



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

## SENATE

SELECT COMMITTEE ON A CERTAIN MARITIME INCIDENT

**Reference: Certain maritime incident**

WEDNESDAY, 22 MAY 2002

**CANBERRA**

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**SENATE**  
**SELECT COMMITTEE ON A CERTAIN MARITIME INCIDENT**

**Wednesday, 22 May 2002**

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

**Senators in attendance:** Senators Bartlett, Brandis, Collins, Cook, Faulkner, Ferguson, Mason and Murphy

**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**

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**Committee met at 9.34 a.m.**

**CHAIR**—I declare open this meeting of the Senate Select Committee on a Certain Maritime Incident. Today the committee continues its public hearings in relation to its inquiry. The terms of reference set by the Senate for the committee are available from the secretariat staff and copies have been placed near the entrance to the room should anyone require a copy. 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. The hearing will last until around 10.30 tonight. Today's hearing will be suspended for lunch between approximately 12.30 p.m. and 1.30 p.m. and for dinner between 6.00 p.m. and 7.30 p.m. I remind members of the committee that there will be a private meeting of the committee during the dinner adjournment.

The waiting room next door is for witnesses only and is a private area to which the press and public have no access. Witnesses and others will need to make their own arrangements for eating meals today as the cafeteria facilities in Parliament House, I am obliged to inform you, will not be open after 5.00 p.m. Tea and coffee are available all day outside the hearing room. I remind everyone that mobile phones are to be switched off in the hearing room.

Witnesses are reminded that the evidence given to the committee is protected by parliamentary privilege. 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 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. When witnesses are first called upon to answer a question they should state clearly their names and positions. Witnesses will be asked to make an oath or affirmation. The committee has agreed to requests from certain witnesses that they be accompanied by counsel. However, counsel has no right to address the committee, nor will the committee address questions to counsel.

Before I call the first witness, Mr Michael O'Connor of the Australia Defence Association, I want to consult quickly with the committee, if I may. We have material provided to us, which corrects evidence from earlier witnesses, that has been provided under their hand, and we need a resolution of the committee to release that. Is that agreed?

**Senator BARTLETT**—Yes.

**CHAIR**—All of those documents are thereby released.

**Senator FERGUSON**—That is those that deal with the corrections?

**CHAIR**—Yes.

[9.38 a.m.]

**O'CONNOR, Mr Michael James, Executive Director, Australia Defence Association**

**CHAIR**—Mr O'Connor, the normal procedure—which I think you have been in the room to witness in the past—has been for us to invite you to make a few opening comments if you wish, speak to your submission if you so choose, and then be available to answer questions from the committee.

**Mr O'Connor**—I have no opening statement. The submission stands as it is and I am happy to accept questions.

**CHAIR**—I know I have done this on the record before but, since this is your first appearance before us, I apologise for calling you on a previous day and then not having you come to the table to give evidence. We are aware that dislocated your program and we apologise for that dislocation. The events of the day overtook us and it was unfortunate and unavoidable from our point of view. Please accept the committee's considerations on that point.

**Mr O'Connor**—I understand. Thank you, Mr Chairman.

**CHAIR**—The normal process is that we rotate the questions between various of the parties here, but I have lost my thread. I think it may be your turn.

**Senator FERGUSON**—Mr Chairman, seeing that the witness is here at the request of the other parties, I suggest that they have the first questioning.

**Senator FAULKNER**—I thought, if we were in rotation, it would be the government—but let us not get bogged down in that.

**CHAIR**—We have got an outbreak of ultrapoliteness and concern for one another.

**Senator FAULKNER**—Extremely unusual!

**CHAIR**—Do I ascertain, Senator Faulkner, that you are in a position to proceed?

**Senator FAULKNER**—By all means, if you want me to kick it off.

**CHAIR**—It seems the government senators have no questions, so perhaps you should call—

**Senator FERGUSON**—I did not say that we had no questions; I just said that it was at the request of the others, and I thought we would give them the opportunity to question him first.

**Senator FAULKNER**—Mr O'Connor, I thought a useful starting point might be for us to talk about what you perceive, from your association's perspective, to be the appropriateness or otherwise of the ADF and the RAN in particular being involved in what are effectively non-

military tasks—in this case Operation Relex—and what you think might be both the short-term and long-term impacts on the ADF as a result of that involvement.

**Mr O'Connor**—The association has been a long-term proponent of the concept of an Australian coastguard to handle offshore law enforcement tasks. I think our first submission to government on this was 25 years ago, in 1977, and it has been repeated on and off. There is a significant difference, I believe, between the task of law enforcement and the task of the military defence of the Commonwealth and its interests. You do not send out frigates to arrest people when these frigates are armed with missiles, heavy guns, helicopters and all the rest of it.

It is not only a waste of asset but also a misuse of the military. It diverts military assets into a task for which they are not equipped or trained, and I think it is quite wrong for a country as sophisticated and as mature as Australia not to have this capability which 40 other maritime countries in the world have. That being said, of course in this particular incident we did not have much alternative. I recall from my own time in Navy that the question of a coastguard arose at least 36 years ago and was agreed by everybody, but no department or agency wanted to give up their existing assets. So nothing happened, and nothing has happened since.

**Senator FAULKNER**—Do you think the naval ships that have been involved in Operation Relex are appropriately equipped for the role, the tasking that they are undertaking?

**Mr O'Connor**—I think not. These are vessels which are spending a lot of time cruising, which has its value—but it does interrupt training. They are also vessels that are excessively heavily armed. They are vessels which do not have much in the way of accommodation if they are having to rescue significant numbers of people. In some ways they do have valuable assets in terms of communications—the helicopter equipped ships, bearing in mind too that some of them are not helicopter equipped. But essentially the Navy has had no choice but to use them. It has been required by government to carry out these operations and there really is no alternative to its doing it.

**Senator FAULKNER**—What about the expense? What about the drain on Defence budget?

**Mr O'Connor**—My understanding is that that is being replaced in the normal Defence budget. I have not pursued that issue in any great detail, but it is something that would have to happen simply because a Defence budget these days is very largely directed towards maintaining the Defence Force asset—the training, the recruitment, the management, the modernisation, the maintenance, the writing of doctrine and so on—and there is very little left over for operations. If you do not have additional money provided for operations then the sustainment base is going to be broken into, and that will have a knock-on effect over a period of years unless that money is replaced.

**Senator FAULKNER**—I understand that point. Is there any issue, do you think, in terms of compromising future capital projects as well?

**Mr O'Connor**—I think that is part of it; the future capital projects are part of that sustainment operation and the whole development of the Defence Force. I think we saw in the budget last week the deferral of something like \$150 million of capital spending to the following year. This is going to have a knock-on effect. We have been having this knock-on

effect over quite a number of years because of demands made on the operational capability of the Defence Force, which lead to deferral of major projects or sometimes arise out of cost overruns on major projects. It is having a deleterious effect on Defence, I believe, and we in a sense wait with baited breath and fingers crossed that nothing will go wrong.

**Senator FAULKNER**—You talk about the deleterious effect. One of the issues that I have raised in questioning at earlier hearings of this committee with senior Navy officers has been the question of the impact of Operation Relex and the publicity surrounding it on morale within the RAN itself. I wondered if you had any reflections on that issue, because it seems to me that that is also a significant issue that arises from the Navy's involvement in these operations.

**Mr O'Connor**—That is very difficult to quantify, and I do not believe that I am able to do that. I can speculate that naval personnel who are confronted with a situation which may require them to act as policemen, in a somewhat forceful way at times, but at the same time put aside their responsibilities for protecting life at sea, will experience a moral conflict of their own. That will not stop them from carrying out their duties but it will affect their decision as to whether or not to re-engage at the end of their term of engagement. I would expect—and this cannot be quantified yet, and you will not see the impact except perhaps over the next three or four years—to see an increase in retirements from the Navy, of both officers and other ranks, as a result of this.

**Senator FAULKNER**—I accept the point you make: it is difficult to judge. Is that the only way of judging impact on morale—what happens in the longer term in terms of separations and so forth? Are there no other ways of measuring this? I am asking you that question, and obviously you are not a currently serving officer. This could be a perspective that might be more appropriately asked of a senior officer—and I have asked this question of senior officers—but how would a senior officer currently serving be able to judge that issue? Surely, it is of great significance for the service itself.

**Mr O'Connor**—Measuring morale is, I suppose, a duty of all officers at whatever level and the more junior will report to the more senior. This is a constant process, and I would expect that the senior people in the Navy would be looking at this, would be constantly monitoring it, and their assessment would be far more accurate than anything I could suggest.

**Senator FAULKNER**—What about politicisation of the Defence Force? Does that flow into this morale question too?

**Mr O'Connor**—I think it certainly does.

**Senator FAULKNER**—That is a hypothetical question, in the first instance.

**Mr O'Connor**—Yes. To some extent, I have difficulty in determining what politicisation means in this context. If it means using the Defence Force for the benefit of a political party, then I think we are sailing fairly close to dangerous waters at the moment. If it means turning the Defence Force, or parts thereof, into an organisation that will do what one party wants it to do and not another party, then I think we are a long way from that. But I do believe we are getting into fairly difficult waters at the moment. I think it is incumbent on any government to

take responsibility to ensure that that risk is not taken and that the Defence Force is not used, or seen to be used, to implement a policy that is politically divisive in the community.

**Senator BRANDIS**—Mr O'Connor, if the government determines a policy, that policy is opposed by the opposition and the implementation of that policy involves operational conduct by the Defence Force, that is not politicising the Defence Force, is it?

**Mr O'Connor**—No, it is not. And I would not want to be understood as expressing that particular point of view. I am saying that, where the Defence Force is required to implement a policy that is politically divisive in the community, it is incumbent on the government to take responsibility for the policy, to explain the reasons for the policy as thoroughly as possible to the community and to the Defence Force and that the Defence Force has to be insulated from the acts it carries out and the public political process. That is a challenge for governments and ministers, but it is one that is terribly important because, if you have the Defence Force closely associated with a particular political policy or party political policy, when the next government of a different political flavour comes in there is at the outset that deep suspicion between the government and the Defence Force over the loyalty of one to the other.

**CHAIR**—What do you say then, Mr O'Connor, when, as is the case on this occasion, a communications minute is issued that effectively centralises operational comment from the minister's office rather than from the key figures in command? Firstly, that is not a usual practice, is it?

**Mr O'Connor**—No, and I do not think it is very wise either. I think we are dealing with a somewhat different culture. For a start, there is an excessive culture of secrecy in Australian government in my view, if I may say so. Secondly, there is a very protective attitude that if anything is going to be said only one person will say it, otherwise someone else will say it and will make mistakes and the minister carries the can. In some ways I think they are not as thick-skinned as perhaps they ought to be and that, perhaps, they are too afraid of headlines.

**CHAIR**—On this occasion, the commander of HMAS *Adelaide* made what I thought from the evidence was a quite forthright but unguarded comment to a researcher from Channel 10. This was the hook on which the whole issue hung in terms of later media exploration of whether children had been thrown overboard. The commander said in retrospect that he was in breach of his orders—that centralised commentary. Do you have any comment to make on whether, for example, he may have been technically in breach of orders; nonetheless that was the right thing to do?

**Mr O'Connor**—If he was asked by a journalist as to what actually happened, or even about his perception of what happened, as distinct from a comment on the policy of whether they should be doing it—and I think there is a distinction to be made here—I do not see why he should not be able to respond. If he were asked about the validity of the policy, I do not believe he should answer that. He should refer that question upwards. Indeed, I suspect he should report it to his superiors that this is a line of inquiry that is being pursued. It certainly is the sort of thing I would have done. But, in one sense, we have got to a stage where officers of the Defence Force are being put under enormous pressure over what most would regard as nitpicking incidents. This is distracting them from their proper duty. It will also distract them from the use of their initiative and capabilities when it comes to serious operations. They will be intimidated.

If your field officers are intimidated, for political or other reasons, you do not have an effective Defence Force.

**Senator FAULKNER**—Let us focus in on what this committee is examining. Of course, you are aware of the terms of reference of the committee. In relation to those matters, given that in an answer to an earlier question you felt that we were ‘getting into fairly difficult waters at the moment’, can you identify any concerns in relation to politicisation about those issues that this committee is examining? Does your association have concerns about those matters?

**Mr O’Connor**—The concerns we have are related very much to the effect on morale, capability, efficiency and effectiveness in the sense that, if you create a situation whereby officers in command of an operation on the scene are intimidated and are pressured continually to report on what is happening on the ground or on the water, you run a serious risk of creating an officer corps which is ineffective in operational terms. It might be very loyal in political terms, and it might be very efficient in management terms, but when it comes to serious operations such as combat operations, if they are looking over their shoulder all the time at what might be said by their superiors, or if they are having to answer phone calls from public servants in Canberra about what is going on while they are carrying out an operation, then they will not be doing their job. They will be intimidated.

**Senator FERGUSON**—It has not happened in this case. There were no public servants from Canberra in direct contact with operational commanders.

**Mr O’Connor**—It is something that you have to be very careful about.

**Senator FERGUSON**—But it has not happened. It did not happen in this case.

**Mr O’Connor**—It depends on how you define the various people who were calling. I would tend to regard a number of people in uniform as public servants in this context. They are in the management structure.

**Senator FERGUSON**—You can hardly describe Brigadier Silverstone, who was in Darwin, as being in Canberra.

**Mr O’Connor**—I do not think he should have been interfering in the operation at all.

**Senator FERGUSON**—That is your opinion.

**Mr O’Connor**—As I understand it, Brigadier Silverstone was instructed to find out what was going on.

**Senator FERGUSON**—He was the joint task force commander.

**CHAIR**—Can we allow the witness to complete his answer.

**Mr O’Connor**—If that were the situation then I think Brigadier Silverstone should have told his caller to back off and let *Adelaide* run their operation and he would get back to them.

**Senator FAULKNER**—I would have thought that the point is this: as colleagues on the other side of the table here say, he is the joint task force commander—that is true. But aren't you making the point that there is a special arrangement organised, via Air Vice Marshal Titheridge, with Brigadier Silverstone where information can be passed on in relation to matters concerning Operation Relex so that a politician could make a comment on those issues, if asked, on a television program that was to be screened within hours?

**Mr O'Connor**—I understand that was the situation. In my view, if you have a minister who understands the proper relationship between government and the Defence Force, his answer to the interviewer would be, 'This is an ongoing operation and I am not going to interfere with the conduct of an operation which is 5,000 kilometres away in the Indian Ocean. Let's see what comes out before I can give you an answer—I will give you an answer as soon as I can but I am not going to interfere.'

**Senator FAULKNER**—In that instance, it seems to me that it would be a perfectly reasonable response for a minister to make. I think you would appreciate that there are times when it may not be proper for a minister to comment on an operational matter, even if he or she is in full possession of the facts. Would you accept that there may be reasons that it was inappropriate? Many ministers from both sides of politics have said that, at times. I have got to say to you that many of us who are currently in the opposition have not asked questions because we do not want to trample into operational matters.

**Mr O'Connor**—I think there is a question of judgment here. You are right—I have no quarrel with that. In this particular operation I would have thought that the concept of operational secrecy would not have applied. It was more a case of avoiding harassing the people on the scene with unimportant matters. I go back to what I said earlier about the difference between law enforcement and military operations. If that was a law enforcement body out there—a coastguard, for example—they would be perfectly entitled, as state police forces do daily, to say to the responsible minister, 'This is an operational matter; this is a police matter; this is a law enforcement matter. You have no business in it. The outcome may be an arrest and a charge—placing people before the court—and you cannot get involved in that.' I just think that that is the way we should be heading.

**Senator FAULKNER**—So, understanding that—and I think I do—when some spiv working for the Minister for Defence runs up the excuse, during what becomes a highly political issue of children being thrown overboard and the photographs that allegedly related to it, that they cannot comment on it because it is an operational matter, surely that ought to be exposed for the fraud that it is?

**Mr O'Connor**—I have not followed the evidence but—

**Senator FAULKNER**—I have.

**Mr O'Connor**—given what you say, I would agree.

**Senator FAULKNER**—This is one of the problems, isn't it? You have a situation in Defence where, in respect of some of the issues the committee is examining and focusing on, a Defence Instruction (General) meant that the minister's office responds to all queries, all questions, and

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all matters in relation to Operation Relex. It means that the PACC organisation in Defence, those who are responsible for public relations, are not able to make any comment. Everything is referred back to Minister Reith's office. Are you aware of that Defence Instruction (General)?

**Mr O'Connor**—Yes.

**Senator FAULKNER**—We have that situation occurring; that sort of gagging of the Defence operation in the broad. Does your association have a view about the appropriateness of that, particularly in the context that this was happening—literally, through one of the most sensitive periods of the political cycle—right through the period of a general election campaign?

**Mr O'Connor**—I think it is a fairly futile sort of instruction to give, for one thing.

**Senator FAULKNER**—It worked.

**Mr O'Connor**—It is unenforceable because people—

**Senator FAULKNER**—I don't know, Mr O'Connor; I think it worked. I do think the members of the PACC organisation were very frustrated—they have told us that—but they could not answer journalists' questions. They actually sent all of the questions back to Mr Hampton in the minister's office—he is the spiv I was referring to, by the way.

**Mr O'Connor**—The reason I say it is a futile sort of instruction to issue is that it simply guarantees that there will be leaks. As part of the background, for some years I was assistant director of security in the Navy at the time when we did not have a serious PACC organisation. Our view always was that you were as free as possible with the media and the amount of information you could release on operational security matters was much greater than most people thought, once you start to analyse the problem. Essentially, the sort of instruction that was issued about Relex was operationally nonsensical. It was futile because, ultimately, as we now know, the information that the media wanted was going to come out; and it always will. I am sure most people here would understand that it is one of the realities of public life that the more you try to sit on something, the more likely it is that it is going to come out.

**Senator FAULKNER**—I do not know how you can say that. I understand the point you make but, in relation to the issue of children thrown overboard, we know that a whole lot of senior Defence personnel knew, literally from early October, that there was no truth to that. They knew that the photographic evidence that was fraudulently made public by the minister's office as supporting those claims was a complete misrepresentation. This does not become public effectively until after the election campaign is over.

**Mr O'Connor**—If you give senior Defence personnel the freedom to make public corrections of what is being said by the minister and the government, then you create a different but similar problem of the question of loyalty of the Defence Force to the government; it is then perceived to be disloyal. I cannot prove it, but I believe that the minister was in fact told, on about 11 or 12 October, that no children had been thrown overboard and that the photographs did not disclose that children had been thrown overboard. But, for whatever reason, that was not made public by the minister. You can speculate as to why it was not made public, but you cannot expect, in my view, the senior people in the Defence Force to bypass their minister or the

government and to start releasing this information in what has become a politically charged atmosphere. That would be an element of politicisation of the Defence Force in itself.

**Senator FAULKNER**—But why do you say so confidently to the committee that the minister was informed on 11 October that there was no truth to the allegation that children had been thrown overboard and that the photographs misrepresented such an event?

**Mr O'Connor**—Because by that time it was known that that was the case and it was the CDF's responsibility to pass that information to the minister. It was his responsibility and I do not believe he abandoned his responsibility. It was a clear responsibility on his part to ensure that that information got to the minister.

**Senator FAULKNER**—We are aware, from the evidence that Admiral Barrie has given, of what communications he had with the minister, but we are also aware that Defence was placed in a position where it was unable to correct the misinformation that was in the public arena. There was a Defence Instruction (General) that meant that every inquiry went back to the minister's office. Even though the PACC organisation knew there was no truth to what was being said, they were unable to say to journalists that that was the case. Surely such a situation represents a critical change to the relationship between Defence and government. Surely we saw, right through that period, a critical shift in that relationship.

**Mr O'Connor**—You are right in assessing it that way. On the other hand though, as I have indicated, if you look at it from the department's point of view, from PACC's point of view, from CDF's point of view and from the secretary's point of view, if I now go and bypass the minister's office and put out a statement correcting this then I have become part of the political process. That, then, becomes a serious difficulty for him because, whoever the individual is, he has to protect Defence's independence from the political process. In that sense, I think Defence did its job properly—perhaps reluctantly, but they did it properly in accordance with their minister's instructions. But the instructions were wrong to start with.

**Senator FAULKNER**—Have you had senior Defence personnel come to you in your role expressing concerns about the way this issue was handled?

**Mr O'Connor**—I would have to say that I am reluctant to answer that in detail, particularly if it involves giving names—

**Senator FAULKNER**—I am not asking you to give names.

**CHAIR**—I do not think he is asking for names, ranks and serial numbers, Mr O'Connor.

**Mr O'Connor**—I can say that a number of senior officers have expressed concern to me about what they see as a poisonous relationship between the upper echelons of the Defence Force and the government at the moment. They are concerned because they think that this is damaging for the future of government-Defence Force relations in this country. I have been at some pains to suggest to other people, outside the military, ways in which this problem could be overcome.

**CHAIR**—Why do you use the word 'poisonous' in terms of the relationship?

**Senator FERGUSON**—Are they senior officers who are saying this—the most senior officers or further down the ranks?

**CHAIR**—If it is ‘the most senior’ it identifies who the officer is.

**Mr O’Connor**—They are very senior officers—two-star level and above.

**Senator FERGUSON**—That is contrary to the evidence that we have been given, of course.

**Senator FAULKNER**—We have not heard from Mr O’Connor before.

**Senator FERGUSON**—But we have heard from senior officers.

**Senator MASON**—But we have heard from Air Marshal Houston, Admiral Barrie and Air Vice Marshal Titheridge. All gave evidence contrary to what Mr O’Connor is currently saying.

**Senator FAULKNER**—I do not believe that any of those senior officer indicated that other senior officers had not approached Mr O’Connor—

**Senator FERGUSON**—That is not what we are saying.

**Senator MASON**—If the implication is that there is a poisonous relationship, that implication should not be left standing, because very senior officers have said that there is not a poisonous relationship.

**Senator FAULKNER**—Mr O’Connor can only answer for himself.

**CHAIR**—Order! This witness is giving his evidence. We are now debating what weight we put on it. This is a debate we do not need to have now. Let us ask questions of the witness.

**Senator FAULKNER**—I was doing that before I was interrupted.

**CHAIR**—I know; I actually interrupted you first. Mr O’Connor, why do you use the word ‘poisonous’?

**Mr O’Connor**—The word ‘poisonous’ is my assessment. What has been expressed to me has been concern about how the whole affair has been handled between the government and the Defence Force, and about the whole process, particularly since the election, including what happened in the estimates committee and what happened in parliament during question time in the House of Representatives when the Prime Minister dealt with—

**CHAIR**—The torpedo versus the Exocet speech?

**Mr O’Connor**—Quite frankly, I believe it is absolutely unprecedented. It was certainly interpreted by quite a lot of people—I am referring only to the very senior officers—as a deliberate and conscious attack on the integrity and loyalty of the Defence Force.

**Senator FAULKNER**—To play one very senior officer off against the most senior officer on the floor of the House of Representatives seems to me to be as political as it can get. You say that this general issue of politicisation of the Defence Force is unprecedented, but isn't it actually unprecedented politicisation?

