments to that effect earlier today?

Ms Sidhu—I was actually surprised at that comment. I do not think I was holding my cards back. I am a reasonably frank and up-front person. But when there are numbers of people, more than one-to-one, I do tend to observe conversations before I participate in them. So he may have gained that impression. I certainly recall that I did not say very much at that meeting.

Senator JACINTA COLLINS—But would you describe the difference between your recollections and those of Commander King as being significant differences of substance?

Ms Sidhu—Yes.

Senator JACINTA COLLINS—And yet, in response to Senator Brandis earlier today, Commander King felt it was more differences in detail not of substance.

Ms Sidhu—That may well be the way he characterises it.

Senator JACINTA COLLINS—And that he felt you were holding your cards back.

Ms Sidhu—Again, that is his impression.

Senator BRANDIS—In summary form, Ms Sidhu, what do you think were the differences in your recollection and the recollection you heard in Commander King's evidence?

Ms Sidhu—It principally concerns the message that was conveyed from Commander King to me about the nature or the source of the information in question. I think that is quite clear to everybody. He believes that he explained that it was a direct, formal approach, but that is not my recollection.

Senator BRANDIS—Is that the only difference of substance?

Ms Sidhu—From my perspective, yes: that is the only difference of substance.

Senator JACINTA COLLINS—And that difference was not discussed in any detail in that discussion?

Ms Sidhu—The 11 March discussion?

Senator JACINTA COLLINS—Yes.

Ms Sidhu—No, aside from the exchange that I have just described.

Senator JACINTA COLLINS—So you had one brief exchange where you indicated the recollection that it was an indirect report?

Ms Sidhu—Yes.

Senator JACINTA COLLINS—And Commander King indicated that it was a direct report?

Ms Sidhu—That is right.

Senator JACINTA COLLINS—And you did not go into much more detail about it than that?

Ms Sidhu—I asked him why he had not made that clear. I think they were the words I used.

Senator JACINTA COLLINS—And he said?

Ms Sidhu—He said he was protecting a source.

Senator JACINTA COLLINS—There is one other element of the contacting of Commander King that is not clear in my mind. You said that you started to attempt to contact him on his mobile phone on the Friday.

Ms Sidhu—Yes.

Senator JACINTA COLLINS—But you did not get through to his voicemail until the Saturday.

Ms Sidhu—That is right.

Senator JACINTA COLLINS—Why would his voicemail not take messages prior to the Saturday?

Ms Sidhu—I have no idea. The phone rang out on the Friday. When I tried again on the Saturday I got through to a voicemail.

Senator JACINTA COLLINS—I see. So he may not have diverted his phone through to his voicemail on the Friday?

Ms Sidhu—I do not know what had happened on the Friday, but I could not seem to get to him on the Friday.

Senator JACINTA COLLINS—Did he inquire of you as to the urgency of these discussions?

Ms Sidhu—No. He wanted to know why and I explained in general terms.

Senator JACINTA COLLINS—How did you describe it?

Ms Sidhu—I may have mentioned a submission to this inquiry—I cannot recall exactly. I did say that we felt it would be useful if we got together to refresh our collective memories.

Senator JACINTA COLLINS—And that was the full extent of the description?

Ms Sidhu—Yes.

Senator JACINTA COLLINS—And he did not say, ‘Okay, I’ll be down in Canberra in about another week’s time. Is that okay?’?

Ms Sidhu—No. His response was, ‘I can’t do that today; I’m in Sydney. I’m recovering from a late night. Can we do it during the week some time?’ I said that, if he was away for the weekend, I did not perceive it of such import that he should cut his weekend short to come back for a meeting.

Senator JACINTA COLLINS—And the next day you ring him back and say, ‘Tomorrow.’ Is that correct?

Ms Sidhu—Sorry, what was that?

Senator JACINTA COLLINS—The next day after speaking to Dr Hammer you ring him back and say, ‘Tomorrow’. We know tomorrow eventuates, so I am assuming that you must have.

Ms Sidhu—I cannot recall. I am pretty sure I rang Dr Hammer on the Sunday and said that he could not make it. It may have been then that Dr Hammer said, ‘Why don’t we do it on the Monday?’ I called Commander King on the Monday morning at work.

Senator JACINTA COLLINS—So you spoke to him on the Monday morning?

Ms Sidhu—I am pretty sure. I did not call him back on the Sunday.

Senator JACINTA COLLINS—So you spoke to him on the Monday morning for him to reorganise his day and get down to Canberra that day?

Ms Sidhu—No, he was already back in Canberra. He was coming back to Canberra on the Sunday night.

Senator JACINTA COLLINS—So he is in Canberra and you arrange to meet later that day?

Ms Sidhu—Yes.

Senator JACINTA COLLINS—Commander King said that there was a dual purpose to this meeting—the re-creation of his inbox.

Ms Sidhu—Yes, his Outlook account.

Senator JACINTA COLLINS—Can you describe what that means?

Ms Sidhu—That was not the purpose of the meeting. He thought he might roll both tasks in together: to have the meeting and, seeing he was in the vicinity, to go into PM&C and check his email, which we had retrieved so that he could verify names, dates and places.

Senator JACINTA COLLINS—Sorry, so that he could do what?

Ms Sidhu—So that he could verify dates, places and names of various events surrounding this incident.

Senator JACINTA COLLINS—For a submission that never occurred?

Ms Sidhu—Yes, that is my understanding.

Senator JACINTA COLLINS—So it was not for the purpose of the Senate's request to access that material?

Ms Sidhu—As far as I know, no. Commander King had himself asked if his accounts could be restored so that he might look through them again to refresh his own memory.