**Mr O'Connor**—We come back to this question of politicisation. I suppose I approach it from the perspective of people in the Defence Force who do not believe that they are part of the political process and would resist becoming part of the political process. But, if you interpret politicisation as meaning an attempt to use the Defence Force as an ally in a partisan political debate, that is politicisation. That particular incident, which I regard not only as unprecedented but also as particularly important, in fact accused one or the other of those officers of being a liar. The same happened with Admiral Shackleton, when Admiral Shackleton was told by Mr Hendy to change his story over the incident on 8 November. They were essentially ordering Admiral Shackleton to tell a lie in public. That is unconscionable.

**Senator FAULKNER**—So where to from here?

**Mr O'Connor**—I believe that the government, and probably the Prime Minister, has to take some serious steps—private ones—to restore confidence.

**Senator FAULKNER**—I, myself, have asked very senior officers—I have asked the Chief of the Air Force and the CDF and some other very senior officers—about the relations within the most senior echelons in the Defence Force. Are you able to say to this committee what you believe the impact of the 'children overboard' issue and the publicity that has surrounded the work of this committee—and the evidence that has been adduced at estimates committees and at this select committee—has been at those very senior levels of the Defence Force? More importantly, what are the longer term implications of what has occurred?

**Mr O'Connor**—My estimate is that it has generated a level of distrust, not necessarily of this government but of the political process which has allowed this to happen. Regarding long-term implications, some restoration work done by the government—again in private; they do not have to go around in sackcloth and ashes, but do a bit of sorting out in private—will restore confidence and we can put it all behind us and start again. There will be, I suppose, a residue of concern that in a politically highly charged atmosphere, it could happen again.

**Senator FAULKNER**—What do you think of Minister Reith's legacy in this regard?

**Mr O'Connor**—I certainly do not think he has been helpful. I must say, I had some concerns when he was appointed Minister for Defence because he is such a politically combative individual and there was a risk. I do not think I am telling stories out of school, but his staff asked me to look at a paper that he was preparing and comment on it. It was subsequently issued and it was politically charged in the sense of, say, Liberal is better than Labor. I made a number of comments, some of which are incorporated.

**CHAIR**—Not only politically charged but obviously wrong.

**Senator FERGUSON**—It is a fact.

**Mr O'Connor**—I thought the paper in its initial form was constructive but, as the debate went on, it became extremely destructive and I think the minister's office egged on a very destructive discussion about that particular paper. In fact, it got away and the paper became a slanging match. Nothing constructive, nothing useful, happened. That was very disappointing because, while I am a strong believer in bipartisanship in defence policy, that does not mean to say that we are both right all of the time.

**Senator FERGUSON**—That is strictly your personal view, not the official view of the Defence Association.

**Mr O'Connor**—I concede the point, Senator.

**Senator FERGUSON**—Thank you.

**Mr O'Connor**—As time went on, that situation got worse. When a significant or politically important incident cropped up, it was inevitable that a minister of Peter Reith's style would extract the maximum political benefit from it. I do not think he had the understanding of a proper relationship between a government and the Defence Force that we have come to expect and enjoy in this country.

**Senator FAULKNER**—You say he is combative—most people would say that and many would say a lot more. Are you surprised that he is not willing to be combative at these committee hearings on the issues that we are investigating?

**Senator FERGUSON**—Mr Chairman, once again we are asking for personal opinions on the issue.

**Senator FAULKNER**—I am asking the witness for a personal opinion.

**Senator FERGUSON**—Normally committees are out to get facts, not personal opinions.

**Senator FAULKNER**—I am asking for a personal opinion.

**Senator FERGUSON**—It is ridiculous.

**CHAIR**—I will allow the question. It is a question of the view of the witness and he is here representing—

**Senator FAULKNER**—Most witnesses are asked for their opinions—

**Senator FERGUSON**—Why don't we ask another 25 people about their personal opinions?

**CHAIR**—Order! I have ruled on this and the question will be allowed.

**Senator FAULKNER**—Most witnesses are asked for their opinions—

**Senator FERGUSON**—No, they are not.

**Senator FAULKNER**—and I am asking for this opinion.

**Senator FERGUSON**—We might get another 25 people and get some more personal opinions.

**CHAIR**—Do we want to debate this point endlessly or do we want to hear an answer?

**Senator FAULKNER**—You can ask more people if you want. I would like Mr Reith to come and give a few personal opinions.

**Senator FERGUSON**—But you have made that quite clear.

**Senator FAULKNER**—But he won't, as we all know.

**CHAIR**—Order! A question has been asked and it is allowed. Please proceed, Mr O'Connor.

**Mr O'Connor**—After all that, I am not sure that I can answer the question. I really have not given it much thought. From my perspective, Peter Reith is in the past. It is my responsibility—at least for the next six months—to deal with the current minister and his shadow.

**Senator FAULKNER**—You indicated to this committee that a number of very senior officers in the ADF have expressed concerns—and I am not going to put words into your mouth—and you outlined what they were. Could you indicate to the committee when this occurred in terms of the time frame that we have been examining? Was it after 10 and 11 October last year, when this issue of children overboard became public? Was it after 8 November, when it became an issue of notoriety again in the election campaign in relation to comments you have mentioned with Admiral Shackleton? Did it postdate the election and was it during the period of the estimates committee when the Chief of Air Force made the statements he made? I am interested to know whether this was an ongoing thing or when those sorts of concerns were expressed to you.

**Mr O'Connor**—It is an accumulation of conversations that I have had with such officers since the election and not before the election, because I kept well away from Canberra at that time. They all arose from discussions which I initiated. In other words, these officers were not ringing me and complaining to me. They arose out of discussions which I initiated and were usually on quite unrelated topics, but we wandered around. We are talking about people who have been friends of mine for a number of years and they talked fairly freely, which is why I am not prepared to give names. It has all been since the election; some of it certainly predated the estimates committee hearing, and it has been ongoing.

**Senator FAULKNER**—Have you been surprised by any of the evidence that has been extracted either at estimates committee hearings or at this select committee?

**Mr O'Connor**—I have not been particularly surprised by some of the evidence, although I was surprised at the apparent attempt to persuade Commander King to give 'approved'—shall we say—evidence to the committee.

**Senator FERGUSON**—So you were not surprised when Admiral Barrie said at estimates that he still believed that children had been thrown overboard? That did not surprise you, either?

**Mr O'Connor**—I interpreted Admiral Barrie's comments as being very cautious statements which avoided committing himself to any sort of belief.

**Senator FERGUSON**—But having had all these discussions with his senior officers, when he came out at estimates and said he still believed that children were thrown overboard, you can tell us you were not surprised that he said that?

**Mr O'Connor**—I am trying to recall what I thought he actually said, which was that he was not persuaded that children had not been thrown overboard. It is his job to be persuaded. That is what surprised me about that. It is his job, as Chief of Defence Force, to be persuaded one way or the other. They either were or they were not. He should have been persuaded, and I believe he was persuaded as far back as early to mid-October.

**Senator FERGUSON**—But that is not what he said, which is why I am wondering why you were not surprised if you believed that.

**Mr O'Connor**—I was not surprised in the sense that I thought Admiral Barrie's statement was designed to keep him out of trouble.

**Senator FERGUSON**—But in fact you are saying that you believe that he was persuaded back in October that what he had been told was wrong, and you are virtually accusing him of not telling the truth at estimates when he said, 'I wasn't persuaded.' You cannot have it both ways.

**Mr O'Connor**—I think not being persuaded and being dogmatic about the answer are two different things, and I think that is the way he would see it. But I keep coming back to the point that, whether he was persuaded or not, I believe it was his job to find out. If you want me to accuse him of lying, then the other way out of it is to accuse him of dereliction of duty—and I would prefer to not accuse him of either. I do not believe he is guilty of dereliction of duty.

**Senator FAULKNER**—No, but he seemed pretty cluey.

**Senator FERGUSON**—You are getting pretty close.

**Mr O'Connor**—Well, you want me to.

**Senator FERGUSON**—I do not want you to do anything. You are giving evidence before the committee. You made the statements.

**Senator FAULKNER**—Admiral Barrie has actually, I think, been hurt by this process. Do you think that is fair?

**Mr O'Connor**—Absolutely. But I think it is self-inflicted.

**Senator FAULKNER**—Defence has been hurt by this, hasn't it?

**Mr O'Connor**—Absolutely, and in broader—if you like, constitutional—terms, I think the relationship between the government of the day, whoever it is, and the Defence Force has been quite severely damaged.

**Senator FAULKNER**—Are you critical also of the opposition for engaging in close questioning of defence personnel at Senate estimates and for being as engaged as heavily as it has been—senators such as me—in this process? Are you also critical of the opposition in that regard?

**Mr O'Connor**—I am not sure that I am—

**Senator FERGUSON**—This is not a mea culpa, is it?

**Senator FAULKNER**—You will find out why I am asking the question.

**Senator FERGUSON**—I am sure we will!

**Mr O'Connor**—I am not critical of the opposition or of the government for pursuing this issue through this committee, because I think the committee is looking at very serious issues which transcend the importance of whether children were thrown overboard or not—transcend to an enormous degree that very minor passing incident. It is now looking at a process which has quite significant constitutional implications, and I think it is very proper for the Senate to be doing that.

**Senator FAULKNER**—Do you think Defence has been hurt by some of the evidence that has been extracted at this Senate select committee's hearings and at the estimates committee hearings?

**Mr O'Connor**—I think there is a risk in pursuing, to the sort of extent that some members of the committee have, the sort of detail that they have been looking for—what happened, as it were, from minute to minute on board *Adelaide*, in the midst of an operation, in the midst of something that is happening out at sea on a ship that is bouncing around with 150-odd people on board, all of whom will have different perceptions of what went on—and doing that in the sense of treating, in some cases, the witness as if they were trying to hide something.

**Senator FAULKNER**—I think any objective observer would say in relation to these issues that Defence has been damaged by the 'children overboard' issue in the broad. I know that people would say that that is necessarily fair. I would certainly argue that it is the government that ought to be damaged in relation to this, as opposed to the Defence Force, but I do accept that there has been that damage. I have asked you these questions because I would be very interested in your views and those of your association on actually getting this balance right. In other words, even if there is damage to Defence through such a process, is it not really in the long-term interests of Defence to actually have these issues in the public arena, exposed and then appropriately dealt with? I think the sense of some of your evidence to us is that you have to lance the boil, if you like, or cauterise the wound.

**Mr O'Connor**—I think there are a number of elements here. I will put it this way: the actual incident itself—that is, whether children were thrown overboard or not—is unimportant in the context of the whole operation and in the context of related operations. The problem lies in what happened here in Canberra, in this building and in the one across the way at Russell Hill. That is where the problem lies. That is where the relationship broke down, was damaged, was mishandled or however you would like to put it. That is where the restoration has got to be.

I think it is quite important that this be brought out in public, but you do not get to the core of the issue by questioning what happened on board HMAS *Adelaide*. That is really quite unimportant—invariably, you are going to get mixed views anyway because people see things differently. The guys in the crew of the RHIB will see things differently from those on the bridge of *Adelaide* and they will see things differently from those who may be down in the engine room who only pick up the gossip later on. The reality is that everybody on board *Adelaide* did their job to high professional standards. I think it is incumbent upon all authorities to make sure that that is recognised.

**Senator FAULKNER**—Don't you think this committee has actually assisted in that regard?

**Mr O'Connor**—For example, that female sailor who went overboard to rescue people I believe deserves quite a serious commendation for brave conduct.

**CHAIR**—I think we have said that by way of commentary as we have gone along.

**Mr O'Connor**—I think it should be pursued, quite frankly. I am not a particularly courageous individual but it strikes me that going overboard in the middle of the Indian Ocean to rescue people is an act of considerable physical courage, albeit that she may be trained to do that sort of thing.

**CHAIR**—In this case the threat was that these people may be sucked under the boat by the propellers so anyone going to their rescue was equally in peril of having the same fate.

**Mr O'Connor**—It was a very perilous situation and it was a most admirable act. But you can say the same for the whole crew of the *Adelaide*—they performed their duty, obeyed their orders and at the same time managed to protect and rescue those people when the vessel did sink. The real problem does come back to Canberra and the way in which that operation was managed. It is a classic example of how the micromanagement of a military operation from a great distance will make a mess of things. We have seen it in the past overseas and we have seen it in Australia in our military history. It is something that people in authority need to understand. You are dealing with a very fluid situation where even the people on the spot do not necessarily have the full information until they actually complete the operation and can sit back and assess and analyse what actually happened.

**Senator FAULKNER**—I would have thought that the evidence we heard about HMAS *Adelaide* did a lot to reinforce the professionalism—that is the usual word—and the bravery of the officers and sailors on board that naval vessel. I am not sure that your interpretation is right that it was damaging either to the cause of Navy or to the cause of Defence. Isn't there some advantage for many Australians who are not necessarily exposed to the trials and tribulations

that those on board a naval vessel in an operation like Operation Relex face? There might be a benefit for that being made more public and, as a result, better understood.

**Mr O'Connor**—Absolutely, I have no reservation about that.

**Senator FERGUSON**—And there is also the bravery of all the people on every other vessel that rescued the other 11 illegal entry vessels that came in, who have gone practically unnoticed in this and who, in some cases, rescued 33 people out of the water after vessels had sunk. The concentration has been on the crew of the *Adelaide*, when we had just as many brave people on every other serving vessel who have saved, or helped, people from at least 11 other vessels.

**Mr O'Connor**—Certainly, but to come back to Senator Faulkner's question—yes, let us see more and more publicity of what they do in the service of the Australian people, not just in the service of the Australian government, as it happens to be from time to time.

**Senator FAULKNER**—It is a bit hard, isn't it, when there is a Defence Instruction (General) that effectively means that all the positive stories about the role of the Navy, the role of Defence, in this operation cannot get out? Everything had to be screened through the minister's office and, really, the only messages going out were the ones that had some political objective—in most cases, the ones that were intended to be damaging to the Labor Party in the middle of an election campaign.

**Senator FERGUSON**—If that is the case, why wasn't the information about all the other SIEV vessels that came in illegally during the election period put out if it was so politically charged?

**CHAIR**—Perhaps we could ask Mr Reith.

**Senator FERGUSON**—If you are going to choose one vessel and say that there was a politically charged atmosphere and that, through the minister, no information was put out from the others when there was a person thrown overboard—

**Senator FAULKNER**—You did not even get that level of censorship during the Second World War.

**Senator FERGUSON**—If it was to be done to the government's benefit they surely would have used all of the other vessels.

**Senator FAULKNER**—And everybody knows it.

**CHAIR**—We are debating between ourselves again, colleagues.

**Senator FAULKNER**—I will leave you with my question, Mr O'Connor.

**Mr O'Connor**—I think it comes back to what has been discussed extensively over the last months. The reality is that that instruction was issued. Once the instruction is issued, whatever they may think of the instruction people in Defence are bound by it. They are under a legal

obligation to comply with it, so they really have no choice. I agree entirely about the unwisdom of that particular instruction. But, once it was in place, I do not believe that people in Defence can be criticised for complying with it.

**Senator FAULKNER**—Mr O'Connor, you are very linked into Defence, and particularly linked into the Royal Australian Navy. When did you become aware that there was no truth to these 'children overboard' allegations?

**Mr O'Connor**—I was not paying much attention to it at the time, to be quite honest. I was uneasy that some confusion had arisen, because I did not believe, and still do not believe, that confusion should have arisen, and I am not persuaded that it in fact did. But I probably became seriously uneasy and concerned when the *Australian* reported it on 7 November, I think, and I was asked by the media for my reaction. I became even more uneasy when Admiral Shackleton made his initial statement and then produced what was a very bureaucratic retraction later in the day under instruction, as we now know, from the minister's office. It was a sort of Clayton's retraction: a retraction that wasn't a retraction.

**Senator FAULKNER**—Admiral Shackleton effectively told us he did not think he was pressured.

**Senator FERGUSON**—He said it was not under instruction.

**Senator FAULKNER**—Admiral Shackleton effectively told us that he did not think he was pressured.

**Mr O'Connor**—I find that hard to believe. If the minister's chief of staff rings him up and tells him to tell another story, that is pressure.

**Senator FAULKNER**—That is your version.

**Senator BRANDIS**—Don't you think Admiral Shackleton would be in a better position than you are to tell us the circumstances in which he made his statement and what operated in his mind at the time?

**Mr O'Connor**—I am telling you my interpretation, Senator.

**Senator BRANDIS**—But, you see, he is not telling us his interpretation; he is telling us what he knows was in his own mind and why he did what he did.

**Mr O'Connor**—That is for you to choose. I look at the two statements.

**Senator BRANDIS**—No. That is the evidence, Mr O'Connor. We cannot run away from the evidence. The evidence is that Admiral Shackleton said, 'I was not pressured.' You have said that he was. Admiral Shackleton would know better than you, wouldn't he?

**Senator FAULKNER**—No. The evidence is that Admiral Shackleton makes a statement in the morning and he makes a clarifying statement in the afternoon and, in between times, he gets a great deal of political pressure. I am with Mr O'Connor on that one.

**Senator FERGUSON**—You are with Mr O'Connor on most things.

**Senator BRANDIS**—But, Senator Faulkner, you are not with Admiral Shackleton.

**Senator FAULKNER**—I don't know that that is true.

**Senator BRANDIS**—You are not being fair to the evidence.

**Mr O'Connor**—I can only say what my perceptions are as an outsider. I make no claims beyond that. Admiral Shackleton made a statement in the morning; in the afternoon he made a clarifying statement which, as I say, was a retraction that was not quite a retraction. In the meantime—according to evidence, as I understand it, before this committee—he was called by the minister's chief of staff, Mr Hendy, and told to put out a clarification. I regard that as political pressure.

**Senator BRANDIS**—But why do you disregard Admiral Shackleton's own evidence that he was not pressured?

**Mr O'Connor**—Because Admiral Shackleton was simply being loyal to his master.

**Senator BRANDIS**—Admiral Shackleton took an oath, Mr O'Connor. You are not suggesting that he lied under oath, are you? That is a preposterous suggestion.

**Mr O'Connor**—I am not suggesting anything, Senator. You are making the suggestions; I am not making the suggestions.

**Senator BRANDIS**—I am defending Admiral Shackleton; I am saying that his evidence is absolutely credible and trustworthy and ought to be respected rather than being glossed by someone who would not be in a position to know.

**Mr O'Connor**—I have never claimed anything beyond that. I am simply saying what my perceptions were, and I make no claim beyond that—none whatever.

**Senator FAULKNER**—And these were your perceptions on the day, weren't they?

**Mr O'Connor**—They were my perceptions on the day, on 8 November.

**Senator FAULKNER**—They were not only yours though; they were perceptions that seem to have been retailed fairly thoroughly right through the press at the time.

**Mr O'Connor**—I believe so.

**Senator FERGUSON**—That is to be expected.

**Senator FAULKNER**—There was a lot of commentary, as you know, Senator Ferguson. It is a reasonable point to make. There was a lot of commentary.

**CHAIR**—Colleagues, please do not debate one another; ask questions of the witness.

**Senator FAULKNER**—Yes. My question is: Mr O'Connor, are you aware that many journalists also speculated in precisely the same manner as you are?

**Senator BRANDIS**—That is a very good question! The record should show that not even Senator Faulkner could keep a straight face when he asked that one.

**CHAIR**—Order!

**Senator FAULKNER**—You wanted me to put my comment in the form of a question, so I have.

**Senator FERGUSON**—The chairman did.

**CHAIR**—Order! The questioner is Senator Faulkner.

**Senator FAULKNER**—Senator Brandis would describe that as a leading question—

**Senator BRANDIS**—No, I would not, Senator Faulkner.

**Senator FAULKNER**—and I would accept that because he is such a master of the leading question.

**CHAIR**—Please come to order! Senator Faulkner, you can put your question to the witness.

**Senator FERGUSON**—He has.

**Senator FAULKNER**—I merely made a comment that these matters were being speculated on publicly. I do not want to dominate too much of the questioning, Mr Chairman; I realise I have been doing that, so perhaps other committee members might want to ask questions.

**CHAIR**—I have a few questions to put at this stage. First of all, Mr O'Connor, I direct you to points one to six of your submission—the introductory part—which describe for us what the Australia Defence Association is and how it is made up. Is it reasonable for me to take from that that it is regarded by government as an authoritative independent source of advice and criticism of the management and strategic direction of our defence forces?

**Mr O'Connor**—I think so. I think that is a reputation we have built up over the years with governments of both major political parties. We tend to consult with both. I think we are respected as independent, but that is really for others to judge.

**CHAIR**—Yes. Is it fair to assume from what you have said that the Defence Association has the confidence of the Australian Defence Force and has an ear to what is going on in the

Defence Force so that it is able to offer suggestions, confidentially or publicly, about management procedures and strategic issues?

**Mr O'Connor**—I would not say that we have the confidence of the Australian Defence Force; we certainly would not claim it. If you could identify someone who could speak authoritatively for the Defence Force as a whole, you would have to ask them. The reality is that some people in the Defence Force like what we do and some think we are way off beam. It depends on the issue and it depends on what point of view we take. We try to be as constructive and well informed as possible.

**CHAIR**—Let me put the question another way: do you pride yourself with knowing what is going on in the Defence Force?

**Mr O'Connor**—Not totally. We try to develop information. We tend to focus our information in a number of areas—in things like strategic policy, management, force structure issues and so on. We tend not to get into personnel or procurement issues because they are too large and complex for our organisation.

**CHAIR**—Do you take an interest in the relations that other defence forces in the world have with their governments and ministers?

**Mr O'Connor**—Only superficially. We have more of an interest in the relationship of the military to government in those countries where the military is politicised or does have a political significance—such as Indonesia—as a matter of contrast to the more traditional Western approach.

**CHAIR**—I go to your conclusion, point 35. I will not quote it because it is there and self-explanatory, but in the last sentence you say:

The Association urges the Committee—

that is, us—

to take this matter into its consideration—

which is the failure to be more frank with the community: those points you have made in your submission—

and produce a firm non-partisan statement of principle in its report.

You might want to think about this for a minute, but could you outline for us what you believe our 'non-partisan statement of principle' should be in our report?

**Mr O'Connor**—It would be along the lines of a restatement of the principle that the Defence Force is responsible to the government and that the government is responsible to the parliament, to the Australian people. The Defence Force there is ultimately responsible to the Australian people. It is a national asset; it has to be isolated from the political process and care has to be taken at the level of government not to involve the Defence Force in matters that affect the

partisan political debate in the country in support of one side or the other. It is going to be a very difficult one to write, but I think it is quite important that it be written. That is the area in which the damage has been done by this maritime incident and I think the committee has a role to play in restoring the relationship to what it was.

**CHAIR**—In the military, the chain of command is pretty well sacrosanct. In this case there was a departure from the chain of command. Should we say anything about that in our statement?

**Mr O'Connor**—That is obviously up to the committee, but—

**CHAIR**—I am asking for your view.

**Mr O'Connor**—Yes. I do not believe the chain of command is as precise as it should be. For example, the Maritime Commander has a responsibility to the Commander Australian Theatre and then to the Chief of the Defence Force, but he also has a responsibility to the Chief of Navy. There are divergent lines of authority and some of those were in evidence in the various discussions that were going on on 7 October where you were getting information coming from different directions through different channels. It seemed to go from *Adelaide* to Brigadier Silverstone and then branch off before it came back together again. I think that is an issue that has concerned the association for some time and it is one that needs to be addressed.

**CHAIR**—What do you think we should say about it?

**Mr O'Connor**—I think we should say that there needs to be a greater clarification of the chain of command in operational matters from the commander on the scene, to his force commander, to the Commander Australian Theatre. I would put the Maritime Commander out to one side—ultimately, he is a subordinate of the Commander Australian Theatre—and Commander Australian Theatre then responds to the Chief of the Defence Force.

Having said that, there is a whole debate in defence circles, a quite lively debate, about whether in fact we need such structures as Northern Command or Command Australian Theatre. Quite frankly, I can see that when Headquarters Australian Theatre moves to the Canberra area the degree of confusion is going to increase quite dramatically, simply because you will have the ability to communicate immediately and directly with both Defence Force headquarters over in Russell and Headquarters Australian Theatre over in Queanbeyan or wherever they are going to be. It is one headquarters too many.

**CHAIR**—I think they are going to be in the electorate of Eden-Monaro. On this occasion Commander Banks was in the middle of an operation when he received a phone call from Brigadier Silverstone. It was when he was midway through managing an operation for the purposes of obtaining information which was reported to Air Vice Marshal Titheridge so that the Treasurer, who was appearing on the *Sunday* program that morning, could be briefed. Is that an example that ought to be commended, or is it an example that we should express a view about as not being desirable in the proper management of the Defence Force?

**Mr O'Connor**—I would like to see the committee express the view that it is undesirable and that you do not interfere with an ongoing military operation for simply expedient purposes—politically expedient purposes in this case. It was a situation where either Air Vice Marshal

itically expedient purposes in this case. It was a situation where either Air Vice Marshal Titheridge or Brigadier Silverstone should have, in my opinion, told the person who was questioning him to back off, that there was an operation going on and that he was not prepared to interfere with that operation.

**CHAIR**—Does it make any difference that, as was the case on this occasion, an election had been announced on the Friday but the writs had not been issued until the Monday?

**Mr O'Connor**—I would not see it as an issue.

**CHAIR**—Does that colour it in any way?

**Mr O'Connor**—I see the election and the timetable of that as irrelevant, at least in principle. That should apply to any military operation whether there is an election next week or in three years time.

**CHAIR**—Should we say anything, in your view, about the minister's press officer speaking to people down the chain of command suggesting things that they should do?

**Mr O'Connor**—Yes. I think that that was quite wrong. If you go trawling around a department to get to the answer you want, you will eventually get it, but it is not a very authoritative answer. That is what happens; he ends up with an answer that is simply not authoritative.

**CHAIR**—So what should apply in those circumstances, in your view?

**Mr O'Connor**—He goes to the chain of command. Indeed, I am not at all sure that the minister's press secretary should be in that business anyway.

**CHAIR**—How would you define what should be his role, then?

**Mr O'Connor**—I think he is responsive to the minister. He is not in the administrative chain at all. He stands to one side, essentially. If he is going to deal with anybody in Defence he should be dealing with PACC.

**CHAIR**—Should we comment—you have commented on this—on the Prime Minister, in question time, referring to senior officers, in this case Air Marshal Houston and Admiral Barrie. This was the 'Exocet versus the torpedo' answer to a question in question time. Should we say that that type of behaviour should or should not be engaged in?

**Senator FERGUSON**—Mr Chair, perhaps we can invite Mr O'Connor along when we are drafting the report. You are asking all the things that we should put in a report. That is crazy.

**CHAIR**—I am asking for his views. His submission has concluded by saying we should make a firm, non-partisan statement of principle—

**Senator FERGUSON**—He should come along and write it.

**CHAIR**—And we have established that this is a respected independent organisation. I am simply asking him what that statement should contain.

**Senator JACINTA COLLINS**—I think the Prime Minister's defence policy was launched with this organisation.

**CHAIR**—That I do not know.

**Mr O'Connor**—I would hope that the committee would take up that particular issue and respond quite forcefully. That sort of statement, even given that it was made in the hothouse atmosphere of question time, is something that a prudent minister should avoid. Essentially he is attacking an individual, and the one individual whose dealings with the government were unexceptionable, effectively calling him a liar—and this a man who cannot answer back. That is quite unreasonable and unfair. Personally, I think it calls for an apology.

**Senator FAULKNER**—I asked both Admiral Barrie and Air Marshal Houston about this very issue, and Admiral Barrie expressed absolute confidence in Air Marshal Houston and absolute confidence in the way he handled that matter in early November, late in the election campaign. I think it is important that that at least is said.

**Mr O'Connor**—I do not think anybody doubts seriously that Air Marshal Houston did the right thing and behaved absolutely properly.

**Senator FAULKNER**—Admiral Barrie does not doubt that at all, and he has been very clear about that and very frank.

**Mr O'Connor**—I do not believe anybody does.

**Senator FERGUSON**—Nobody suggested that. Who suggested he did the wrong thing?

**Mr O'Connor**—I'm sorry?

**Senator FERGUSON**—Who has suggested that Air Marshal Houston did the wrong thing? Nobody that I know of.

**Mr O'Connor**—It was suggested in question time by the Prime Minister.

**Senator FERGUSON**—He did not say he did the wrong thing. He was supporting a view of his chief. That is what he was doing.

**Senator JACINTA COLLINS**—He was described as the opposition's Exocet missile, which was outrageous.

**Senator FAULKNER**—That is right. It was only the Prime Minister!

**Mr O'Connor**—By the same token, he also in effect accused Air Marshal Houston of being a liar, and Air Marshal Houston is not a man who can answer back.

**Senator FERGUSON**—No more than you have accused Admiral Barrie of being a liar by saying he was persuaded in October—

**Mr O'Connor**—I have not accused Admiral Barrie of being a liar.

**Senator FERGUSON**—You said he was persuaded in October and then when he said in estimates in February that in fact he was not persuaded that children had not been thrown overboard, you were in effect accusing Admiral Barrie of being a liar.

**Senator JACINTA COLLINS**—He changed his mind. Barrie changed his mind.

**Mr O'Connor**—He said something different at his press conference a couple of days later.

**Senator FERGUSON**—He said he knew in October.

**CHAIR**—Let us proceed with the questioning. I want to move to the issue of the media and their access to operational reporting. We had the gallery journalists here—you may have seen their submission or heard their evidence—and they expressed a view that a lot of these matters would have been cleared up if they had had the sort of access that they say has applied in previous military engagements to be able to report what was happening on the front line. Your association has opinions, I am sure, about what is the right relationship of media access to front-line reporting and so forth. Could you tell us what they might be?

**Mr O'Connor**—We believe that there is a place for operational secrecy, but it is a very small place and it relates very much to things like protection of intelligence sources and protection of operations that are planned for a time in the future. In terms of ongoing and immediate operations the need for operational secrecy is actually quite limited, because by the time an enemy could make use of any information that was published it would no longer be of any serious intelligence value. We tend to believe that more information should be released and that it would be released more promptly if journalists could go directly to people in the Defence Force rather than have to go through the PACC bureaucracy. The other somewhat cynical view we have is that if you flood the media with information, they will not be able to handle it anyway.

**CHAIR**—Is the principle you are talking about that, 'If you've got nothing to hide, hide nothing'? Is that the sort of principle?

**Mr O'Connor**—That is about it, yes. I think there would be a general belief in government and in opposition—in both major political parties—that the Defence Force does a good job, particularly operationally, and that it is an organisation of which all Australians can be substantially proud. It is very professional, highly trained and expert in what it does. I know from going out into the community and talking to community groups, as I do, that people in the community have a very high regard for the Defence Force. I think there is a case for sustaining that by letting people see what the Defence Force is capable of and what it is doing. For example, the media coverage of the INTERFET operation in East Timor had a very substantial positive effect on the relationship between the Defence Force and the Australian community generally.

**CHAIR**—Both Admiral Barrie and Admiral Smith expressed what I took to be anxiety that they do not want the Defence Force to be seen as it was during the Vietnam War—they mentioned the Vietnam War period—and that attitude taken towards defence by Australians. In your view, would a more open reporting regime—the sort of regime you have talked about—prevent that type of view from forming, if it indeed has?

**Mr O'Connor**—Yes, I think it would. I have no problem with having all the information out in the field for people to pick over. I am not at all sure, in the context of what you said, that the reputation of the Defence Force was so badly damaged during the Vietnam War.

**CHAIR**—I am paraphrasing what I understood Admiral Barrie and Rear Admiral Smith to say.

**Mr O'Connor**—I know that that is an attitude that pervades some of the older elements of the Defence Force. It is not a perception that I had when I was serving in the Defence Force during the Vietnam War, but I know there were regrettable instances, and I think most people now regard them as regrettable. Experience, particularly the post-Cold War experience of remembrance celebrations, of peacekeeping operations of various kinds and now of the war in Afghanistan, reinforces the perception of the community that they have a pretty good, albeit a very small defence force.

**CHAIR**—Are you familiar with the press gallery's submission to us?

**Mr O'Connor**—No.

**CHAIR**—It is just that you seem to be arguing many of the same points that they argued. I was going to ask you a question about their submission, but if you are not familiar with it there is no point in my doing that.

**Mr O'Connor**—It is a view that I must say I have had for many years, going back to my time in the Navy. In fact, it was the subject of considerable discussion in the intelligence staff at the time, and there were recommendations that we give more information to the media about the Defence Force, its operations and so on. There was the classic case not long after I joined when a Soviet submarine was detected spying on some of our trials. The secrecy boys got to work on it, and a sailor and a journalist who published the story were punished, but the fact was that the other side knew that we had detected them because we were sitting over them for several days, bouncing sonar off them, and it was a good story to tell. They sent this submarine down to spy on us; we detected it and chased it off. We thought that it was a great story to tell.

**CHAIR**—It was an example of Defence effectiveness.

**Mr O'Connor**—That is the sort of thing that we should be doing more of to show just how good our people are.

**CHAIR**—Do you or your association have a view on the relationship between a Defence minister and a Prime Minister and how that relationship should work, given that defence is a very sensitive national issue?

**Mr O'Connor**—I do not have a view and I do not think that the association would have a view. That, I suspect, is something that is going to vary between governments and between personalities. It would be totally related to the workings of the national security committee of cabinet. I will not say that I do not understand it, but there would be no hard and fast rules about it; a lot will depend on the personal relationship between the Prime Minister and the Minister for Defence and maybe other ministers on that national security committee, and that will be different with every combination.

**CHAIR**—Would you expect the Minister for Defence to tell the Prime Minister of any sensitive or important matters within his portfolio area?

**Mr O'Connor**—Absolutely. I would have thought he had a responsibility to do that.

**Senator FERGUSON**—That is a personal opinion, not a Defence Association opposition?

**Mr O'Connor**—Yes, absolutely. I doubt whether it is laid down in any rule book. Again, as I have said, it would depend on the personal relationship between the Prime Minister and that minister. Indeed, wider relationships in cabinet would vary with every cabinet.

**CHAIR**—I hope that there is no suggestion that the defence minister should not tell the Prime Minister sensitive or important matters. As far as the working of the ministerial staff is concerned, do you have a comment about the view that if you tell ministerial staff, effectively you have told the minister?

**Mr O'Connor**—The whole issue of the role and responsibility and/or authority of ministerial staffs is one that probably needs some fairly close examination, which I am not competent to do. When you get a situation where a ministerial staffer calls someone in Defence—maybe a senior officer or maybe a not-so-senior officer—the expectation is that he is speaking on behalf of the minister. That expectation may not be validly based in many circumstances. I think there needs to be a much clearer understanding of what the authority of ministerial staffers is in the department or in the Defence Force so that if someone is questioned by one of these officials, they understand where it is coming from. It may be a perfectly simple request about something that is not controversial. It may be a case of how many wheels are on an F111?—just for their own information. That is clearly something that is not a problem.

**CHAIR**—How many wheels are there?

**Mr O'Connor**—I haven't the slightest idea.

**CHAIR**—It is not always possible for senior officers to physically talk to the Minister for Defence.

**Mr O'Connor**—Indeed, but I would have thought that if there was a situation where the minister himself wanted a senior officer to do something—I am talking now about a Chief of Defence Force, a secretary or chief of service—he would make the call personally, if it were something important, of considerable political, operational or whatever significance. I think that comes down to a proper relationship between a minister and his department.

**CHAIR**—I do not have any further questions.

**Senator FERGUSON**—Mr O'Connor, I want to go to your conclusion. You say:

As a national organisation whose members represent many shades of political opinion, the Australia Defence Association is disappointed in the apparent actions of a number of ministers and others since 7th October ...

How many members of the Australia Defence Association are there, roughly?

**Mr O'Connor**—It depends on how you count members. Legally speaking, because we are a corporation established by guarantee, the members are the guarantors, and there are 27 of them. If you talk about subscribers, we have about 500 at the moment.

**Senator FERGUSON**—Five hundred?

**Mr O'Connor**—About that.

**Senator FERGUSON**—I presume that the submission you put in is an Australia Defence Association submission, not a personal submission.

**Mr O'Connor**—It is. It was drafted by me and it was agreed by the board of directors.

**Senator FERGUSON**—How many are there on the board?

**Mr O'Connor**—There are seven.

**Senator FERGUSON**—So seven people in the Australia Defence Association actually support the submission?

**Mr O'Connor**—Sixteen people govern Australia on behalf of the Australian people.

**Senator FERGUSON**—I understand that. But essentially you drafted the report.

**Mr O'Connor**—I drafted it.

**Senator FERGUSON**—Was it altered in any way by the board? Were there any things in your original draft that they disagreed with?

**Mr O'Connor**—I cannot recall, to be honest. There was a fair bit of discussion about it, which was carried out by email.

**Senator FERGUSON**—I know. So essentially it is a Michael O'Connor submission?

**Mr O'Connor**—Essentially, yes.

**Senator FERGUSON**—I am very concerned about paragraph 34 of your submission, more than anything, because you say:

The most serious outcome of this affair has been a breakdown in trust between the ADF and its political masters.

In the next sentence, whether I think you are being rather political yourself, you say:

If either Admiral Shackleton or Air Marshal Houston is seen to be penalised in any way by the government, that trust will break down further.

Is that a threat of blackmail?

**Mr O'Connor**—No, it is an expression of opinion.

**Senator FERGUSON**—What do you mean by 'penalised'? Admiral Shackleton has a very short time to run in his post as Chief of Navy. Are you suggesting that if he is not made Chief of the Defence Force, he in fact is being penalised? He is due to retire.

**Mr O'Connor**—No, it would become simply a matter of interpretation. I would not expect—I do not think anybody expects—he will be made Chief of the Defence Force, but Air Marshal Houston is certainly a contender.

**Senator FERGUSON**—Hang on, you have just talked about Admiral Shackleton. How can the government penalise Admiral Shackleton when he has six weeks to run?

**Mr O'Connor**—I don't know.

**Senator FERGUSON**—Well, why did you put it in there?

**Mr O'Connor**—We were taking account of the possibility, more perhaps in respect of Air Marshal Houston because he was being talked about as a potential Chief of the Defence Force. He had been Acting Chief of the Defence Force just before the election.

**Senator FERGUSON**—All the chiefs quite often do that if they are the next in line, don't they? If the next person in line is not there, it is natural that the next person in line would be acting.

**Mr O'Connor**—I do not say that he is the only contender or, if he is not appointed, that it would be seen as penalising him for this particular incident.

**Senator FERGUSON**—So you are suggesting that if Air Marshal Houston is not appointed CDF, that could be seen as a penalty.

**Mr O'Connor**—No, I am not saying that at all. I am simply raising a very hypothetical situation. I accept that it is hypothetical. If you like, I am simply saying that the government will need to be prudent in its dealings with those two officers in the future.

**Senator FERGUSON**—How can Air Marshal Houston be penalised other than to have his current command taken away from him?

**Mr O'Connor**—I don't know. For example, it may be a case of not giving him one of the awards that he would perhaps normally expect. That would be seen as penalising him. I am told that perceptions are everything in politics and it is perceptions we are talking about here.

**Senator BRANDIS**—This is a fact-finding inquiry and perceptions are not everything when it comes to trying to find out facts. Do you have any fact to point to to support this piece of conjecture?

**Mr O'Connor**—No, I haven't. In fact, if you look at the language, it is quite clearly putting a hypothetical position.

**Senator FERGUSON**—But you are becoming political by raising the issue that if either Admiral Shackleton or Air Marshal Houston is seen to be penalised in any way by the government—and I cannot see why the government would want to penalise either of them; no one in government has been suggesting—

**Mr O'Connor**—It is a theoretical issue, and it would apply whether there was a coalition government or a Labor government in power. It has nothing to do with partisan politics.

**Senator FERGUSON**—Admiral Shackleton cannot be seen to be penalised; he finishes his command at the end of June or in the first week in July. How could he be penalised?

**Mr O'Connor**—I don't know. It is a very hypothetical situation. There could be situations in which he will be perceived as being penalised.

**Senator FERGUSON**—But that could happen to any officer in the defence forces, but you have picked out two. You have picked out Admiral Shackleton and Air Marshal Houston as two people who, if they are penalised in any way, that would be seen to break down the trust in the defence forces.

**Mr O'Connor**—Those two were picked out because the perception was that, in their actions on 8 November, they seemed to be in conflict with the government; they seemed to be attacking the government.

**Senator FERGUSON**—That simply is not true. Maybe that is your perception.

**Mr O'Connor**—It is the perception of a lot of people.

**Senator FERGUSON**—In your submission, it would have been much wiser if neither of those two people were named. Other people in the defence forces in the past have been overlooked for promotion or have not been appointed CDF—

**Mr O'Connor**—Sure; me.

**Senator FERGUSON**—and nobody suggests that the trust will break down if any of those people are named. A number of people have given evidence to this committee. If one of those people is not promoted, will that be seen as a further breakdown in trust?

**Mr O'Connor**—They gave evidence after this submission was written but the principle applies. As I say, I am putting a hypothetical situation. I am simply saying that this is something that government needs to be cautious about.

**Senator BRANDIS**—It is a bit of a dangerous thing to do, isn't it? With all respect, you are almost as bad as Mr Kevin in raising an innuendo for which there is no factual support and then saying, 'Well, you know, these questions have to be asked.' Innuendos have a slightly incendiary effect when raised in committees like this.

**Mr O'Connor**—I am sure the committee will disregard it if it thinks it is of no value.

**Senator MASON**—We might, but the press may not.

**Mr O'Connor**—The press has had the submission for a long time and they have not touched on it yet.

**Senator FERGUSON**—They usually wait until people appear before the committee before they make much comment. The other thing you talked about earlier in your evidence was the coastguard and you said that there has always been the proposition for a coastguard. It has been put to us—and I cannot remember whether it was put in evidence or in private session elsewhere—that in respect of the incidents that occurred, particularly SIEVs 1 to 12, a coastguard vessel could not have handled the situation because, under normal coastguard arrangements, it would not have had enough people on board to handle the situation. Are you aware of that?

**Mr O'Connor**—I was not aware of the evidence given.

**Senator FERGUSON**—I have to correct this because I am not sure whether the evidence was given here or in private discussions.

**CHAIR**—I don't remember that, but it may have been.

**Senator FERGUSON**—There are just simply not enough people on a coastguard vessel to rescue these 33 people in the water and to have boarding parties—they do not have the number of people that are required in order to turn some of these vessels with 200 people around.

**Mr O'Connor**—It depends on how you construct your coastguard. The United States coastguard, the Indian coastguard and the Japanese maritime safety agency do this as a matter of course in their operations.

**Senator FERGUSON**—But they have different vessels from any that have ever been proposed in our case.

**Mr O'Connor**—You are assuming that an Australian coastguard vessel would be of a particular type. This is very theoretical and very speculative because we do not have an Australian coastguard. If we get one that is properly constructed then this would not be an issue.

**Senator FERGUSON**—I think all of those that have been proposed have not been proposed as requiring the expenditure of enormous amounts of money on the large vessels that are capable of conducting these operations. I have never seen that in the past. There is one other issue that I want to raise: you were talking about politically charged atmospheres et cetera and you were asked earlier about your opinions when you yourself first became persuaded that children had not been thrown overboard. You said, ‘I wasn’t paying much attention at the time.’ Can I suggest to you that you were just like the rest of Australia—the Leader of the Opposition, the media and practically everybody else, including officers who have given us evidence at this committee—in saying that it simply was not an issue at the time? In fact, it has only become an issue post-November 8 and post-election, not pre-election?

**Mr O’Connor**—I think that is probably true. Our view in respect of the election campaign was that we were more interested in what the two major political parties were proposing as their overall defence policy. That was our interest. In fact, at that particular time, early in October, I was trying to get a brief statement out of both major political parties that we could publish in our monthly defence brief. We did get those and we did publish them. That was the focus of my attention at the time. It was certainly not on the children overboard issue. My instinct at the time was simply to accept what was being said. It was, I suppose, a fairly good example of how you can be distracted from—

**Senator FERGUSON**—When you are talking about a politically charged atmosphere, I presume you are referring to the normal election process and not the issue of whether or not children were thrown overboard?

**Mr O’Connor**—Yes, absolutely.

**Senator FERGUSON**—Of course, there are some who are unkind enough to suggest that this whole exercise has taken place post-election in order to find some excuse as to why one particular party won the election and one did not.

**Mr O’Connor**—Quite frankly, that is outside my area of interest.

**Senator FERGUSON**—You were giving your personal opinions before; I thought you might like to put in another one.

**Mr O’Connor**—I have to say that from our perspective as an association we do not care who is elected. We have to deal with whoever is in government.

**Senator FERGUSON**—I am delighted to hear it.

**CHAIR**—Thank you.

**Proceedings suspended from 11.23 a.m. to 11.48 a.m.**

**BONSER, Rear Admiral Marcus (Mark) Frederick, Director General, Coastwatch, Australian Customs Service**

**CHAIR**—Welcome. If you have an opening statement to make, please proceed to do that and then make yourself available for questions.

**Rear Adm. Bonser**—I am a serving officer in the Royal Australian Navy and am currently seconded to the Australian Customs Service as the Director General of Coastwatch. I assumed this duty on 3 August 2001. I report directly to the Chief Executive Officer of Customs. I am not in any Defence chain of command for the purposes of Customs Coastwatch duties. In making this opening statement for the information of senators I intend to first outline the role and the operations of Coastwatch and then describe Coastwatch's role in the SIEV operations after 3 September 2001, when Operation Relex took effect. I will then turn to the specific incidents relevant to Coastwatch activities that have been focused on during the course of this inquiry, namely the SIEV4 and what has become known as SIEVX, and I will detail my knowledge of them and the Coastwatch involvement in them.

One of the principal roles of the Australian Customs Service is to facilitate trade and the movement of people across the Australian border while protecting the community and maintaining appropriate compliance. As part of this role, Customs is tasked by the government with providing a civil maritime surveillance and response service to a range of government agencies. The Coastwatch division of Customs manages and coordinates Australia's civil maritime surveillance and response program using a combination of contracted aircraft, Australian Defence Force patrol boats and aircraft and seagoing vessels of the Customs National Marine Unit.

The activities of Coastwatch are determined by the surveillance and response needs of the various government agencies that form its client base. The primary function of Coastwatch is to conduct coastal and offshore surveillance in order to generate information on potential or actual breaches of legislation as they relate to Australia's maritime zones. This information is passed back to relevant client agencies in order to allow those agencies to make informed decisions on whether further action is warranted and, if so, the nature and extent of that action. This information includes, as a matter of course, the content of signals traffic relevant to maritime surveillance from Defence assets operating on behalf of the civil maritime surveillance and response program. Where appropriate, Coastwatch also coordinates the response to a maritime incursion or incident.