Senator JACINTA COLLINS—When did he make that request?

Ms Sidhu—I think it was within the preceding fortnight or the preceding week or two. I cannot recall exactly.

Senator JACINTA COLLINS—Was that around the time when he would have indicated what his contact details were following the mention of his name in Senate estimates?

Ms Sidhu—I cannot be sure. I do not know.

Senator JACINTA COLLINS—At that time did he also seek access to his inbox to be able to clarify what further material might be required of him?

Ms Sidhu—No. My recollection of it is that it related to about the time that I suggested to him that he might himself like to refresh his memory about the sequence of events as I was doing.

Senator JACINTA COLLINS—But who did he make the request to?

Ms Sidhu—He asked me to see if I could organise it. So I started the process off because he was outside the department. I generated the request from within the department on his behalf.

Senator JACINTA COLLINS—I am stretching myself to recall, on the basis of Commander King's submission, the relevance of email traffic. Can you shed any light on that question?

Ms Sidhu—This is in relation to the restoration of his email account?

Senator JACINTA COLLINS—His story is that he had a face-to-face contact with Chatterton; he reported that in a 10-minute meeting with you; you then attempted to have a meeting with Dr Hammer; and you then later had a meeting with Dr Hammer. I have not traced any email traffic in any of the story so far. What is the relevance of the email traffic?

Ms Sidhu—It is not the email traffic but the email software which contains a calendar.

Senator JACINTA COLLINS—I presume that the Defence email software contains a calendar.

Ms Sidhu—Yes, that is right. It is like a diary system. Commander King used that diary to note all the meetings that he attended.

Senator JACINTA COLLINS—So it is his record of the meetings he had with you and Dr Hammer and—

Ms Sidhu—No, he was trying to refresh his memory, as I recall. You will have to ask him to clarify this if you want further on that.

Senator JACINTA COLLINS—So it was not so much the email traffic; it was more of a diary.

Ms Sidhu—He wanted to clarify the dates on which he attended the Strategic Command briefings is my understanding.

Senator JACINTA COLLINS—Part of his report refers to you and he, in a sense, reconcurring on the need to bring this information to the attention of Dr Hammer.

Ms Sidhu—Yes.

Senator JACINTA COLLINS—This discussion occurred in the afternoon before you did actually get to meet with Dr Hammer. Can you tell us what you recall of that discussion?

Ms Sidhu—Nothing at all. It may have been a very short one.

Senator JACINTA COLLINS—Had you made arrangements with Commander King when you had been unable to see Dr Hammer earlier in the day to reconvene at a particular time or did he come to your office and remind you that this issue was still alive? How did it happen?

Ms Sidhu—We probably did not make a formal arrangement. It is a fairly informal, open-door office, so it is a question of whenever we can catch Dr Hammer we try and pin him down. Commander King might have reminded me and informed me that Dr Hammer was in his office and not at a meeting and so may be available at that time for us to go and see him.

Senator JACINTA COLLINS—According to Commander King's statement, you and he rediscussed the import of this information and determined that it was still important to bring it to the attention of Dr Hammer.

Ms Sidhu—I have no recollection of that specifically.

Senator JACINTA COLLINS—So your recollection is still back on the basis that it is indirect gossip?

Ms Sidhu—Yes.

Senator JACINTA COLLINS—A smoke signal at best.

Ms Sidhu—Yes.

Senator JACINTA COLLINS—It is so important that, on two occasions on the day in which this information had been conveyed to you, you had to seek to talk to Dr Hammer.

Ms Sidhu—I judged it to be potentially important. If it were true, I judged that it might be important, yes.

Senator JACINTA COLLINS—But not potentially important to go into more detail about the nature of the source of the report.

Ms Sidhu—As I say, I did question Commander King at that time about the source and he was reluctant to pass it on.

Senator JACINTA COLLINS—Senator Faulkner, did you want to go back or can I move on to another area?

Senator FAULKNER—I wanted to say that the committee is in receipt of correspondence, which I am just about to read.

CHAIR—I had better deal with that. I think that this ought to be the subject of a very discreet and, hopefully, short private meeting.

Senator FAULKNER—I agree, but I must say that I think it is unlikely that we will be able to recommence our public hearings in the time frame. You might give some consideration to that.

CHAIR—We will adjourn for a short period. I cannot specify the length of time. I thank the witness. Would people please vacate the room.

Senator BRANDIS—I take it that the witness is not excused.

CHAIR—The witness is in continuance but is standing aside for the moment.

Proceedings suspended from 3.36 p.m. to 3.46 p.m.

CHAIR—The committee will shortly adjourn proceedings, in which case, Ms Sidhu, you are excused for the time being, but the committee will obviously want to conclude its examination of your evidence at some future time. At this stage, I cannot be sure when that will be.

There are a couple of other things I should mention. One of the reasons for us taking this course of action is that we have now received a letter from the Department of the Prime Minister and Cabinet relating to evidence adduced earlier today. That letter has been considered by us, and will now be released publicly—and I so order.

Another point I should make is that the committee will be considering the list of witnesses and in what order they should be called as a consequence of the contents of this letter. We will shortly be in a position to say what that will be, but in the interim period between now and when the committee next meets it is by agreement of the committee that I am to say that any inquiries about procedure or about decisions of the committee should be directed to the chair and that members of the committee themselves will not be commenting on the contents of the letter that has now been publicly released or on the next steps of the committee's inquiry. Any inquiries about the letter that has now been released are to be directed to the secretariat.

As there are no other matters, thank you very much, Ms Sidhu. Unfortunately for you or for all of us, we will have to resume at some other time.

Committee adjourned at 3.48 p.m.