The centre for Coastwatch operational activity is the National Surveillance Centre, located in Customs House in Canberra. The National Surveillance Centre is a secure facility, accommodating the Coastwatch operations directorate and providing highly secure links to a range of government agencies. It provides a 24-hour, seven-day a week oversight for all Coastwatch operational activity and an analytical capability that draws together information from a range of sources to inform surveillance planning and operations. Under normal operational arrangements Customs Coastwatch has the lead in all civil maritime surveillance and response matters, with Defence providing support through its Fremantle class patrol boats

and PC-3 Orions as required and when available. This is not the case under Operation Relex arrangements, which I will outline later in my statement.

When the crew of an aircraft or vessel operating under the auspices of the civil surveillance program detect an incident considered to be a potential or an actual breach of Australia's laws, information is passed to the National Surveillance Centre. National Surveillance Centre staff, after confirming the nature of the apparent breach, consult with the relevant client agency or agencies to seek advice on whether there is a requirement for a response or any other follow-up action. Other client agencies may be advised of the circumstances of the incident as appropriate. If a surface response is requested by the client agency, Coastwatch arranges for a vessel—usually an RAN Fremantle class patrol boat or a Customs Bay class vessel—to undertake the response and then assumes a coordination role until the client is able to take control of the situation. Depending on the circumstances of the response, Coastwatch aircraft may continue to provide coverage of the target vessel until an interception has been effected. The response vessels remain under the command and control of their parent organisation. For evidentiary and other purposes, Coastwatch aircraft use digital photography and high definition television or forward looking infra-red to capture images of all vessels likely to be of interest to clients. These images are made available to clients on request.

Following the arrival of the SIEV KM *Palapa 1* off Christmas Island on 25 August 2001 and the subsequent rescue of its crew and passengers by the MV *Tampa*, the Australian government instituted new arrangements for the detection of and response to SIEV arrivals. Under Operation Relex, Defence took on the lead role in all SIEV related activity within an area of operations that stretches from Gove in the east, west to Christmas Island and south to Port Hedland on the Western Australian coast. From that time, Coastwatch ceased surveillance activity off Christmas Island and concentrated on the residual national surveillance program around Australia and the provision of support for Defence in the Operation Relex areas in the Timor and Arafura Sea approaches.

Within the Relex area of operations, Coastwatch and the Customs National Marine Unit operate in support of Defence. This represents a reversal of the arrangements that normally apply to civil surveillance matters in Australia's maritime zones. The SIEV codenamed SIEV4 was sighted by a PC3 Orion and was intercepted by HMAS *Adelaide* within the Relex area of operations. The protocols outlined previously therefore applied and Defence had the operational lead, with Customs Coastwatch in support. Customs Coastwatch had no direct operational involvement in the sighting of SIEV4 or in its subsequent interception. The nearest Coastwatch aircraft and Customs vessel during this period were approximately 1,000 nautical miles from the area in which the vessel was detected and intercepted.

Customs involvement with SIEV4 was as follows. The National Surveillance Centre was advised by Northern Command in Darwin during the afternoon of 6 October 2001 that a PC3 Orion had sighted a vessel of interest north of Christmas Island. In accordance with standard operating procedures, Coastwatch advised relevant client agencies of the sighting. From that time forward, Coastwatch's role was to continue to provide communications support for the receipt of information from Defence and transmission to relevant government agencies. A check of each of the communications passed through Coastwatch reveals no reference to children being thrown overboard.

In early March 2002, following questions at additional estimates, Customs undertook a complete stocktake of all photographic holdings of SIEV4. The stocktake showed that Coastwatch had received six photographic images of SIEV4 taken by the Orion aircraft prior to interception of the vessel by HMAS *Adelaide*. Four of these photographs were sent from Northern Command on 7 October, and another two on 5 November 2001. On 11 October 2001, Coastwatch received from the Australian Federal Police a single photographic image of SIEV4 taken from HMAS *Adelaide*. The photograph shows the vessel in no apparent difficulty. On 29 October 2001, Coastwatch received 18 photographic images via a secure email from Northern Command. The imagery was requested by Coastwatch to update our database holdings on SIEV activities. Seven of these pictures were of SIEV4. Three were taken on 8 October 2001 and showed the vessel foundering. The remaining four photographs were taken on 6 October and do not show the vessel in any apparent difficulty. The March stocktake had revealed holdings additional to those referred to in evidence to the additional estimates committee, and Customs therefore contacted the committee secretariat to provide the corrected information.

I have read the submission to this committee by Mr Tony Kevin, and the *Hansard* record of the evidence he provided to the committee on 1 May 2002. I intend to detail my knowledge surrounding the vessel known by this committee as SIEVX. However, I would first like to make a general comment on the nature of information provided to Coastwatch in relation to SIEV departures. Information in relation to possible boat departures from Indonesia is often imprecise and subject to frequent change. It is not unusual for a vessel's projected departure dates and times to change on an almost daily basis over a period of days or even weeks. Even given an apparently firm departure date, the time of arrival in Australian waters can vary depending on the nature and speed of the vessel, the sea conditions and whether or not the vessel makes a break in its journey to Australia. For example, of the last 15 SIEVs, Coastwatch had prior information of a possible departure date that was within seven days of the vessel's arrival in Australian waters in relation to only eight of the vessels. There were in fact 29 departure dates provided for these eight vessels and in excess of 30 assessments as to the possible additional departures from Indonesia that did not culminate in an arrival. These figures do not include indicators in relation to SIEVX. Information provided to Coastwatch is used therefore as a guide for informing surveillance activities rather than the foundation on which these activities are programmed.

Coastwatch originally received information as early as August 2001 that Abu Qusey was allegedly in the process of arranging a boat departure of illegal immigrants, probably to Christmas Island. In the ensuing period, Coastwatch received information that the vessel was expected to depart, or had departed, Indonesia on four different dates in August, anywhere within a seven-day block in September and on five separate dates in October. The normal practice was for this advice to be passed by secure phone call to the Australian Theatre Joint Intelligence Centre and Headquarters Northern Command. The information was then normally passed on by them to the Defence commands involved in Operation Relex. Additionally, Coastwatch included a precis of the relevant information in its daily operation summary message. This classified opsum was addressed to the Defence commands and agencies involved in Operation Relex.

On 19 October, the vessel codenamed SIEV6 was intercepted by HMAS *Arunta* off Christmas Island. At this time, Coastwatch and Defence had advice of potential arrivals from at least six people smugglers, including the indications about a possible Abu Qusey departure.

The organiser of the SIEV6 was identified on 20 October. The next indicator about the Abu Qussey vessel was on Saturday 20 October 2001, when Coastwatch received telephone advice from the Australian Federal Police that a vessel was reported to have departed from the west coast of Java the previous day. The information included advice that the vessel was reportedly small and overcrowded. The full detail of the advice is classified. This information was passed by telephone from Coastwatch to the Australian Theatre Joint Intelligence Centre and to Headquarters Northern Command. The Australian Theatre Joint Intelligence Centre and Headquarters Northern Command included this information in classified intelligence reports, both of which were issued to Defence operational authorities on 20 October 2001.

On Monday, 22 October 2001, AFP provided further advice to Coastwatch that corroborated the previous advice about the departure of the vessel and that, by now, the vessel should have arrived in Australian waters. Coastwatch agreed that the vessel was potentially overdue, although it noted this was not unusual and might be due to a range of factors, including diversions. In the normal course of operations, Coastwatch informs AusSAR about any vessels that have been sighted and may be in difficulty or distress. When Coastwatch has confirmation of departure dates for a SIEV and when it is known to be overdue, Coastwatch also provides this advice to AusSAR. SIEVX met these criteria, based on the additional information received from the AFP on 22 October and, therefore, Coastwatch contacted AusSAR.

On Tuesday, 23 October 2001, advice was received from the Australian Theatre Joint Intelligence Centre that a SIEV had sunk. Later that day, CNN reported the sinking of a SIEV and the rescue of 45 survivors. That evening, Coastwatch assessed the sunken SIEV to be the vessel allegedly organised by Abu Qussey. That concludes my opening statement.

**CHAIR**—Thank you, Admiral. Before I go to questions, I announce for the record that this morning we made a decision to release a series of documents, being corrections to evidence by various witnesses to this inquiry. One of those documents was a document from Admiral Smith. The committee has made a decision to recall that document and rescind its decision to release it, subject to that document being properly cleared. I put that on the record.

**Senator BARTLETT**—Thank you for your opening statement, which outlines things fairly well. I am interested in whether you could expand a bit more on how the pattern of information flows changed pre- and post-Relex, once Relex came into operation. As I understand it, before Relex, Coastwatch was more a lead agency and, after Relex, it was more a service agency, if you like, and Defence was the lead in relation to Coastwatch's activity. Did that apply across the board to all Coastwatch activities or simply in the target area in the northern and western parts of our waters?

**Rear Adm. Bonser**—No, that applied only to SIEV related activities in the Operation Relex area of operation.

**Senator BARTLETT**—In those circumstances, what was the precise difference or change in the nature of the information flows?

**Rear Adm. Bonser**—The change was in the lead authority, which became Defence rather than Coastwatch, and there was really no change in the information protocols.

**Senator BARTLETT**—You mentioned, in paragraph 8 of your statement, information that is passed back to relevant client agencies. It states:

This information includes, as a matter of course, the content of signals traffic, relevant to maritime surveillance, from Defence assets ...

I am trying to get an idea of the information flow there. Were you talking about passing on information such as the content of signals traffic or were you talking about some of the other agencies? Do you monitor signals traffic as well?

**Rear Adm. Bonser**—Yes, we do.

**Senator BARTLETT**—So you would normally pass that on. In this case, you would pass that on to the command of Operation Relex if it were relevant to SIEV activity?

**Rear Adm. Bonser**—They would already have received that through their own sources. We might pass on to our client agencies relevant information such as that a boat has been sighted or is being intercepted.

**Senator BARTLETT**—You are saying that they would have already received it anyway, even though you have got a—

**Rear Adm. Bonser**—The lead authority in the operation would have already received that.

**Senator BARTLETT**—They would have received it through DSD or something like that?

**Rear Adm. Bonser**—Direct from the Defence operational commands.

**Senator BARTLETT**—So you are collecting that separately? I am trying to understand. You are monitoring signal traffic, but Defence also has access to that separately from you so you do not need to pass that on to it.

**Rear Adm. Bonser**—That is correct, yes.

**Senator BARTLETT**—Would most SIEV vessels that arrived here engage in radio communications backwards and forwards most of the time?

**Rear Adm. Bonser**—You are talking about the SIEVs?

**Senator BARTLETT**—Yes.

**Rear Adm. Bonser**—I believe it is rare that any of the SIEVs actually carried a radio.

**Senator BARTLETT**—In that case you would not normally pick up signal traffic from SIEVs.

**Rear Adm. Bonser**—No, and we would not be the agency that would do that.

**Senator BARTLETT**—You have spoken about the photographic abilities of the Orions. Firstly, do all the Orions that are doing surveillance operate under Coastwatch or are there others that operate through the Air Force?

**Rear Adm. Bonser**—No, the Air Force operates the Orions. They provide some air hours with the Orions in support of the Coastwatch civil surveillance program. The Coastwatch contracted aircraft that I referred to have photographic capability with TV, infra-red cameras and digital hand-held cameras.

**Senator FAULKNER**—Yes, but are you able to get access? There are two different sets of planes, aren't there? There are the RAAF planes and there are the Coastwatch planes, effectively. That is right, isn't it?

**Rear Adm. Bonser**—That is correct.

**Senator FAULKNER**—In terms of the RAAF surveillance, does Coastwatch automatically receive that material?

**Rear Adm. Bonser**—Not automatically, no. We receive material from Air Force surveillance aircraft only if they are conducting operations in support of Coastwatch and we specifically request photographic information.

**Senator FAULKNER**—Were there any standing instructions in relation to RAAF surveillance material for Operation Relex?

**Rear Adm. Bonser**—None that I know of.

**Senator FAULKNER**—So it was on a case by case basis. Any RAAF surveillance would be passed on to Coastwatch only if it were in support of a Coastwatch activity, effectively.

**Rear Adm. Bonser**—That is the normal case, Senator.

**Senator FAULKNER**—Was it the normal case for Operation Relex?

**Rear Adm. Bonser**—I am not sure I understand your question.

**Senator FAULKNER**—Senator Bartlett is trying to establish if there are special arrangements that may have applied in relation to RAAF surveillance with Operation Relex. I am interested in understanding the surveillance material—how much of that is inputted, as a matter of course, to Coastwatch. I am sorry, I do not know—that is why I am asking.

**Rear Adm. Bonser**—I do not know of any special arrangements.

**Senator FAULKNER**—So it is only done if a RAAF plane is operating in support of a Coastwatch activity or directive?

**Rear Adm. Bonser**—Yes, that is correct.

**Senator BARTLETT**—How much RAAF activity is there in the Operation Relex area, in terms of surveillance?

**Rear Adm. Bonser**—There is a RAAF P3 flight daily at the moment.

**Senator BARTLETT**—So if they pick up some potential SIEV, they do not necessarily let you know—they may just pass that straight on to Relex?

**Rear Adm. Bonser**—They would certainly pass it on through the Defence chains of command, and I would expect that we would see that information.

**Senator BARTLETT**—Sorry? You would expect that you would receive that as well?

**Rear Adm. Bonser**—Yes.

**Senator BARTLETT**—You are not aware of any case where you did not receive information when they detected one?

**Rear Adm. Bonser**—I do not know what I have not received.

**Senator FAULKNER**—Of course you do not know what you have not received, but it is still not clear to me how much you get. I do not understand, frankly, the distinction between your answer to Senator Bartlett's question and operations in support of a Coastwatch activity. You do not receive copies of the RAAF surveillance material for RAAF operations in support of Operation Relex?

**Rear Adm. Bonser**—I would not normally expect to see that, no.

**Senator FAULKNER**—Maybe I misunderstood, but could you explain to the committee what you do receive from the RAAF surveillance aeroplanes?

**Rear Adm. Bonser**—In the normal course under the civil maritime surveillance program, if the aircraft are operating in support of Coastwatch, we would receive their post-flight reports of what they had seen. If there was any photographic evidence taken and it was relevant to our client agencies, then we would also ask for that and we would be provided with it.

**Senator FAULKNER**—How do you define 'in support of Coastwatch'?

**Rear Adm. Bonser**—That is when they are providing the hours that are legislated that Air Force provides in support of the civil maritime surveillance program that we run. In that case, they are conducting surveillance flights that actually originate from a Coastwatch task.

**Senator FAULKNER**—So you could well have a situation in relation to a SIEV—not an identified SIEV but any SIEV—whereby there is surveillance activity from a RAAF plane, and that material may not go to Coastwatch?

**Rear Adm. Bonser**—No, it may not.

**CHAIR**—The decision as to what goes to Coastwatch from the RAAF, and what does not, is made by the RAAF—is that what you are saying?—against the criteria as to whether it relates in the RAAF's mind to the task that you have got.

**Rear Adm. Bonser**—I think that is a question that you would have to ask them.

**CHAIR**—I am just trying to get it clear myself. The taxpayer is funding two types of planes: the RAAF planes and the Coastwatch planes. Both are tasked differently, but they both have overlapping responsibilities. If RAAF is flying in this area, they define what they think is of interest to you and provide you with that information. That is how it goes, isn't it? You do not say to them, 'I want access to all the information that you gather.'

**Rear Adm. Bonser**—No, I don't.

**CHAIR**—So to put it around the other way, what are the sorts of things that you do not get access to?

**Rear Adm. Bonser**—I don't know.

**Senator FAULKNER**—Sorry, Rear Admiral. Your answer to Senator Cook's earlier question is, I think, different from the answer to my question and Senator Bartlett's question. It is not that RAAF defines it. I understand you to be saying that you define it. It cannot be both ways, otherwise you are getting the damn lot. That is what we are trying to nail down here. It is not RAAF defining it, it is you defining the material you get from the RAAF, isn't it?

**Rear Adm. Bonser**—When RAAF aircraft operate in support of Coastwatch, that is correct, Senator.

**Senator FAULKNER**—And that is all you get.

**Rear Adm. Bonser**—Yes.

**Senator FAULKNER**—I think that is different from what you said to Senator Cook, with respect. That is why I am trying to clarify it.

**CHAIR**—I am happy if that is the definition, but I was coming at this point: if you do not know what they have got, how do you know what to ask for?

**Rear Adm. Bonser**—We have standing requirements from our client agencies, and we base our requirements on those.

**CHAIR**—How would that sort of request look to a layperson? Would you say to them, 'Anything that crops up on your surveillance to do with such and such, we want'—and you would expect them to provide it to you? Is that how it goes?

**Rear Adm. Bonser**—That would be correct. If they are operating in support of us, we would have highlighted the types of things that we might expect them to see and the sort of evidence

that we would want, such as any photographs of foreign fishing vessels that were sighted fishing inside the Australian fishing zone.

**Senator FAULKNER**—What are the standing requests from your client agencies? Are you able to provide that to the committee on notice?

**Rear Adm. Bonser**—Yes, I can. In fact, I can provide that out of our Coastwatch manual, which lists the information that relates to all of our client agencies and what they are interested in.

**Senator FAULKNER**—Thank you.

**Senator JACINTA COLLINS**—Did that change under Operation Relax?

**Rear Adm. Bonser**—No, it did not.

**Senator FAULKNER**—I think that would be helpful, because I suspect that, at the end of the day, that is the focus of the answer to the question that is being asked. If you could provide that, it would be helpful.

**Rear Adm. Bonser**—I apologise if I misunderstood your earlier question.

**Senator FAULKNER**—I do not think there is any need to apologise, Rear Admiral. The senators on this side of the table may not necessarily be anywhere near as expert as you are on these matters. I am just trying to get some clarity about these operations. We would very much appreciate the documentation you refer to, and I am sure that it will help us.

**Senator BARTLETT**—Going back to your opening statement, paragraph 9 states:

Where appropriate, Coastwatch also coordinates the response to a maritime incursion or incident.

How do you define ‘incident’? Does that include safety of lives at sea situations?

**Rear Adm. Bonser**—Yes, it could, but we do not coordinate or manage those types of incidents. Coastwatch is not a search and rescue authority. The sorts of incursion or incident that I am talking about are those that would be breaches or potential breaches of Australian law in our maritime zones. It could be anything from illegal fishing through to an oil spill—in reporting it; probably not in dealing with it.

**Senator FAULKNER**—But it could not be a SIEV.

**Rear Adm. Bonser**—Under Operation Relax, no, because the responsibility for coordinating that has gone to Defence.

**Senator FAULKNER**—Yes, I understand that. Therefore, we come back to what was said previously about the operational instructions which govern Coastwatch’s activities. I thought you indicated to us that they did not change with Operation Relax.

**Rear Adm. Bonser**—No. I talked about information protocols, but the lead authority for the conduct of the operation transferred to Defence from 3 September.

**Senator BARTLETT**—In relation to SIEVs?

**Rear Adm. Bonser**—In relation to SIEVs in the Operation Relex area of operations.

**Senator BARTLETT**—And the legal authority for SOLAS situations rests with Search and Rescue?

**Rear Adm. Bonser**—That is correct, Senator.

**Senator BARTLETT**—Was that the same before and post-Relex? Is there no difference there?

**Rear Adm. Bonser**—Nothing has changed.

**Senator FAULKNER**—How do you describe the Coastwatch role and responsibility, Admiral? For those of us who are not experts in this area, could you give us a very brief summary of the Coastwatch role and responsibilities during the period that Operation Relex applied?

**Rear Adm. Bonser**—Coastwatch's responsibilities and operations in all areas outside the Relex area of operations remained the same as they had been beforehand. Within the Relex area of operations the only thing that had changed was that the lead authority for conducting any response and the surveillance for detecting and intercepting SIEVs had transferred from Coastwatch to Defence.

**Senator FAULKNER**—How did the relationship then work between Coastwatch and Defence? I think we understand that Defence becomes the lead agency. How does this affect your day-to-day operations? How do you relate to the lead agency? How does that work?

**Rear Adm. Bonser**—In the normal course we have a very close ongoing day-to-day relationship with Defence because, prior to Relex, Defence provides support to Coastwatch. That is provided through Fremantle class patrol boats that are available for response to sightings and also the P3 aircraft that supplement our own surveillance aircraft on occasion. When Relex came into being, the lead agency changed and instead of Defence providing support to Coastwatch, Coastwatch provided support to Defence in the form of surveillance. All of the mechanisms we had in place for operating with Defence in support of Coastwatch simply went to allow us to transfer to that new arrangement quite smoothly and we proceeded with that as a matter of course.

**Senator FAULKNER**—Do you operate effectively, for the purposes of Operation Relex, under the direction of Defence?

**Rear Adm. Bonser**—No. We operate in support of Defence and we provide surveillance support, which is coordinated with their surveillance, but I am not under any direction from Defence and I report through Customs.

**Senator FAULKNER**—Under the coordination arrangements for Operation Relex, how were your inputs managed administratively? Was it through the task force or was it some sort of alternative process?

**Rear Adm. Bonser**—In relation to the surveillance that we were conducting, that was managed through our normal day-to-day relations with Defence, agreeing where we could best provide support with our resources that would complement the surveillance that they were conducting.

**Senator FAULKNER**—What part of Defence did this work through—NORCOM, Maritime Command? Where did you go? How did this work?

**Rear Adm. Bonser**—Primarily through the theatre command and Northern Command.

**Senator BARTLETT**—In terms of the general process, you get intelligence and Defence may get intelligence that a vessel is potentially leaving—and you have indicated in your opening statement that you receive information about vessels potentially in the process of arranging a boat departure. Presumably, Defence is made aware of that as well, either through you or separately. In fact, I presume separately—you are not usually passing on intelligence information to Defence, I guess.

**Rear Adm. Bonser**—Quite often the information is going to both of us in parallel. Sometimes it comes to Coastwatch, and we pass it on.

**Senator BARTLETT**—Wouldn't you normally say that you had better fly out there and have a look to verify that it is out there somewhere? Wouldn't Defence ask you to do that?

**Rear Adm. Bonser**—In the main, the indicators are not precise enough to be able to specifically target a point in the ocean. The surveillance that has been put in place is quite comprehensive and covers a broad area, and it is intended to pick up the boats as they pass through the area.

**Senator BARTLETT**—If you had received information that a boat was potentially departing, wouldn't you send a plane somewhere in that vicinity? Or would you pretty much cover it all as a matter of course anyway?

**Rear Adm. Bonser**—The whole general area is being covered by what is probably the most comprehensive surveillance that I have seen in some 30 years of service.

**Senator BARTLETT**—Were any photographs taken at all of this particular vessel of controversy—the SIEVX?

**Rear Adm. Bonser**—Not to my knowledge.

**Senator BARTLETT**—So there is no observation at all of that vessel, despite—according to your own statement and even more detail in some of the other information that we got—there being regular intelligence reports that this vessel was departing or had departed or was believed to have departed?

**Rear Adm. Bonser**—There were many and varied and often changing indicators of that particular vessel's departure, but it was never cited or detected.

**Senator FAULKNER**—Let us go back to the photographs. You said not to your knowledge. So there was no Coastwatch generated photographic surveillance of SIEVX?

**Rear Adm. Bonser**—Coastwatch was not flying within 1,000 miles of the area where that particular vessel was allegedly proceeding.

**Senator FAULKNER**—And you are not aware of any possible RAAF surveillance photographs of SIEVX?

**Rear Adm. Bonser**—No, I am not.

**Senator FAULKNER**—I am not saying there are. I am just trying to be clear on this because we were talking a little earlier about the fact that there are effectively two agencies involved in the aerial surveillance from aeroplanes: you and the RAAF. You can categorically assure us about Coastwatch surveillance planes that there are no photographs?

**Rear Adm. Bonser**—Yes.

**Senator FAULKNER**—But is it an open question as to whether there are any RAAF surveillance photographs in relation to SIEVX as far as you know?

**Rear Adm. Bonser**—I would not think it was an open question because I have absolutely no knowledge of any detections of that vessel at all. It is really a question you would have to ask Defence.

**Senator FAULKNER**—I appreciate that. I do understand that, at the end of the day, it is a question better directed to RAAF. But, because some of the RAAF surveillance material comes through to you at Coastwatch, it is not an unreasonable question for us to ask you whether you are aware of any.

**Rear Adm. Bonser**—I am not aware of any.

**Senator BRANDIS**—If it were among the RAAF surveillance material that came through to Coastwatch, would it have come to your attention?

**Rear Adm. Bonser**—If the vessel had been detected and reported, the fact that a detection had been made and perhaps photographs taken would probably have come to my attention.

**Senator FAULKNER**—Probably but not certainly?

**Rear Adm. Bonser**—I cannot say that anything would be absolutely certain.

**Senator FAULKNER**—That is the point of the question. I appreciate you cannot give an unqualified answer to that question—of course you can't—but you know of no such RAAF surveillance activity or photographs? That is right, isn't it?

**Rear Adm. Bonser**—I know of none.

**Senator FAULKNER**—And it is very likely that, if it had occurred, you would be aware of it?

**Rear Adm. Bonser**—Yes, it is.

**Proceedings suspended from 12.30 p.m. to 1.33 p.m.**

**CHAIR**—When we adjourned for lunch, Senator Bartlett, you were in full flight, so you have the call.

**Senator BARTLETT**—In your opening statement—near the end, paragraph 42—you said that in the normal course of operations you inform Search and Rescue about any vessels that have been sighted and may be in difficulty or distress. Could you define ‘difficulty’ any more precisely than that? How do you assess whether something is in difficulty? Is it when it looks likely to sink? Is it when something is just out of the ordinary?

**Rear Adm. Bonser**—It is something that appears unusual—perhaps a vessel that looks like it has broken down.

**Senator BARTLETT**—In this case, you got information that a small vessel, with 400 passengers on board—obviously extremely overcrowded, much more so than any of the other SIEVs—had appeared in our waters. Would that count as an unusual event? Did you notify Search and Rescue about that one?

**Rear Adm. Bonser**—Given the imprecise nature of the information we had, the fact that we did not have a confirmed departure date and that there was a very comprehensive surveillance operation in place, no, Senator.

**Senator BARTLETT**—There was a comprehensive surveillance operation?

**Rear Adm. Bonser**—The comprehensive surveillance that was in place. At this time, all we knew was that there had been a possible departure.

**Senator FAULKNER**—What are your inputs to this, Admiral?

**Rear Adm. Bonser**—The information comes from a variety of sources—in this case, the primary information came from the AFP.

**Senator FAULKNER**—In the case of SIEVX, were there other inputs, apart from the AFP?

**Rear Adm. Bonser**—Around that time, not that I am aware of, Senator.

**Senator BARTLETT**—Did you pass that on to Search and Rescue, or RCC, which is the same thing, as I understand it?

**Rear Adm. Bonser**—At that time, no, because it did not meet the threshold of being a confirmed departure or, indeed, being overdue. That information did not arrive until 22 October.

**Senator BARTLETT**—But you did pass on that information to Relex?

**Rear Adm. Bonser**—Yes, all that information was passed on to all the Operation Relex authorities.

**Senator BARTLETT**—Obviously, as part of all the SIEV interceptions, there were at least three safety of life at sea situations; the *Tampa* example, which I realise is pre-Relex, is another. For example, with the *Tampa* situation, did awareness of that come about through a Coastwatch sighting or interception?

**Rear Adm. Bonser**—It was a Coastwatch sighting of the original SIEV, which appeared to be broken down and later showed a distress signal. Coastwatch reported that information, as we normally would, to AusSAR.

**Senator BARTLETT**—And then there was AusSAR or Search and Rescue or RCC—they're all the same thing, aren't they?

**Rear Adm. Bonser**—Yes, they are part of the same organisation.

**Senator BARTLETT**—They put out a general alert, which the *Tampa* picked up, and went to the rescue. In this case, the information you passed on to Relex, but not to Search and Rescue, was not based on any sightings; it was simply unconfirmed intelligence.

**Rear Adm. Bonser**—That is correct, Senator.

**Senator JACINTA COLLINS**—Going back to the sightings information, where was the *Tampa* first sighted?

**Rear Adm. Bonser**—Are you referring to the *Tampa* or the SIEV?

**Senator JACINTA COLLINS**—Sorry, where was the *Palapa* sighted?

**Rear Adm. Bonser**—That was north-west of Christmas Island.

**Senator JACINTA COLLINS**—How far north-west?

**Rear Adm. Bonser**—From memory, about 80 miles or so.

**Senator JACINTA COLLINS**—Nautical miles?

**Rear Adm. Bonser**—It would have been reported in nautical miles at the time. I will have to check the detail and take that on notice. From memory, it was about 80 miles.

**Senator JACINTA COLLINS**—Is that in your normal surveillance zone?

**Rear Adm. Bonser**—Yes, that would be within the area that we would normally conduct some form of surveillance when Coastwatch is operating out of Christmas Island. We would be looking within the area of the defined Australian exclusive economic zone.

**Senator BARTLETT**—Going back to your statement, in paragraph 42 you inform Search and Rescue about any vessels that have been sighted and may be in difficulty or distress. Do you actually wait until a sighting? If your intelligence information was 'We think this boat is

heading off and it's looking pretty dodgy,' would that be enough for you to pass it on to Search and Rescue or would you wait until you had more solid confirmation about it?

**Rear Adm. Bonser**—We work on the threshold basis of there being some form of confirmed departure and some assessment that the vessel is actually overdue if we do not have any distinct indications of a vessel being in any form of distress or difficulty.

**Senator BARTLETT**—So if you never got a confirmed report that it had departed, how did you come to the assessment that it was overdue and then pass that on?

**Rear Adm. Bonser**—That was based on separate information that we received on 22 October that corroborated the original advice of a possible departure and confirmed for us that this vessel had most probably departed. On the basis of that we were able to assess that it was, indeed, overdue.

**Senator BARTLETT**—So it got up to a higher degree of probability, in effect?

**Rear Adm. Bonser**—It reached that threshold, yes.

**Senator BARTLETT**—What is the threshold—80 per cent or 75 per cent?

**Rear Adm. Bonser**—That we had a confirmed departure and that, indeed, the vessel was now overdue.

**Senator BARTLETT**—You had a confirmed departure and confirmed information that it was heading our way?

**Rear Adm. Bonser**—And on the basis of that that it was now overdue, yes.

**Senator BARTLETT**—So that information came through AFP as well?

**Rear Adm. Bonser**—Yes, it did—on 22 October.

**Senator BARTLETT**—I noticed in your statement—in paragraph 43—that you said you got advice on the 22nd that it was overdue and you notified Search and Rescue. On the 23rd, you got advice from Australian Theatre Joint Intelligence Centre that a SIEV had sunk. Later that day, CNN—which, I presume, is the news network and not some Defence acronym I have not heard before—reported the sinking and the rescue of survivors. Was that the first time you or any of the Australian operations were aware of survivors being located—hearing it through CNN?

**Rear Adm. Bonser**—Yes, it was.

**Senator BARTLETT**—So we have got a comprehensive surveillance operation, the strongest we have ever had, and CNN could find out what was happening before we could?

**Rear Adm. Bonser**—In this case the vessel clearly was not detected prior to its sinking.

**Senator FAULKNER**—Do you know why not?

**Rear Adm. Bonser**—No, I do not.

**Senator FAULKNER**—Have there been any inquiries at all—internal Commonwealth inquiries—into this issue since the sinking that you are aware of?

**Rear Adm. Bonser**—I do not know of any.

**Senator BARTLETT**—You have not been asked to provide information for any inquiry or report?

**Rear Adm. Bonser**—No.

**Senator JACINTA COLLINS**—Can you tell us where it actually sank?

**Rear Adm. Bonser**—No; I do not know. I can only go off what I have seen in media reports that indicate it was somewhere between the Sunda Strait and perhaps 80 miles south of Sunda Strait, or 80 miles south of Java.

**Senator BARTLETT**—Is any of that in the area under your surveillance? Eighty miles south would be in areas that you have under surveillance?

**Rear Adm. Bonser**—I believe so, but that area was under surveillance from Defence and not Coastwatch. You would really have to talk to them about that.

**Senator BARTLETT**—Surveillance by Defence through what?

**Rear Adm. Bonser**—During Operation Relex.

**Senator BARTLETT**—But how were they surveilling it?

**Rear Adm. Bonser**—They had ships with helicopters and aircraft there.

**Senator JACINTA COLLINS**—You are saying that Coastwatch was not surveilling that zone at that period of time?

**Rear Adm. Bonser**—No—from 3 September, Coastwatch had moved away from Christmas Island. We were operating in the Arafura and Timor Sea approaches to Australia—the Kimberley and Arnhem Land coasts.

**Senator JACINTA COLLINS**—Was that by formal arrangement?

**Rear Adm. Bonser**—That was how we had coordinated the surveillance with Defence, which had the lead for the operation at that time.

**Senator FAULKNER**—Are you aware that Admiral Smith provided additional information—a correction—to evidence presented at this committee?

**Rear Adm. Bonser**—Yes, I am.

**Senator FAULKNER**—Have you read the admiral's letter?

**Rear Adm. Bonser**—I have now seen that, yes.

**Senator FAULKNER**—Were you asked to provide any input for the admiral's letter?

**Rear Adm. Bonser**—No, I was not.

**Senator FAULKNER**—Or Coastwatch?

**Rear Adm. Bonser**—No, other than to provide copies of operation summaries, which we provided to Maritime Command.

**Senator FAULKNER**—So Coastwatch did provide some input for it?

**Rear Adm. Bonser**—Coastwatch was asked if it could provide copies of our operation summaries for the period, which it did.

**Senator FAULKNER**—When were you asked to do that?

**Rear Adm. Bonser**—That was either late last week or early this week.

**Senator FAULKNER**—Who asked you?

**Rear Adm. Bonser**—Someone on the staff at Maritime Headquarters asked my chief of staff.

**Senator FAULKNER**—Was it explained to your chief of staff why those operational summaries were required?

**Rear Adm. Bonser**—I presume that it was because they were preparing some clarification of Admiral Smith's previous evidence, because prior to this—about a month ago—I called Admiral Smith's office, after I had seen a letter to the editor that he had written in the *Canberra Times*, to say that I thought there were some inconsistencies between his evidence and the flow of information as I knew it, and I thought they ought to check a range of other messages.

**Senator FAULKNER**—Could you go through those inconsistencies with us in detail?

**Rear Adm. Bonser**—The primary one was the comment on when the first time that notification of SIEVX occurred, which was not consistent with the flow of information as I knew it. I believe there was earlier information that was available.

**Senator FAULKNER**—What earlier information?

**Rear Adm. Bonser**—That is the information that was provided by Coastwatch from AFP on a variety of dates in October, including 20 October. That was relayed to Defence intelligence staff and repromulgated by them to the Defence operational authorities.

**Senator FAULKNER**—You saw Admiral Smith's letter in the *Canberra Times*. That is what drew this matter to your attention?

**Rear Adm. Bonser**—That triggered it for me, yes.

**Senator FAULKNER**—Did you contact Admiral Smith directly?

**Rear Adm. Bonser**—I tried to contact Admiral Smith. I got on to his office. He was overseas at the time, so I spoke to his chief staff officer (operations) and his chief of staff. I advised them that I thought that there were some inconsistencies with the flow of information as I knew it and that they ought to refer to a certain range of messages. I did not say what the inconsistencies were, just that there were inconsistencies, as I saw it, with respect to the flow of information.

**Senator FAULKNER**—Was this communication done telephonically?

**Rear Adm. Bonser**—That is correct.

**Senator FAULKNER**—How did this matter progress in the lead-up to Admiral Smith's letter?

**Rear Adm. Bonser**—I made that call on 16 April. Subsequently, on 22 April, I was speaking with Admiral Gates, who was running the CDF/Secretary task force and coordinating defence matters in this regard. I also brought it to his attention that I believed there were some inconsistencies.

**Senator FAULKNER**—Was there any written communication there with Admiral Gates?

**Rear Adm. Bonser**—No, there was not.

**Senator FAULKNER**—Was that communication telephonic or face-to-face?

**Rear Adm. Bonser**—That was face-to-face.

**Senator JACINTA COLLINS**—On the 22nd?

**Rear Adm. Bonser**—On 22 April.

**Senator FAULKNER**—What happened then?

**Rear Adm. Bonser**—The other person that I advised on 10 May was the Chief of Navy. I advised him that I had the view that there would be inconsistencies between Admiral Smith's evidence and mine when I appeared at the Senate committee, and he should be aware of that. He acknowledged that fact.

**Senator FAULKNER**—Is it fair to say that the issue of concern here was that you might be asked questions today which Admiral Smith had canvassed, and that inconsistencies would become apparent?

**Rear Adm. Bonser**—That is correct. I wanted to give people the courtesy of telling them that.

**Senator FAULKNER**—So, in a sense, you were being proactive about it. You were concerned about what might happen at today's hearing, effectively, as opposed to any evidence you may have given in the past. Would that be right?

**Rear Adm. Bonser**—No, I was not concerned about any evidence I may have given.

**Senator FAULKNER**—What was the response on 16 April from Admiral Smith's staff?

**Rear Adm. Bonser**—My message was acknowledged.

**Senator FAULKNER**—It was just on the telephone, wasn't it?

**Rear Adm. Bonser**—That is right, and I was thanked for the advice.

**Senator FAULKNER**—On the telephone?

**Rear Adm. Bonser**—Yes.

**Senator FAULKNER**—There was nothing in writing with Admiral Gates? Again, it was a face-to-face conversation that you had with him?

**Rear Adm. Bonser**—Yes, it was.

**Senator FAULKNER**—Was the admiral able to indicate to you what sort of action he might take as a result of that?

**Rear Adm. Bonser**—I think he just said to me that he would speak to Admiral Smith.

**Senator FAULKNER**—Did you get any feedback from any of that communication?

**Rear Adm. Bonser**—Not straightaway, no.

**Senator FAULKNER**—What was the feedback?

**Rear Adm. Bonser**—I received a phone call from Admiral Smith on 16 May to tell me that he was writing to the secretariat of the committee and providing clarifying information. He did not provide me with the detail of that information.

**Senator FAULKNER**—He just indicated that he was going to clarify the statements. On 10 May, after your call to Admiral Gates, why did you determine it was necessary to talk to the Chief of Navy about this?

**Rear Adm. Bonser**—I wanted to ensure that the Chief of Navy was aware that there may be inconsistency in the evidence and confirm that he was aware of it.

**Senator FAULKNER**—But you were only concerned about Admiral Smith's evidence. Was there any other evidence you were concerned about?

**Rear Adm. Bonser**—No.

**Senator FAULKNER**—Just Admiral Smith's?

**Rear Adm. Bonser**—Yes.

**Senator FAULKNER**—Did you have a worry that speaking to Admiral Gates was not sufficient?

**Rear Adm. Bonser**—No. I just wished to make sure that the Chief of Navy had been given the courtesy of being told, and I thought I should do it myself.

**Senator FAULKNER**—Did the Chief of Navy indicate to you what action he might take as a result of that communication you had with him?

**Rear Adm. Bonser**—I think his words to me were, 'If there is any ambiguity, it needs to be clarified.'

**Senator FAULKNER**—Did he indicate how that should be done?

**Rear Adm. Bonser**—No, he did not.

**Senator FAULKNER**—Admiral Smith contacted you on 16 May to indicate that he was taking the course of action that we are now aware of, which is the letter that he has written to the committee?

**Rear Adm. Bonser**—Yes, that is correct.

**Senator FAULKNER**—Were there any other contacts with either Defence personnel or others about this matter?

**Rear Adm. Bonser**—Only in a discussion I had with Air Commodore Blackburn, who is Admiral Gates's deputy in the task force, where it was confirmed for me that the task force had received a copy of Admiral Smith's clarification. That occurred yesterday.

**Senator FAULKNER**—So that happened just before today's hearing.

**Rear Adm. Bonser**—That is correct.

**Senator FAULKNER**—That is the sum total of it?

**Rear Adm. Bonser**—That is the sum total.

**CHAIR**—You have not been invited to have a cup of coffee at the Kurrajong Hotel?

**Rear Adm. Bonser**—No, I have not been.

**Senator FAULKNER**—There is always one outside, Rear Admiral! I am sorry, I was interrupting Senator Bartlett.

**Senator BARTLETT**—Has Coastwatch's involvement in Relex meant a diversion of resources in terms of Coastwatch's overall activities or has a label been whacked over activities you are doing already and a different chain of command put on top of those?

**Rear Adm. Bonser**—No. The rates of surveillance effort that have been needed to ensure levels of search security off north-western and northern Australia have meant that we were required to rebase one of our aircraft from Cairns to Darwin. That allowed us to provide the rates of effort in northern and north-western Australian approaches that would give us a degree of confidence in detecting SIEVs that may be approaching.

**Senator BARTLETT**—That would mean, I presume, a lower level of surveillance for the northern Queensland region?

**Rear Adm. Bonser**—It reduced the surveillance that we would normally have been doing from Torres Strait south to about Brisbane and, for a couple of months—from September through to December—we virtually had nothing between south of Brisbane and about Broome. Since then, we have been provided with some additional resources, our contractor has recruited additional air crew and we are regathering the most critical parts of the surveillance that we had to forgo in other areas.

**Senator BARTLETT**—So you are regathering the most critical parts but you are not back to where you were before?

**Rear Adm. Bonser**—Not in every area, no.

**Senator BARTLETT**—Did you say 'south from Brisbane to Broome'?

**Rear Adm. Bonser**—From Brisbane south about to Broome between September and December last year.

**Senator BARTLETT**—Sorry, I am not thinking of Broome as south of Brisbane. How does that work? Do you mean south from that line between them?

**Rear Adm. Bonser**—Yes, that is correct. From Brisbane south about to Broome.

**Senator BARTLETT**—I get you. You mean ‘around’. That is a pretty large area. You are saying you had pretty much nothing in that area in that August to December period?

**Rear Adm. Bonser**—From September to December, yes.

**Senator BARTLETT**—And that would normally be surveillance for illegal fishing, predominantly, or drug smuggling—that sort of thing?

**Rear Adm. Bonser**—For a range of our clients, different matters—environmental and fishing issues in the main, yes.

**Senator BARTLETT**—And the northern Queensland area is obviously environmental as well—

**Rear Adm. Bonser**—Environmental.

**Senator BARTLETT**—But is there more smuggling through that area?

**Rear Adm. Bonser**—There is fishing. There are no predictions as far as smuggling goes. There is quarantine. There are all of the client tasks. In general, our priority surveillance areas are the northern half of Australia, simply because of geography.

**Senator BARTLETT**—I want to briefly go back to SIEVX and the rescue of it. From my memory of accounts of it, people when they were rescued had been in the water for at least 24 hours. You did not detect any radio communication amongst any boats or other aircraft in that period of time or even when they were rescued by fishing vessels? Did you pick up any communications indicating that they had been rescued?

**Rear Adm. Bonser**—No. Coastwatch does not have that capability.

**Senator FAULKNER**—No, but other agencies would have, wouldn't they?

**Rear Adm. Bonser**—There are other agencies that do that and I have seen no indications that anything was intercepted of that nature.

**Senator JACINTA COLLINS**—You mean you have seen no indications that anything was intercepted of that nature that was reported to Coastwatch?

**Rear Adm. Bonser**—I have seen nothing at all that has been reported to Coastwatch.

**CHAIR**—Have you requested of those other agencies a check to see if anything they retain indicates that messages or broadcasts were intercepted by them?

**Rear Adm. Bonser**—No, I have not.

**Senator FAULKNER**—How often are you in receipt, or are you in receipt, of DSD reports?

**Rear Adm. Bonser**—We do receive DSD reports.

**Senator FAULKNER**—But you are saying in relation to SIEVX that there was no such report from DSD or any other agency?

**Rear Adm. Bonser**—That is correct.

**Senator FAULKNER**—The only agency report that you received in relation to the whole SIEVX issue was the original intelligence from the AFP. That is as I understand the evidence that you have given us.

**Rear Adm. Bonser**—The key indicators we received around the time of that vessel sailing were all from the AFP.

**Senator FAULKNER**—I suppose it is the qualification of ‘key’ that I am a little concerned about.

**Rear Adm. Bonser**—There were no other indicators.

**Senator FAULKNER**—There is a difference between ‘key’ and ‘only’. I had the impression that you may have been suggesting that it was the only input.

**Rear Adm. Bonser**—They are the only indicators that I know of.

**Senator FAULKNER**—Just the AFP?

**Rear Adm. Bonser**—Just the AFP ones, yes.

**Senator FAULKNER**—Of course, there might well be more than one AFP input, mightn’t there? It is one agency but possibly a number of inputs, isn’t it?

**Rear Adm. Bonser**—I do not know how their inputs work. You would have to ask them that.

**Senator FAULKNER**—We may do that at some point, but the key point from this committee’s examination of you here representing Coastwatch is that that was the only agency input.

**Rear Adm. Bonser**—Yes.

**Senator JACINTA COLLINS**—I am also trying to understand what would constitute a confirmed departure. The information provided to us by Rear Admiral Smith refers to a number of reports from the Coastwatch CMSP opsum reports. However, when we get to the report of 20 October—Rear Admiral Smith does not tell us this; you actually told us this in your submission today—that report was passed on by a phone conversation. Why was a phone conversation deemed necessary in relation to that report, whereas the previous reports had simply been indicated as suspected departures or reported departures in your operational summaries?

**Rear Adm. Bonser**—I am sorry, which phone calls are you talking about, Senator, phone calls coming into Coastwatch or out of Coastwatch?

**Senator JACINTA COLLINS**—I am talking about phone conversations between Coastwatch, Australian Theatre and NORCOM.

**Rear Adm. Bonser**—Making secure phone calls to those two intelligence staff was the normal way of passing on that information. I would have to go back to my statement, but—

**Senator JACINTA COLLINS**—Let me put it to you this way so you understand where I am coming from. On 14 October SIEVX was referred to in one of your operational summaries. On 17 October it was referred to in one of the operational summaries. On 20 October it was referred to in one of your operational summaries—no, sorry, that was not an operational summary; on 20 October we get the report that there had been a departure with 400 passengers on an overcrowded, small ship. According to your evidence this morning, on that occasion that information was passed on by telephone rather than the earlier simple inclusion in an operational summary report. Why was that?

**Rear Adm. Bonser**—There is no difference between any of the reporting. The normal practice for Coastwatch for advice that came in to us was for it to be passed by a secure phone call to the Australian Theatre Joint Intelligence Centre and Headquarters Northern Command.

**Senator FAULKNER**—That is what you said in your opening statement.

**Senator JACINTA COLLINS**—Yes.

**Rear Adm. Bonser**—That is correct. That information is then normally passed on by them to the Defence commands involved in Operation Relex. In addition to that, Coastwatch includes a precis of the relevant information in its daily operations summary.

**Senator FAULKNER**—Yes, but I think that, as a first step, Senator Collins is canvassing whether normal practice and procedure were followed in the instances that are referred to in relation to SIEVX. In paragraph 36 you outline the normal practice. That is fine and it is understood and appreciated. The next step along the way, before we get to where Senator Collins is going, is this question: was normal practice followed in relation to SIEVX? I appreciate that that may be the normal practice but did it happen?

**Rear Adm. Bonser**—Yes, normal practice was followed.

**Senator JACINTA COLLINS**—So, on an operational summary report that included the summary on 14 October about the potential departure of SIEVX, a phone call had been made to NORCOM on that occasion?

**Rear Adm. Bonser**—I would assume so. I would have to go back and check that exactly—take it on notice—but that is the normal practice and I would have expected that that would have happened.

**Senator FAULKNER**—That is the point of my question and of Senator Collins's questions. We are trying to go beyond what is a very helpful description from you of how your agency undertakes its normal activities. That is helpful. The issue goes to the individual instances that are outlined in Admiral Smith's clarifying statement of whether normal practice actually did apply. Your answer to Senator Collins's follow-up question was qualified.

**Rear Adm. Bonser**—As far as the reports on SIEVX go, certainly on 20 and 22 October normal practice was followed.

**Senator JACINTA COLLINS**—On 20 and 22 October.

**Rear Adm. Bonser**—Yes. I would have to confirm the detail of previous reports but I would be quite confident that normal practice was followed.

**Senator JACINTA COLLINS**—What concerns me, though, is that it has been put to us that there was no confirmed departure up until the 22nd.

**Rear Adm. Bonser**—That is correct.

**Senator JACINTA COLLINS**—Yet on 20 October we know that Coastwatch made a call and followed through with a report about intelligence—which is presently classified—indicating that a departure had occurred, that there were 400 people on a small ship and that some people had refused to embark because of the overcrowding. I want to know what constitutes a confirmed departure. If that much information cannot form the basis of some level of confirmation, what is required?

**Rear Adm. Bonser**—That was the fifth report we had had in that particular month about that boat departing.

**Senator JACINTA COLLINS**—But with that level of detail?

**Rear Adm. Bonser**—We had similar detail on previous occasions. There is this great history of boats that depart, divert, go to other ports, do different things, perhaps break down—there is no real confirmation of the boat actually departing or the fact that it has left the archipelago.

**Senator JACINTA COLLINS**—After this report of the 20th, from intelligence gathered on the 19th, there is nothing else reported until the 22nd.

**Rear Adm. Bonser**—The only new information after that arrived on the 22nd, as far as I am aware.

**Senator JACINTA COLLINS**—Do we know why that was the case?

**Rear Adm. Bonser**—No. Coastwatch was not collecting the information, so I do not know.

**Senator JACINTA COLLINS**—This is a question for the Federal Police, is it?

**Rear Adm. Bonser**—I presume so.

**Senator FAULKNER**—Yes, but you are the link between the AFP and Defence, aren't you?

**Rear Adm. Bonser**—In this instance we were, yes.

**Senator FAULKNER**—That is normal practice, though, isn't it?

**Rear Adm. Bonser**—Yes.

**Senator FAULKNER**—So it is not just this instance, is it?

**Rear Adm. Bonser**—No, that is correct. AFP information normally comes through Coastwatch.

**Senator FAULKNER**—So the AFP provides intelligence information to you. Normal practice for you is to pass it on to NORCOM and the Australian Theatre Joint Intelligence Centre. Is that what it is called?

**Rear Adm. Bonser**—Yes. That is correct, Senator.

**Senator FAULKNER**—In fact, you outline in your opening statement what NORCOM and the Australian Theatre Joint Intelligence Centre might do with that information. But I accept that is a process and that, at the end of the day, you are not responsible for that. Because of concerns about the SIEVX issue, would it be possible for you provide to the committee, in each of the instances outlined in Admiral Smith's letter, when the AFP intelligence material was received by Coastwatch, how and when it was provided by Coastwatch to NORCOM and Australian Theatre? Maybe that would help us.

**Senator JACINTA COLLINS**—It does, except for one issue—that is, if the report that was passed on to Defence on 20 October was accurate, what further intelligence would you have expected to confirm it, other than a potential aerial surveillance of the ship?

**Rear Adm. Bonser**—It goes back to the fact that this was the fifth report about a departure in that month, plus a range of previous ones in months prior to that, and the history of these boats being recorded as possibly departing and then having no arrivals.

**Senator FAULKNER**—Sure, but you have a standard procedure for dealing with this. What you did in relation to SIEVX, you are saying to us, was consistent with your normal procedure.

**Rear Adm. Bonser**—Yes, it was.

**Senator FAULKNER**—So, in relation to my question, would it be possible—I do not expect you to have that material available with you today; I would understand it if you do not—for you to provide that information? It would be helpful. Would you take that on notice?

**Rear Adm. Bonser**—I can but, if you wish, I can go through the time line for the 20th and the 22nd.

**Senator FAULKNER**—That would be helpful.

**Rear Adm. Bonser**—With respect to the information that we received on 20 October, that was received from the AFP at 9.30. It was passed on to the Australian Theatre Joint Intelligence Centre at 9.50, and we saw them disseminate that information by message at 10.00. At 10.05, we briefed Northern Command on that information by telephone and we saw them repeat that information to the Defence Operational Authority in message traffic that had a date/time group of 12.03.

**Senator FAULKNER**—Thank you.

**Rear Adm. Bonser**—Does that answer your question about the time line?

**Senator FAULKNER**—Yes.

**Rear Adm. Bonser**—On the 22nd, we received the information from AFP at 10.03. The assessment was made that the vessel was overdue and AFP were contacted about what information could or could not be conveyed. They requested a stay of the notification while they put together some suitable words. That was provided to us at 13.50. After they authorised release of that at 14.05, Coastwatch advised AusSAR using the words that were provided by AFP.

**Senator FAULKNER**—Is there a standard addressee list for these opsums?

**Rear Adm. Bonser**—Yes, there is.

**Senator FAULKNER**—Could you just quickly outline what that is for us?

**Rear Adm. Bonser**—The standard addressee list was from Coastwatch Canberra and it was sent to Commander Australian Theatre, Commander Joint Task Force 639, Maritime Commander Australia, Air Commander Australia, Commander Task Force 641, Commander Task Unit 646.2.2—which is the ‘P3 world’—Australian Theatre Joint Intelligence Centre, Task Group 639.0 and the 92 wing detachment at Learmonth, and for information to Australian Defence Headquarters Operations in Canberra, Headquarters Australian Theatre, Maritime Headquarters, Headquarters Air Command Air Operations and my Regional Coastwatch Base.

**Senator FAULKNER**—Was there no input to the People Smuggling Task Force that was operating at the time?

**Rear Adm. Bonser**—At the meetings of the People Smuggling Task Force, input was provided from all of the agencies. I did not see much of that. I presume some of it was provided outside of the meetings. At the meetings that I attended, I normally provided a brief overview of how many boats might be expected in the next period, but it was simply an overview based on the rather imprecise information we had at the time.

**CHAIR**—Just a moment ago you said that the AFP provided you with an earlier report and then asked you to bely the transmission of that until such time as they wrote the form of words in which they wanted to transmit the information that the SIEVX was overdue. As I took it down, I think there was about a three-hour delay between when they notified you and when they gave you the form of words in which they wanted to transmit that notification to all the authorities that you converse with on this. Is that a normal procedure—that the AFP prepare the form of words for a notification for an overdue vessel in that manner?

**Rear Adm. Bonser**—It is when the information comes from perhaps a sensitive intelligence source and they have a requirement to protect the source or the specific nature of the information.

**CHAIR**—So it is normal. Is it normal to delay three or so hours—if I am right about those calculations—in the notification of an overdue vessel? Is that normal?

**Rear Adm. Bonser**—It can be in a situation like this, yes. What we are talking about here is a vessel that is overdue, and nothing more than that.

**CHAIR**—I think it actually is closer to four hours than three hours, but it is somewhere in excess of three hours. But it is true that, if the vessel is in peril or if it has foundered, that amount of time could be quite critical, couldn't it, in recovering people who may be in the water?

**Rear Adm. Bonser**—That might be the case if you know that the vessel is in peril or has foundered, but at this time all we knew was that the vessel was overdue.

**Senator BRANDIS**—At the time that the report came through saying that the vessel was overdue, was any estimate made in that report as to how overdue the vessel was?

**Rear Adm. Bonser**—No, only that we would have expected that it would have reached Australian waters by then.

**Senator BRANDIS**—So it was not a matter of it being a day overdue, two or three days overdue or a matter of hours overdue; it was just an unqualified report in that respect.

**Rear Adm. Bonser**—Yes, it was.

**CHAIR**—So this was from an intelligence source; it was not from surveillance that we knew that it was overdue.

**Rear Adm. Bonser**—That is correct. We received additional intelligence information that corroborated the previous report of the departure. That confirmed that we had most probably had a departure and, on the basis of that, that the boat should have probably arrived and was therefore overdue.

**CHAIR**—But the intelligence sources would not know that it was overdue, would they, from events on land?

**Rear Adm. Bonser**—I beg your indulgence; I think that goes to the nature of the information and matters in the national interest. It ought to be discussed in cabinet.

**Senator JACINTA COLLINS**—Sorry, for my benefit, could you repeat what you did say?

**Rear Adm. Bonser**—In what regard?

**Senator JACINTA COLLINS**—Before the chair sought further information, what did you say about the advice on the 22nd that provided confirmation?

**Rear Adm. Bonser**—The advice we received corroborated the previous report that a boat had possibly departed.

**Senator JACINTA COLLINS**—So it was additional intelligence?

**Rear Adm. Bonser**—It was additional information that confirmed for us that a boat had most probably departed and, on the basis of that, was therefore overdue.

**Senator JACINTA COLLINS**—In part, that is the answer to the question I was about to go to before, which is: had the advice on the 20th been correct, what additional intelligence could you expect? You are now telling us that there is additional intelligence that you received on the 22nd confirming the departure.

**Rear Adm. Bonser**—We cannot predict what the intelligence will be. We only know when it arrives that it exists.

**Senator FAULKNER**—The chair's question, which you answered by indicating that there may be matters that concern the national interest, went to intelligence about the sinking, I thought—I may have misunderstood.

**CHAIR**—My question was about, really, how an intelligence report—which is not surveillance but, I assume, some on-land intelligence capability—would know that a boat at sea was overdue.

**Senator FAULKNER**—That is right.

**Rear Adm. Bonser**—My answer remains the same.

**Senator FAULKNER**—Do you know if the question of the SIEVX was actually discussed at the People Smuggling Task Force?

**Rear Adm. Bonser**—I am aware that the subject was raised at the meeting on 22 October. I do not know what was said because I was not at the meeting; I was in Cairns on that day.

**Senator FAULKNER**—So it was raised in the meeting of the 22nd?

**Rear Adm. Bonser**—That is my understanding, yes.

**Senator FAULKNER**—How are you aware of that?

**Rear Adm. Bonser**—From other Customs attendees.

**Senator FAULKNER**—And when did you become aware of that?

**Rear Adm. Bonser**—I was advised while I was in Cairns that the additional information about the boat had arrived and that Coastwatch was going through the process of clearing the information with AFP, to provide that information to AusSAR. My chief of staff at the time advised me of that and also advised me that they were going to pass on that information at the IDC on that particular day.

**Senator FAULKNER**—Was your chief of staff present at the IDC then?

**Rear Adm. Bonser**—He would have been present on that day along with the DCEO of Customs, Mr Drury.

**Senator FAULKNER**—Are you aware of SIEVX being raised at the IDC before the 22nd?

**Rear Adm. Bonser**—No, I am not aware of that at all.

**Senator JACINTA COLLINS**—What time was the meeting of the IDC on the 22nd?

**Rear Adm. Bonser**—I do not know the timing for that day. I was not at the meeting.

**Senator FAULKNER**—So when it is discussed on the 22nd, the status of SIEVX is ‘overdue’, not ‘sunk’?

**Rear Adm. Bonser**—I presume that is the case.

**Senator FAULKNER**—I am presuming that, too—that is why I am asking you.

**Rear Adm. Bonser**—I would assume so. I was not at the meeting.

**Senator FAULKNER**—No, but you know it was discussed. But you do not know whether SIEVX was discussed at the IDC prior to the 22nd.

**Rear Adm. Bonser**—As far as I know, it was not discussed prior to that date.

**Senator FAULKNER**—Do you know whether it was discussed at any meeting subsequent to the one you told us about on the 22nd? For example, was the sinking discussed at the IDC?

**Rear Adm. Bonser**—I do not recall it, no.

**Senator FAULKNER**—Do you know who raised it at the meeting of the 22nd? It was not Coastwatch?

**Rear Adm. Bonser**—I presume it was the Customs-Coastwatch members advising the IDC that they were going through the process of telling AusSAR.

**Senator FAULKNER**—I think this is relevant to our inquiry, so would you be able to take it on notice for me please as to when any matters in relation to SIEVX were discussed at the People Smuggling Task Force and what the role of Coastwatch was in those discussions—they may have been generated, for example, by Coastwatch or they may not. If that detail could be provided for any matters relating to SIEVX, I would appreciate it. You will obviously need to go to the officers who represented your organisation at the time.

**Rear Adm. Bonser**—I will be able to provide only the information that was presented by Coastwatch or Customs, because I was not at any of the meetings.

**Senator FAULKNER**—But Coastwatch was represented at the meetings, wasn't it?

**Rear Adm. Bonser**—Yes, it was.

**Senator FAULKNER**—I appreciate that you would have to go to the Coastwatch representatives. I understand that you personally were not there. That is why I think it is better to deal with this, if you would not mind, by taking it on notice—understanding that you do not have direct knowledge of it, although you do have some indirect knowledge of it because you have been able to help us with the meeting on the 22nd and the fact that SIEVX was discussed at the People Smuggling Task Force on the 22nd.

**Rear Adm. Bonser**—I will take it on notice and provide what I can.

**Senator JACINTA COLLINS**—I have one further issue that I would ask you to take on notice. You say at paragraph 38 of your opening statement that the full detail of the advice of 20 October is classified. I would like to request that this advice be declassified for this committee. I would like to know if there was similar advice in any of the earlier reports and whether that too is classified and can be declassified.

**Rear Adm. Bonser**—As far as I am aware, all of the advice is classified. I cannot declassify it because it does not originate with me. It would have to go back to the originating authorities to declassify the information.

**Senator JACINTA COLLINS**—The Federal Police?

**Rear Adm. Bonser**—In this instance, yes.

**Senator BARTLETT**—I have two more questions, which I think will wrap up my interest in this.

**CHAIR**—I must say that you are taking a very long time to ask your questions, Senator Bartlett.

**Senator BARTLETT**—I keep getting intruded upon. Just going back one last time to 22 October, Rear Admiral Bonser, you advised Search and Rescue that the vessel was overdue because SIEVX met the criteria that you had confirmation of departure dates and it was known to be overdue. According to Admiral Smith's information, you notified via an opsum to Admiral Smith that the vessel was overdue possibly due to poor condition of the boat and the large numbers on board. The Rescue Coordination Centre also independently reported to Admiral Smith that the vessel was overdue. But it does not seem that Search and Rescue or anybody else actually requested anybody to do anything about it, to go and look for it. They did not ask you to go and look at all to see where it was and whether it was in difficulty?

**Rear Adm. Bonser**—What Search and Rescue then implemented you would have to ask them but, as far as Coastwatch are concerned, we were still conducting all of the surveillance that we had had in place which was specifically dedicated to finding just those boats.

**Senator BARTLETT**—But they did not give you any specific request or direction or anything to go and look over in this area? Based on your earlier evidence, that is not necessarily where you go anyway.

**Rear Adm. Bonser**—No.

**Senator BARTLETT**—And they did not seem to do so with the Relex people either. You have said before that, as far as you are aware, there has been no report or even any form of informal investigation into this situation. This was a circumstance where admittedly it was probably in international waters and closer to Indonesia than here, but we have been involved in fairly extensive efforts to rescue a single yachtsman or yachtswoman a huge number of kilometres from the Australian coast. We have had a few fishermen drown at sea and had coronial inquests and Senate inquiries when there were three or so. We have had massive inquiries when we have had two or three people die on the Sydney to Hobart yacht race. All of those circumstances have their own specifics and I am not trying to say they are all the same thing, but we have an incident in which 353 people drown and nobody has even made a general comment about whether there is some way we can perhaps stop this happening again or whether there is anything we can do better.

**Rear Adm. Bonser**—I have seen nothing about that.

**CHAIR**—That is equivalent to about one jumbo jet going down with a full passenger load.

**Senator BRANDIS**—Those questions assume that Australia has responsibility for the problem. We have yet to hear a syllable of evidence to suggest that we did have responsibility for the problem.

**Rear Adm. Bonser**—I have certainly seen nothing to indicate that.

**Senator JACINTA COLLINS**—I did not hear a question that suggested there had been an Australian investigation. I think the question was whether there had been any investigation.

**Senator FAULKNER**—Is it true that there was input to Coastwatch from the AFP that effectively detailed, if you like, the size and the state of SIEVX? Would that be fair to say?

**Rear Adm. Bonser**—We knew that it was small and overcrowded.

**Senator FAULKNER**—And by ‘overcrowded’ would that mean that you would know that there might be around 400 passengers embarked?

**Rear Adm. Bonser**—We had an indication of the numbers, yes.

**Senator FAULKNER**—Were you aware that some passengers were not able or were unwilling to be boarded?

**Rear Adm. Bonser**—I understand that there was an indication in some of the advice that that was the case, that people either had not got on or had got off the vessel.

**Senator FAULKNER**—So there is no doubt, effectively, that you have got intelligence inputs here basically indicating that the vessel is barely seaworthy. Would that be right?

**Rear Adm. Bonser**—We did not know that because we had not seen it. What we knew was that this vessel was reported as being small and overcrowded, and that was the information we advised to all of the relevant operational authorities.

**Senator FAULKNER**—Does the surveillance task change in that sort of situation, where there might be a possible safety of life at sea situation?

**Rear Adm. Bonser**—In this case, with, as I have said, the imprecise information about departures—the departure after departure that does not eventuate, the comprehensive surveillance that was in place out there and the fact that we did not have a confirmation of the departure and that the vessel was not yet overdue—no.

**Senator FAULKNER**—You know the figure of the people who have embarked on it, so one assumes that it must be pretty close to going if there is that number of people who have embarked?

**Rear Adm. Bonser**—But that number is not inconsistent with previous boats, either.

**Senator FAULKNER**—Yes, but if there is a possible safety of life at sea situation—an unseaworthy vessel that is massively overcrowded and the like—and it is ready to go or about ready to go, does that change the surveillance task that you have?

**Rear Adm. Bonser**—It would not have changed our surveillance task, because we were not conducting surveillance in that area.

**Senator JACINTA COLLINS**—Let us say you had been. Let us say Coastwatch had been directly responsible for the surveillance in the zone, would Coastwatch have instigated surveillance after notification of the departure on the 20th?

**Rear Adm. Bonser**—One of Coastwatch’s tasks is to conduct surveillance to detect all these boats before they reach Australia.

**Senator JACINTA COLLINS**—So the answer is yes?

**Rear Adm. Bonser**—We would have done that, irrespective.

**Senator JACINTA COLLINS**—Of the safety of life at sea situation?

**Rear Adm. Bonser**—Yes, which was what was happening here already. A comprehensive surveillance pattern was in place doing nothing but looking for these boats.

**Senator FAULKNER**—But it is not just a small, overcrowded, unseaworthy vessel, is it? It is full of SUNCs, as these people are described—an unhappy acronym: suspected unlawful noncitizens. That makes a difference too, doesn't it?

**Rear Adm. Bonser**—All of these boats are full of people.

**Senator FAULKNER**—Yes, but I am interested in how that affects the surveillance task.

**Rear Adm. Bonser**—The surveillance task was in place looking for all of these boats throughout.

**Senator JACINTA COLLINS**—But what we have from Admiral Smith indicates that surveillance at the time was not as comprehensive as you seem to be indicating. Surveillance was brought back closer to the contiguous zone, as I understand Admiral Smith's report—it was brought right back to the immediate area around Christmas Island.

**Rear Adm. Bonser**—I do not know about that, Senator. I think it is something you would have to address to Admiral Smith.

**Senator BRANDIS**—I would like to ask a question about the surveillance area as well. Are you aware of how close to the southernmost reach of the Sunda Strait the limit of Coastwatch surveillance was at this period?

**Rear Adm. Bonser**—Coastwatch was not within 1,000 miles of Sunda Strait.

**Senator BRANDIS**—Have you read Mr Kevin's evidence? Mr Kevin's conjectures that the vessel foundered some hundreds of miles south of the southernmost point of the Sunda Strait. Are you familiar with that evidence?

**Rear Adm. Bonser**—I am familiar with the evidence, yes.

**Senator BRANDIS**—Did the limit of the Coastwatch surveillance area ever reach even the point at which Mr Kevin conjectures that the vessel foundered?

**Rear Adm. Bonser**—No, Coastwatch did not, because we were 1,000 miles away to the east. Defence was conducting surveillance around Christmas Island.

**Senator BRANDIS**—Are you aware of the limit of the Defence surveillance?

**Rear Adm. Bonser**—It was about 30 miles south of Indonesian territory.

**Senator BRANDIS**—Thank you.

**CHAIR**—Where is that, for my benefit, in relation to Mr Kevin's conclusion of where the boat foundered?

**Rear Adm. Bonser**—It would be within the surveillance area.

**CHAIR**—It would be within the surveillance area?

**Rear Adm. Bonser**—Yes, it would.

**Senator JACINTA COLLINS**—But, Rear Admiral, the point I was coming to a moment ago was that we were advised by Admiral Smith that on 19 October—when this vessel departed Indonesia and foundered, he claims, in the Sunda Strait—air surveillance assets and Navy service units were conducting layered surveillance operations and responding to SIEVs close to Christmas and Ashmore islands. So comprehensive surveillance was not occurring at that time; it had been pulled back close to Christmas and Ashmore islands. From what I understand you to be saying, that is not ordinarily the case.

**Rear Adm. Bonser**—I was talking about the overall surveillance that was in place right across Northern Australia, which was, in my experience, the most comprehensive that I have ever seen. What was happening out at Christmas Island was purely defence assets; you would really have to ask them about that.

**Senator JACINTA COLLINS**—I am also trying to understand what happens with the flow of communication, because pre these arrangements it would have been an exclusively Coastwatch situation: Coastwatch gets the report, Coastwatch is alerted possibly to a safety of life at sea scenario, Coastwatch has its comprehensive aerial surveillance in place and would anticipate identifying if such a ship were foundering in that region. But in this scenario we have Coastwatch passing that information on to Defence, Defence saying, 'No, our assets are busy elsewhere,' and no aerial surveillance occurring, as it seems.

**Rear Adm. Bonser**—I do not know about that; that is something you would have to ask those that were conducting the surveillance.

**Senator FAULKNER**—Who would make the decision? Accepting that this is outside the area, under the auspices of Operation Relex, that Coastwatch has surveillance responsibilities for—which is the point you make, isn't it?

**Rear Adm. Bonser**—Yes.

**Senator FAULKNER**—Just accepting that, who would make the decision in Defence, as you understand it—based on the material that you provide, the AFP reports and the like—that surveillance of this particular SIEVX is warranted? Where would that decision be made? Would it be made at NORCOM; would it be made elsewhere? Can you assist us with that at all?

**Rear Adm. Bonser**—I would expect that it would be made in that operational chain of command: between the Theatre Command, Northern Command and indeed the assets in location.

**Senator FAULKNER**—Once you pass on the intelligence material you have available, is there no follow-up from Coastwatch?

**Rear Adm. Bonser**—Only to continue to provide any additional information that comes to us.

**Senator FAULKNER**—You do not get any feedback from Defence as to whether they decide to undertake any particular level of surveillance of the identified SIEV?

**Rear Adm. Bonser**—Sorry?

**Senator FAULKNER**—If Defence decided that they were going to undertake surveillance of SIEVX, for example, would Coastwatch in the normal course of events have been notified?

**Rear Adm. Bonser**—Probably not. We would have had information that they were conducting the surveillance in that general area with the assets that were available. We were not seeing the actual detail of the surveillance patterns, not that level of detail.

**Senator FAULKNER**—Can I ask you this: do you think, in relation to SIEVX, that there were process failures in terms of the role of Australian agencies? I appreciate you can only make a comment from where you sit and it is in that context I ask you the question.

**Rear Adm. Bonser**—From what I have seen and from the information that has been passed on I would say no. All of the information has been handled properly and passed on.

**Senator FAULKNER**—So you think it is perfectly reasonable that Australian authorities should learn about the sinking of SIEVX from CNN? You are quite satisfied that that is acceptable?

**Rear Adm. Bonser**—If that is the only information you get, then that is all you have.

**Senator FAULKNER**—But it is not the only information we have got in this situation, is it?

**Rear Adm. Bonser**—That is the only information that we have about the vessel sinking.

**Senator FAULKNER**—It might be the only information at that time about the vessel sinking, but it is not the only information you have about the vessel leaving. It is in that context I asked the question. I probably should clarify it. My question does not go specifically to the sinking of SIEVX; it is the whole exercise from the time 400 people embarked and the boat left Indonesia. If the government decided to inquire further into the events surrounding the sinking of SIEVX, given your extensive responsibilities in relation to Coastwatch, could you identify any process failures in relation to this particular SIEV?

**Rear Adm. Bonser**—I cannot see any course of action that any Australian authority could have taken that would have prevented the sinking of the vessel.

**Senator FAULKNER**—Can you think of a situation where Australian agencies should have had a great more knowledge and detail about what occurred with this SIEV after it left Indonesian shores?

**Rear Adm. Bonser**—No, I cannot.

**Senator FAULKNER**—Can you draw a distinction between the state of knowledge that agencies had of that SIEV and a range of the other SIEVs—some of this you have dealt with in your opening statements—particularly the number of SIEVs. I am using SIEVs 1 to 12.

**Rear Adm. Bonser**—The information is remarkably similar about all of the vessels, in particular the on again off again nature of the departures. The only thing that was different about this vessel was that we had information at the last report of the possible departure that it was small and overcrowded.

**Senator FAULKNER**—You have not been asked since the sinking of the SIEV, in your role at Coastwatch, for any investigation or inquiry into those events at all?

**Rear Adm. Bonser**—No, I have not.

**Senator FAULKNER**—Does that surprise you?

**Rear Adm. Bonser**—No.

**Senator JACINTA COLLINS**—Let me take you to one area where there are issues of a process nature regarding the reporting, and that is your statement at 42:

In the normal course of operations, Coastwatch informs AusSAR about any vessels that have been sighted and may be in difficulty or distress.

You are probably aware that the evidence we had from AusSAR was that they were never advised that there was a vessel in distress, even on 20 October. How could you get into that situation?

**Rear Adm. Bonser**—Because there was nothing to indicate there was a vessel in distress.

**Senator JACINTA COLLINS**—You said that you advise AusSAR, in the normal course of events, when a vessel may be in difficulty or in distress, and you did so on this occasion.

**Rear Adm. Bonser**—What we did on this occasion was to advise AusSAR that there was a vessel that was potentially overdue.

**Senator JACINTA COLLINS**—Your statement at 42 says:

In the normal course of operations, Coastwatch informs AusSAR about any vessels that have been sighted and may be in difficulty or distress.

And you did this on this occasion. You said that SIEVX met this criteria.

**Rear Adm. Bonser**—SIEVX was not a vessel that had been sighted and was observed to be in difficulty and distress. When Coastwatch has confirmation of the departure date of a SIEV, and then when it is known that it is overdue, Coastwatch provides that information to AusSAR. After we had received the additional information on 22 October, SIEVX met that criteria, and that was why Coastwatch contacted AusSAR and advised them that there was a vessel that was potentially overdue.

**Senator JACINTA COLLINS**—This is where there is a lack of clarity. You are saying that you advise AusSAR when a vessel may be in difficulty or distress. That is why you advise AusSAR, isn't it?

**Rear Adm. Bonser**—When we sight a vessel that may be in difficulty or distress, yes.

**Senator JACINTA COLLINS**—So, in this case, you had confirmation of departure and you knew it was overdue. Presumably you felt that met the criteria of probably being in difficulty or distress, and so you would advise AusSAR?

**Rear Adm. Bonser**—No. That met the criteria for a vessel being overdue, and so we advised AusSAR.

**Senator BRANDIS**—Is this the situation? There are different categories of criteria that trigger the advice to AusSAR: one is the sighting of a vessel in difficulty or distress; and another and independent criterion is that a vessel is overdue.

**Rear Adm. Bonser**—That is correct, and they are independent.

**Senator BRANDIS**—In this case, it was the second and not the first of those two categories which triggered your advice to AusSAR. It is as simple as that, isn't it?

**Rear Adm. Bonser**—That is correct.

**Senator JACINTA COLLINS**—Then, when you get to the first of those criteria, what action is AusSAR meant to take? My question is: what is the point of advising AusSAR?

**Rear Adm. Bonser**—And that is for which criteria, Senator?

**Senator JACINTA COLLINS**—The first, the 'overdue'.

**Rear Adm. Bonser**—For an overdue vessel—and you would have to clarify this with AusSAR—my understanding is that they would issue a broadcast alert, asking shipping to keep a lookout for a vessel that was overdue.

**Senator JACINTA COLLINS**—They tell us they only do that when they have information that there is difficulty or distress. They are not aware of this two-level criterion that Senator Brandis has put to you.

**Senator BRANDIS**—No, not two-level criterion; two separate criteria.

**Senator JACINTA COLLINS**—Okay, two different criteria. It seems that AusSAR is not aware of these criteria.

**Rear Adm. Bonser**—I do not know about that. You would have to clarify that with them.

**Senator JACINTA COLLINS**—I suggest that you look at the evidence they gave this committee. Their answer for not responding to a report from Coastwatch is that there was no indication of distress.

**Rear Adm. Bonser**—And we did not tell them that there was an indication of distress. We provided the information to them that there was an overdue vessel.

**Senator JACINTA COLLINS**—What I am asking you is this: if it has this other criteria, which is vessel overdue, what is your understanding of what AusSAR does with it? What is the point of reporting overdue to them, if all they simply say is ‘We’ve done nothing, because there’s no indication of distress’? Why bother with this criterion?

**Rear Adm. Bonser**—Because that has been a standard procedure and, in the past, there have been broadcasts issued asking for vessels to keep a lookout for overdue vessels.

**Senator JACINTA COLLINS**—That is additional information that was not provided to us from AusSAR. We need to get to the bottom of why they did not do that on this occasion, because they did not—and we do not know why they did not, but we do know that many lives were lost.

**Senator BRANDIS**—I think it is clear that there was never a time at which this vessel was under surveillance.

**Rear Adm. Bonser**—That is correct.

**Senator BRANDIS**—There was never a time at which any report was received by Coastwatch that the vessel was in difficulty or distress.

**Rear Adm. Bonser**—That is correct.

**Senator BRANDIS**—There was never a definitive piece of information conveyed that the vessel had, in fact, definitely departed Indonesian shores; there were merely intelligence reports that the vessel may have departed Indonesian shores.

**Rear Adm. Bonser**—That is correct.

**Senator BRANDIS**—On the assumption that this vessel may have departed Indonesian shores on a given date, there was a report that the vessel was overdue, and that report came to you?

**Rear Adm. Bonser**—Yes, it did.

**Senator BRANDIS**—A report was received that the vessel had sunk, which report was received after that event had happened.

**Rear Adm. Bonser**—Yes, that is correct.

**Senator BRANDIS**—That was also a report in the public media on the international news programs.

**Rear Adm. Bonser**—Yes, it was—in addition to the report we received on 23 October from the Australian Theatre Joint Intelligence Centre.

**Senator BRANDIS**—As far as I can follow your evidence, there was never a time prior to the sinking of the vessel that Coastwatch received any information causing it to arrive at a conclusion that the vessel was in peril or distressed.

**Rear Adm. Bonser**—That is correct.

**Senator BRANDIS**—That is what I thought. Thank you.

**Senator BARTLETT**—Can I clarify that. As I heard your evidence, you never got confirmation that the vessel had departed.

**Rear Adm. Bonser**—Could you clarify your question? I am not sure I understand.

**Senator BARTLETT**—My understanding of the answers you gave part way through there is that you had a range of intelligence reports of possible departures here and there, but there was no confirmed sighting or confirmation of a departure date.

**Rear Adm. Bonser**—The only time we received information that corroborated a departure and indicated to us that this vessel had probably departed and could therefore be considered overdue was when we received information on 22 October.

**Senator BARTLETT**—You are saying ‘probably’. What is the difference between probability and confirmation?

**Rear Adm. Bonser**—We could not tell whether the vessels had really left or not until they turned up.

**Senator BARTLETT**—You said in your opening statement that you had told AusSAR about the confirmation of departure. Was it confirmed or wasn’t it?

**Rear Adm. Bonser**—That was the best indication we had of a confirmation of a departure and, on the basis of that, we assessed that the vessel was overdue and advised AusSAR accordingly. I cannot really go into any further detail in public about the nature of that information or why it led us to that belief.

**Senator BARTLETT**—We can pursue that with the AFP. I am not trying to divulge state secrets, I am just trying to get an idea of what constitutes confirmation and when probable departure becomes confirmed departure.

**Rear Adm. Bonser**—I think the nature of the information that was provided on the 22nd, if provided in camera, would make that clear.

**CHAIR**—It may be that the committee would want to move in camera, but that is not a question we need to address just yet. I need to be clear in my head, because I am a little confused about one or two of the points. My understanding, based on the corrected evidence of Admiral Smith, is that SIEVX departed Sumatra, which is a small coastal town in west Java, and that was the last place it touched on its ill-fated voyage. After that, it sailed on and foundered somewhere. The evidence that you have given us and reiterated a number of times—and I thank you for that—is that you received information on 22 October that this vessel may be overdue. That information was received from the AFP, as I recall you saying. I went through this before. The sole source of information that the vessel was overdue was the AFP, as far as Australia is concerned?

**Rear Adm. Bonser**—That is correct.

**CHAIR**—You first learnt that the vessel was overdue from the AFP?

**Rear Adm. Bonser**—Yes, and that assessment was made based on the information we received from the AFP on 22 October.

**CHAIR**—Did you receive information from the AFP that the vessel was overdue or that the vessel had departed at a certain time and then, by your own calculations, conclude that it was overdue?

**Rear Adm. Bonser**—It was both. Part of the information and the detail of the information would help clarify that. There was an assessment that it was overdue, and we agreed with that assessment.

**CHAIR**—That is the point I want to be clear about. The AFP advised you that the vessel was overdue and, when you did your sums about where it was likely to be, you confirmed in your mind that, ‘Yes, obviously it is overdue.’ Is that how it went?

**Rear Adm. Bonser**—That is correct, Senator.

**CHAIR**—The point I am concerned about is that the originating idea that the vessel was overdue came to you. You did not calculate that or deduct that from other information—from raw material. You got that conclusion, you checked it and then reaffirmed that it was overdue.

**Rear Adm. Bonser**—That is correct, Senator.

**CHAIR**—And then you were asked to wait before that knowledge was broadcast so that it could be put in an acceptable form of reporting by the AFP?

**Rear Adm. Bonser**—Yes.

**CHAIR**—You will tell me if I am intruding into areas that are sensitive and ought to be protected, which ‘may’ be matters for us to consider in camera when I ask these next questions. The advice that the Australian Federal Police gave you after this interregnum of nearly four hours from the initial report about what you may notify as an overdue vessel was essentially the same advice, in the same terms, that they had given you earlier or was it advice that was not in the same terms?

**Rear Adm. Bonser**—It was not in the same words—because of the nature of the original information—but it was in the same terms, that this vessel was overdue. The original information inferred that same conclusion.

**CHAIR**—All right. The RAAF were flying surveillance in the area where Mr Kevin concluded SIEVX sank. Were they flying surveillance at the time that this vessel may have been in that vicinity?

**Rear Adm. Bonser**—I do not know. I do not know whether it was ever in that vicinity or, if so, when.

**CHAIR**—You are aware though, as you said in your opening statement, of what Mr Kevin has said, you have read his evidence before us and you have doubtlessly seen the maps or the charts that he has presented to us and would therefore know where his hypothesis leads in terms of where he believes the vessel sank—that is, in an air surveillance area of Australia.

**Rear Adm. Bonser**—Yes, it would be, Senator.

**CHAIR**—For the ADF?

**Rear Adm. Bonser**—Yes, if that is where the vessel sank.

**CHAIR**—Do you happen to know whether a PC Orion, if that was the type of aircraft used, is equipped with life rafts and things that it could drop from the air if it comes across a SOLAS situation?

**Rear Adm. Bonser**—I know they can be, Senator.

**CHAIR**—You do not know whether the operating aircraft in the area were, though?

**Rear Adm. Bonser**—I do not know the answer to that question.

**CHAIR**—Maybe it is a question we should ask Defence. How long after 22 October, when you had broadcast this information, did CNN report that this vessel had in fact sunk?

**Rear Adm. Bonser**—It was the following day, 23 October. That was the same day that we received advice from the Joint Intelligence Centre that there had been a report that a vessel had sunk.

**CHAIR**—The report that the Joint Intelligence Centre was referring to was the CNN report or another report?

**Rear Adm. Bonser**—I do not know. We received two separate reports: one from the Joint Intelligence Centre and we also saw what was on CNN.

**CHAIR**—You actually saw it on the screen?

**Rear Adm. Bonser**—I did not, but I heard about it.

**CHAIR**—Officers of your agency saw it on the screen?

**Rear Adm. Bonser**—Yes.

**Senator JACINTA COLLINS**—But you do not know that they were separate reports?

**Rear Adm. Bonser**—No, I do not know what the source of the Joint Intelligence Centre report was.

**CHAIR**—There is one other detail but I am not quite sure whether Senator Faulkner—who is not here, otherwise I would have asked him rather than ask you—asked you this question before. You knew from the intelligence reports that this was an overcrowded vessel and that it was a small vessel. Did you also know that it was leaky? Did you know what the condition of it was?

**Rear Adm. Bonser**—No, we did not. I believe that is information that only came out after the event and that a range of that has become confused with what might have been original information.

**Senator JACINTA COLLINS**—Which is why a declassified report might be helpful.

**CHAIR**—Taking you back to your remarks in your opening statement about reviewing the Kevin hypothesis, for want of a better description, and Mr Kevin's evidence, has Coastwatch done its own reconstruction of the events to test that hypothesis?

**Rear Adm. Bonser**—We have looked at the information but it is so imprecise that you really cannot reconstruct much from it, I would have to say.

**CHAIR**—So you have done some sort of exercise.

**Rear Adm. Bonser**—We have plotted estimated times of departure, possible speeds, different diversions and where the vessel may have gone but it is very difficult to reconstruct. The best we have been able to work out is that it was somewhere between the Sunda Strait and perhaps about 80 miles south of it that this vessel unfortunately sank, but we have not been able to determine exactly where.

**CHAIR**—Calculating wind speeds, drifts and currents and plotting where boats might be and those sorts of things would be an expertise of Coastwatch, wouldn't it?

**Rear Adm. Bonser**—We have some skills in it, but the experts are the search and rescue authority.

**CHAIR**—You have presented to us that the analysis you have conducted was, in a way, a back of the envelope sort of exercise, or that is the impression I have. Was it an exercise like that, or was it a more considered sit down with the charts, the calculators and the navigational instruments to try to work it out? Was it a fairly full-on exercise?

**Rear Adm. Bonser**—We certainly would have looked at a chart, at estimated times of departure and at how far a vessel might have gone at certain speeds, but to get any precise information even of the courses that the vessel might have taken would have been pure guesstimation. We just had no detail about what the vessel did, or might have done, after it allegedly sailed to indicate even what direction it went in.

**CHAIR**—And the intelligence reports did not provide a clue to you as to that.

**Rear Adm. Bonser**—All we had was that there was a possible departure on a date, and I think that was the fifth possible departure that month. We had no idea whether the vessel was actually departing the archipelago or going somewhere else in the archipelago.

**CHAIR**—Does this exercise that you have just described appear in writing anywhere?

**Rear Adm. Bonser**—I do not know that we actually have any of that recorded. We would have sat down with the chart, but it may well have been rubbed off again by now.

**CHAIR**—Can you check to see if you have anything?

**Rear Adm. Bonser**—I can check.

**CHAIR**—You leave me with a terrible void in trying to package this. I understand and respect what you say about there being so many variables here and how do you know where it may have foundered. If you have no information after it leaves port, the fact that another agency can tell you that it is overdue suggests that another agency may have some of that information. So I will give some thought as to whether or not we might want to go in camera on some of that evidence.

**Senator MASON**—Admiral, I think you said, in response to questions from my colleagues, that you are familiar with Mr Kevin's evidence on *Hansard* and perhaps also some of his opinion pieces. Is that correct?

**Rear Adm. Bonser**—Yes, I have read some of them.

**Senator MASON**—I will quickly put some of them to you in a second. Let us get a bit of context to our discussion this afternoon. On page 1327 of *Hansard* of 1 May 2002, Mr Kevin says—and this is the nub of the issue:

There is clear public knowledge now from Australian official sources that there was some Australian official foreknowledge of the circumstances that led to the deaths of these 353 human beings. This cries out for explanation and accountability.

And on page 1325, he says:

Coastwatch Australia knew from an intelligence source when this boat had left, where from, its likely speed and that it was heading for Christmas Island.

Are you across that information?

**Rear Adm. Bonser**—Yes.

**Senator MASON**—They are the claims that Mr Kevin in effect makes as they relate to Coastwatch. The nature of the information has been discussed this afternoon, and I think Senator Bartlett referred to paragraph 32 of your opening statement, which reads:

Information in relation to possible boat departures from Indonesia is often imprecise and subject to frequent change. It is not unusual for a vessel's projected departure dates and times to change on an almost daily basis over a period of days or even weeks.

I think you gave evidence that on five different occasions there were intelligence reports that SIEVX was about to depart. Is that correct?

**Rear Adm. Bonser**—That is correct—either about to depart or had departed. That was just in the month of October.

**Senator MASON**—In paragraph 3 of Admiral Smith's statement of clarification—I think you know what that is—dated 17 May, he says:

The intelligence reporting from Coastwatch was used as indicators of a possible SIEV arrival in an area within a probable time window.

Do you agree with that?

**Rear Adm. Bonser**—Yes. That is in fact the way that Coastwatch used the information as well—as indicators rather than any firm navigation evidence that a ship was in a particular position.

**Senator MASON**—You have also given evidence—in answer to a question by Senator Brandis, I think—that this vessel was never under observation by the ADF or Coastwatch. Is that correct as well?

**Rear Adm. Bonser**—That is correct.

**Senator MASON**—I will briefly put some of Mr Kevin's assertions to you. This is from the *Canberra Times* opinion page, page 11, on 21 May. He writes:

So it's a reasonable inference from Operation Relex practice that timely intelligence reached Canberra on October 18 or 19 saying that SIEV X had left Sumatra on October 18 bound for Christmas Island and that it was a 19-metre fishing boat carrying around 400 people.

Is that right?

**Rear Adm. Bonser**—No. We did not get an indicator—well, we got the fifth indicator that the boat had departed somewhere on the 19th. We received that on the 20th. We certainly did not know the dimensions of the boat.

**Senator MASON**—So what would you say to the implication or insinuation that Coastwatch is responsible or partly responsible for the deaths of these 353 people?

**Rear Adm. Bonser**—I find it personally affronting.

**Senator MASON**—That is part of the assertion that is being made here by Mr Kevin.

**Rear Adm. Bonser**—I completely disagree with it.

**CHAIR**—Is that assertion specifically made?

**Senator JACINTA COLLINS**—I am not sure that is a fair representation of the assertions either.

**Senator MASON**—I think it is.

**CHAIR**—It is a fairytale.

**Senator MASON**—Taking it to its conclusion, it is.

**Senator JACINTA COLLINS**—The AFP are an Australian agency, and they received the information on the 19th.

**Senator MASON**—We can get to them. I am happy to examine—

**Senator JACINTA COLLINS**—But a moment ago you represented it as Coastwatch.

**Senator MASON**—No, I said Coastwatch and the ADF. I am aware of what I am saying.

**Senator JACINTA COLLINS**—We know you are aware of what you are saying. You are misrepresenting the case.

**Senator MASON**—No, I am not misrepresenting it at all. We can debate this later. I am quite happy to call anybody you want and we will examine them as well and do that and the truth will come out.

**Senator FAULKNER**—You were going very well. Just keep your focus.

**Senator JACINTA COLLINS**—Get back on track.

**Senator MASON**—Thank you. So you would say that the assertions made by Mr Kevin as they relate to Coastwatch are rubbish?

**Senator JACINTA COLLINS**—Which assertion is that?

**Rear Adm. Bonser**—I disagree with them.

**Senator MASON**—Thank you.

**Senator FAULKNER**—That wouldn't be a leading question.

**Senator MASON**—The answer has come out and the answer will do me fine. Can we move on to a slightly different topic, as we have got the answers we needed before about Operation Relex. The Labor Party, the opposition, has said—and the insinuation again has been made—that in some cases the Navy—

**Senator JACINTA COLLINS**—Made by whom?

**Senator MASON**—Hold on and wait until you have heard the question.

**Senator JACINTA COLLINS**—You said 'the Labor Party' and I would like to know what you are accusing us of.

**Senator MASON**—Just hold on.

**Senator FERGUSON**—Address your question to him. Do not worry about them.

**Senator MASON**—Admiral, perhaps Operation Relex is an inappropriate use of naval resources. Could Coastwatch, for example, have intercepted vessels such as, let us say, SIEV4? Would Coastwatch vessels have had the capacity to intercept SIEV1, SIEV2, SIEV3, SIEV4 through to SIEV12?

**Rear Adm. Bonser**—Coastwatch does not have vessels. We normally have patrol boats provided in support of us. Those vessels which are normally provided to us, the patrol boats, would not have had the capacity to deal with this task. It needed bigger ships with far more people on them to deal with boats with several hundred people.

**Senator FAULKNER**—Coastwatch would not normally comment on party political matters and the policy of political parties, would it?

**Rear Adm. Bonser**—Certainly not.

**Senator FAULKNER**—I am not suggesting that you were, but it is—

**Rear Adm. Bonser**—But I can answer factually—

**Senator FAULKNER**—what would be described in naval parlance as a ‘shot across the bow’ for Senator Mason.

**Senator FERGUSON**—Which you have not done, of course.

**Senator MASON**—The answer to the question is delightful, Admiral. That is fine.

**Senator JACINTA COLLINS**—Going to point 35 in your opening statement, we discussed a moment ago the five separate dates in October when suspected departures or departures were reported. I am interested in having you elaborate on the detail of the information that we had. If we go back to where your statement says ‘on four different dates in August’, what was the nature of the information on those four different dates in August—without going into anything that is sensitive?

**Rear Adm. Bonser**—Either indications that the vessel was about to depart or had departed.

**Senator JACINTA COLLINS**—So you are not suggesting that in August you were told that it was due to depart at some stage in September?

**Rear Adm. Bonser**—No. What I am referring to is that in August, in September and in October we had a range of indications, at all times saying that this vessel may be about to depart or had departed at those times.

**Senator JACINTA COLLINS**—Can you tell me on how many occasions you had reports that it had departed?

**Rear Adm. Bonser**—I think we had three: one in September and two in October.

**Senator JACINTA COLLINS**—The one in September indicated that it had departed from where—if that is not sensitive?

**Rear Adm. Bonser**—I would have to check that detail and I cannot recall that now.

**Senator JACINTA COLLINS**—Could you take that on notice? Again, if it is not sensitive information; I put that caveat on it. It was once in September and how many times in October?

**Rear Adm. Bonser**—Twice. That is twice prior to the information received on 20 October, so that would have made it the third one.

**Senator JACINTA COLLINS**—So the two occasions prior to 20 October were the two reports about—according to Rear Admiral Smith—a potential departure on 14 October? Is that one of them?

**Rear Adm. Bonser**—I would have to check the dates. I am aware of the number; I do not have the dates with me.

**Senator JACINTA COLLINS**—There is another one, which is reported to have departed on 17 October, and I think both of these relate to Palabuhan Ratu. The reason that I am seeking some clarity on this—and you might need to do this in more detail on notice—is that, according to Rear Admiral Smith, the one on 14 October was a potential departure as opposed to a departure, and the one on—let me get the date right—18 October was an actual departure. I am also curious as to whether those reports did in fact report movement of the ship—meaning that it did actually depart and then move to Suma—or whether it was a misreport, and any assessment you are aware of to that effect.

**Rear Adm. Bonser**—I am aware that the report on the 17th was a movement from one port to another.

**Senator JACINTA COLLINS**—So the report of the 17th was a movement and the report of the 20th was a movement—we know that according to the corroboration we got on the 22nd.

**Rear Adm. Bonser**—That is correct.

**Senator JACINTA COLLINS**—And the report of the 14th was a potential movement which did not end up being a movement.

**Rear Adm. Bonser**—I believe that is the case, but I will have to confirm that.

**Senator JACINTA COLLINS**—I am also then interested in the earlier reports. I am interested in the accuracy of the reporting. I am interested in whether the reporting you had for August and September equally accurately reported movements of this ship. On the map, the ship moves around the strait area, eventually coming to Suma before it enters the strait, and then it founders somewhere.

**Rear Adm. Bonser**—We would not have that information, because we do not know what the vessel did after it departed its final port.

**Senator JACINTA COLLINS**—No, I realise that. The case that is being presented to us is that we had a mixture of reports, and that clouded the picture. So we were not terribly confident of the report that we had on the 20th. Is that an accurate depiction?

**Rear Adm. Bonser**—That is correct.

**Senator JACINTA COLLINS**—What I am seeking to understand is whether this confused picture of reporting is actually a fairly accurate report of a ship making its way down to close to the strait, which is the vicinity, ultimately, of where it ended up foundering. I would like to see

the detail—so far as it does not compromise any sensitivity on intelligence purposes—of all of those reports: where the ship was, when it was being reported, precisely what it was being reported as possibly doing and whether it did in fact do that.

**Rear Adm. Bonser**—That goes to the nature of the reports which are still classified and need to be declassified by the originating authority.

**Senator JACINTA COLLINS**—Yes and no. You could look at those reports and answer those questions without compromising the full detail of the report, I would have thought—at least in many instances, maybe not in all.

**Rear Adm. Bonser**—It would still have to be cleared with the originating authority.

**Senator JACINTA COLLINS**—Again you are saying this is perhaps more appropriately a Federal Police issue.

**Rear Adm. Bonser**—To look at the information in detail, yes.

**Senator JACINTA COLLINS**—I also wanted to clarify what you indicated before, which was that you believe it foundered somewhere between the Sunda Strait and 80 nautical miles south of Java.

**Rear Adm. Bonser**—I do not know where the vessel sank. All the reports that I have heard, which all come from what I have heard in the media, indicate somewhere between Sunda Strait and perhaps 80 miles south of Java.

**Senator JACINTA COLLINS**—Are we talking nautical miles here as well?

**Rear Adm. Bonser**—Yes.

**Senator JACINTA COLLINS**—What component of that region falls within our aerial surveillance zone?

**Rear Adm. Bonser**—My understanding is anywhere up to about 30 miles from Indonesian territory.

**Senator JACINTA COLLINS**—The map has the strait up here.

**Rear Adm. Bonser**—That is, from the coast.

**Senator JACINTA COLLINS**—So if we take it from the coast and 30 nautical miles down then that is where our zone of aerial surveillance would be.

**Rear Adm. Bonser**—That was the area in which Defence was conducting surveillance. You would really have to clarify the detail of that with them. I understand that there was a stand-off distance from Indonesian territory for diplomatic reasons.

**Senator FAULKNER**—In Admiral Smith's letter he talks about the Coastwatch assessment of the Abu Qusey vessel that assessed that the vessel could possibly arrive at Christmas Island late 18 October or early 19 October 2001. Who makes those assessments?

**Rear Adm. Bonser**—That is done by analysis staff. They would base that broadly on the reports that they might get of departure dates and then estimate an arrival time based on possible speeds of these vessels, which are invariably slow. Sometimes these things do not even occur because the vessels divert to somewhere else.

**Senator FAULKNER**—Is there any reason that the civil maritime surveillance program opsums could not be made available to the committee?

**Rear Adm. Bonser**—I can make them available in camera with that information, which is classified and based on the original AFP advice.

**Senator FAULKNER**—But that would only be part of it, wouldn't it?

**Rear Adm. Bonser**—All those opsums are is a precis of the original information, but it is still based on the original classified information that we received.

**Senator FAULKNER**—Sure, it is based on that, but I thought it might be an analysis of that intelligence as opposed to just retailing the raw intelligence.

**Rear Adm. Bonser**—It is just a precis of the original information. But some of it goes to the source and the nature of some of the information which still remains classified.

**Senator FAULKNER**—Could you have a look, in relation to the opsum reports that are mentioned in your and Rear Admiral Smith's clarifying letter, at what might be able to made available?

**Rear Adm. Bonser**—I can certainly have a look at it, Senator.

**Senator FAULKNER**—I would appreciate that. There might be a need to follow up some questions on notice, depending on the nature of the information that is provided.

**Rear Adm. Bonser**—Certainly, Senator.

**CHAIR**—I indicated that I wanted to give some thought to whether we should go in camera to take some further evidence on some of these points. I can indicate to you now, Admiral, that that is a matter I will raise for consideration by the committee at our meeting, which is at six o'clock tonight. If, as a consequence of that discussion, we decide to do so, would you be available to come back and give some evidence?

**Rear Adm. Bonser**—I can make myself available, yes, Senator.

**CHAIR**—Thank you. I think that concludes your evidence for the time being. Thank you very much for your attendance.

**Proceedings suspended from 3.24 p.m. to 3.41 p.m.**

**WALKER, Group Captain Steven, Participant, Centre for Defence and Strategic Studies Course 2002, Department of Defence**

**CHAIR**—The committee will resume its hearing. I welcome Group Captain Walker. As I understand it, you do not have an opening statement.

**Group Capt. Walker**—No, I have previously made submissions to General Powell's investigation. A copy of that was passed to Ms Bryant. Ms Bryant interviewed me in the past and there is a record of interview, which I believe the committee already has.

**CHAIR**—It is already in the possession of the committee and in the records of our hearing. I have a couple of questions that I would like to ask you. Let me ascertain from my colleagues whether they have any questions.

**Senator JACINTA COLLINS**—I have only a few, but you can go first and you might pick up what I want.

**CHAIR**—Those are ominous words, which mean that, usually at some stage later, there are questions. Can I be clear about this: you were a member of the People Smuggling Task Force, representing the Department of Defence, when the meeting reporting the alleged 'children overboard' incident occurred?

**Group Capt. Walker**—That is correct. In my position as the Director of Joint Operations, working in the Strategic Command division, I attended two interdepartmental committees of the People Smuggling Task Force on Sunday, 7 October.

**CHAIR**—Were you at the meeting on Sunday, 7 October for the whole time?

**Group Capt. Walker**—I was at the whole of the meeting in the morning and part of the meeting in the evening.

**CHAIR**—Did you arrive at the meeting before it commenced? Were you there until it concluded?

**Group Capt. Walker**—I arrived at the morning meeting before it commenced and remained until it concluded. I arrived at the evening meeting before it commenced and departed after Air Vice Marshal Titheridge, the Head of Strategic Command, arrived.

**CHAIR**—Were you absent from those meetings for any length of time or any time at all?

**Group Capt. Walker**—I do not believe so.

**CHAIR**—So is it fair to say that you were there for the whole meeting and all the events that occurred at the beginning of the meeting through to the end of the meeting—you were a witness to them or part of them?

**Group Capt. Walker**—Yes.

**CHAIR**—That is, both meetings.

**Group Capt. Walker**—For the first meeting, I was there for the whole meeting; for the second meeting, I was there for only part of the meeting.

**CHAIR**—Ms Halton was the chairperson of that meeting. She has emphasised to us that the task force was simply a coordinating and information sharing body rather than a decision making body. Is that your understanding of its role?

**Group Capt. Walker**—Largely, yes.

**CHAIR**—Were there any discussions of issues like, for example, the medical treatment of individual asylum seekers, the use of force or the development of ‘media lines for ministers’?

**Group Capt. Walker**—My notes do not reflect that, and I only have the briefest of notes with respect to both of those meetings. The meetings were largely designed to discuss logistics implications for the island sites and the moving of people between areas.

**CHAIR**—On the question of media lines for ministers, though, we have some evidence that the committee gave thought that. Do you have any recollection of that being discussed at the meeting?

**Group Capt. Walker**—I believe it was discussed, but I have no recollection of the details.

**CHAIR**—Do you have any recollection of media lines for ministers being put to the committee for its approval?

**Group Capt. Walker**—No.

**CHAIR**—Were you consulted about any media lines for ministers?

**Group Capt. Walker**—Not that I recall.

**CHAIR**—When you reported back, whom did you report back to?

**Group Capt. Walker**—After the morning meeting, I went back into the division and worked through the rest of the day. I believe I spoke at some point during the day with the Head of Strategic Command, simply to update him on what had happened at the morning meeting. With respect to the evening meeting, because he arrived and I left, there was no need for me to update him any further other than on what was being immediately discussed.

**Senator FAULKNER**—Did you hear the conversation that the Secretary of the Department of Immigration and Multicultural and Indigenous Affairs had with Minister Ruddock?

**Group Capt. Walker**—No.

**Senator FAULKNER**—He was close to the table I think when he had it, he informed us. I do not know whether or not you are aware of that.

**Group Capt. Walker**—My recollection of that meeting is that he was probably sitting four or five seats to my right on the same side.

**Senator FAULKNER**—So you did not hear any of the secretary's end of that conversation?

**Group Capt. Walker**—No.

**Senator FAULKNER**—Do you recall at what time during the meeting that conversation took place?

**Group Capt. Walker**—No, I do not.

**Senator FAULKNER**—Were you aware at any point during the meeting of the subject of the conversation or, in other words, that the secretary was informing his minister of the suggestions about children being thrown overboard? Did that become clear at any point afterwards?

**Group Capt. Walker**—No, I do not recall that. There were many phone calls made in and out of that meeting, and I did not listen in to other people's calls.

**Senator FAULKNER**—Could you be very precise about any involvement that you heard or had in relation to children overboard at those meetings of the task force on 7 October?

**Group Capt. Walker**—All I can do is reiterate what I had in my statement: when I arrived at the morning interdepartmental committee meeting, Jane Halton announced to the group present—and I cannot recall how many of the group were present at the time—that, I think, 14 people were in the water and that they were throwing children into the water. This was the first I heard of that information.

**Senator FAULKNER**—What about your contacts with Air Vice Marshal Titheridge on the day? Do you have any record or recollection of those?

**Group Capt. Walker**—I believe the only time I spoke to Air Vice Marshal Titheridge was during the afternoon, between the two meetings.

**Senator FAULKNER**—Was that issue discussed at all with Air Vice Marshal Titheridge?

**Group Capt. Walker**—I cannot recall.

**Senator FAULKNER**—Are you satisfied in relation to the conduct of your own responsibility as group captain that you fulfilled your role to ensure that accurate information was passed on to the task force from a Defence perspective?

**Group Capt. Walker**—I believe so, because that morning I had gone into the headquarters before attending the first IDC and I had read through the message traffic which had come in to

update myself as to what had happened. When I arrived at the IDC, Jane Halton announced news which was new to me. When I went back to the headquarters to try and confirm this information, I could find nothing in the written message traffic that mentioned children. I returned to the evening IDC and, when it came to my turn to speak, I pointed out that I had no written confirmation that children had gone into the water. That was not to say that it did not happen, but what I was trying to stress was that I had no auditable evidence that children had gone into the water. Since I did not know what the source of the information was—that is, where Ms Halton had got the information—basically I was trying to say to her, ‘Since I can’t prove what you’re saying, I think you should go back and check from your source that you are happy that the information is correct.’

**Senator FAULKNER**—You were specifically asked by Ms Halton to check on—what?—the 9th or 10th of October, weren’t you? Were you asked by Ms Halton at some point or was the Defence representative—and I assume it is you—asked by her to check the accuracy of these claims at a later stage on either the 9th or 10th of October? Do you have any recollection of that?

**Group Capt. Walker**—No. I attended the two interdepartmental committee meetings on the 7th and I did not attend another of those meetings until 12 October.

**Senator FAULKNER**—Do you know who the Defence representative on the 9th and 10th was?

**Group Capt. Walker**—No, I do not.

**Senator FAULKNER**—But you were not there on the 9th or the 10th?

**Group Capt. Walker**—No, it was not me.

**Senator FAULKNER**—Ms Halton, I think in her statement to Ms Bryant, said that she had told the Defence representative at the meeting on the 9th or 10th—her words were: ‘That they had better be certain about the veracity of the initial reports and they should do some checking.’ But that was not you?

**Group Capt. Walker**—No.

**Senator FAULKNER**—Are you aware in the broad of any other contacts that Ms Halton, as the key person at the task force—she was the chairperson of the task force—might have had in relation to this issue, either the claims that children had been thrown overboard or one other element of this which, of course, is the suggestion—in fact, misrepresentation—that the photographs that were published actually may have been of such an incident? Are you aware of any contact that Ms Halton may have had with you or anyone else from Defence undermining the credibility of those claims?

**Group Capt. Walker**—No, I am not aware of Ms Halton contacting anyone. She did not contact me and I do not know whether she contacted anyone else. The task force, which I presumed was on her behalf, contacted Strategic Command requesting a chronology of the events, which we provided. On that chronology we put a footnote which said that there was still no

written confirmation of the verbal reports. Again, that was, from my perspective, to say, 'On Sunday evening, I had asked you to go back and check your sources.' Once again, it was a reminder, 'Would you check your sources?' because I did not know and I still do not know where that information came from.

**Senator FAULKNER**—To your knowledge, was there any doubt about the nature of the advice going from Defence to PM&C on the issue of children being thrown overboard? Did you feel that there was any doubt about it or do you think there was clarity that the events did not take place? What was your personal perspective of that?

**Group Capt. Walker**—My personal perspective was that I had no auditable proof. On the other hand, the personnel who seemed to have the information about the children apparently having gone into the water seemed very confident that that was an authoritative source.

**Senator FAULKNER**—So do you have any other involvement in that particular issue until this gets more public notoriety on 7 and 8 November, after the original meeting and then the chronology—have you got any other involvement in that before early November?

**Group Capt. Walker**—No.

**Senator FAULKNER**—As far as you are concerned, it goes off the radar screen, does it? I am not being critical about that; it goes off a lot of people's radar screens.

**Group Capt. Walker**—It was just one of many issues that was going on at the time, yes.

**Senator FAULKNER**—Did you see the chronology as basically an end point in this, when that was provided?

**Group Capt. Walker**—Yes, I think I did, with an assumption that somebody had better information than I did.

**Senator FAULKNER**—There is no question about the nature of it being formal advice.

**Group Capt. Walker**—Sorry, I do not understand.

**Senator FAULKNER**—The chronology and the footnote were formal advice from Defence to the Department of the Prime Minister and Cabinet.

**Group Capt. Walker**—Yes. I saw that more as working information for the task group to be extracting information from for their purposes.

**Senator FAULKNER**—It does not get discussed at the actual task force itself, does it?

**Group Capt. Walker**—I cannot say whether it did or it did not because I was not at the task force meetings afterwards.

**Senator FAULKNER**—You were not there on the 10th and 11th.

**Group Capt. Walker**—No.

**Senator FAULKNER**—Did you get the feeling generally that there were some criticisms—explicit or implicit—by the task force of the timeliness and credibility of advice that was coming from Strategic Command?

**Group Capt. Walker**—Yes. Throughout the process there was a frustration that perhaps Defence was not putting forward information in a sufficiently timely manner.

**Senator FAULKNER**—Do you have any insight into the reason for what caused that level of frustration? Is it because of the difference between the task force wanting to move quickly, being a very public and fast-moving area, and Defence wanting to get it right? Do you have any perceptions like that?

**Group Capt. Walker**—I think that is probably an accurate summation of the situation. Defence, I think, has a devolved level of control, in which we try to allow the responsible commanders to do their jobs, and when they have done their jobs they report back and tell us what results they have achieved. The task force was more interested in the minute-to-minute detail—on occasions, not always.

**Senator FAULKNER**—Do you think Strategic Command's advice was taken seriously by the task force and PM&C?

**Group Capt. Walker**—Yes, I do.

**Senator FAULKNER**—This is why I am trying to get to the credibility; I said the credibility and timeliness of advice. I wonder to what extent some of that frustration might have been about the actual substance of the advice.

**Group Capt. Walker**—I do not think I ever had a feeling that there was a concern about the substance, just about the timeliness.

**Senator FAULKNER**—How did Defence work out its representation at the task force meetings? Who coordinated that?

**Group Capt. Walker**—Head of Strategic Command was the primary representative, and he would decide who would attend, depending upon availability. Certainly when I look back through the rest of my notes for that period most of the work that was going on was to do with the war against terror, so the priorities in a relatively small organisation have got to be fairly well organised.

**Senator FAULKNER**—The Strategic Command priorities?

**Group Capt. Walker**—Yes.

**Senator FAULKNER**—I am just going on memory: Commander Davies and you were the main representatives for Air Vice Marshal Titheridge at the meetings, was that right?

**Group Capt. Walker**—I think it was during that period, yes.

**Senator FAULKNER**—And would this be coordinated out of the Head of Strategic Command's office? Is that how it worked? It was just an availability thing, wasn't it?

**Group Capt. Walker**—Largely availability.

**Senator FAULKNER**—Were any other issues brought to bear on that?

**Group Capt. Walker**—Within the headquarters there were a number of people who remained closely associated with the subject matter, but outside that small group there were the people we were drawing representatives from. Commander Davies was the head of the Maritime Operations section within the division, so it was appropriate that he would attend for the basically naval flavour of Operation Relex.

**Senator FAULKNER**—What about any feedback you may have got—say when Commander Davies was there and you were not—did you have a bit of a debrief on these sorts of things?

**Group Capt. Walker**—Our priority was mainly concerned with defence service provision, if you like, for support for Operation Relex and DIMA.

**Senator JACINTA COLLINS**—How often was Commander Davies present?

**Group Capt. Walker**—I cannot say; I do not have that record available.

**Senator JACINTA COLLINS**—The records that were provided to us indicate that the 10th was his one and only attendance.

**Group Capt. Walker**—There were two levels of interdepartmental committees. We had two operations: Operation Relex and Operation Gaberdine. Gaberdine was largely a logistics support operation. I think you will find that Commander Davies represented Strategic Command on quite a number of those. But the two were relatively interlinked; it was just a separation from a Defence perspective as to which forces were going to do the interception, escort and detection, and what support forces were going to take care of the augmentation of reception centres and the moving of people from them.

**Senator FAULKNER**—Did you get a report back from Commander Davies of that meeting on the 10th?

**Group Capt. Walker**—I do not recall at the moment. I probably got a report back from him on the requirements from DIMA of Defence.

**Senator FAULKNER**—Are you able to say definitively when you became aware that there were serious doubts about the incident itself: that is, children having been thrown overboard—or, in this case, not having being thrown overboard?

**Group Capt. Walker**—No. I was never clear in my mind until Ms Bryant interviewed me for her investigation. At that stage I said to her, ‘I am still not clear in my mind whether children did or did not go into the water.’

**Senator FAULKNER**—What about photographs relating to that event—the fact that the photographs were actually misrepresented as being in relation to that event? Was that about the same time or earlier in that case?

**Group Capt. Walker**—Slightly later. The photographs in email format came into Strategic Command to Lieutenant Commander Wilson with an annotation that they should be forwarded as required. He forwarded those to PACC—our department of Public Affairs and Corporate Communications—for their action. I saw two photographs and I saw the annotations of what they were about—namely, two good-news stories of sailors rescuing people from the water. I was aware, as we all were in headquarters, that the photographs referred to the time of the sinking of the vessel. It was very clear from the ship that the purpose of this was that the vessel had gone down, the sailors had done a very good job of saving life, and here was the opportunity to get some good public relations on behalf of the Navy. We forwarded that to PACC, and that was really the end of our responsibility for it. However, when it came out in the media that these photographs were being tied to events of the previous day it was clear to us, but we assumed that that issue would be resolved by PACC taking it up with the minister’s office.

**Senator FAULKNER**—So you knew from pretty early days—say 10 or 11 October—that the photos were misrepresenting the ‘children overboard’ incident?

**Group Capt. Walker**—I knew what the photographs were when they first came in, and when they appeared later I knew that they did not represent the event that it was claimed they did.

**Senator FAULKNER**—Could I ask you about the Strategic Command brief 001/1109, which is the Operation Gaberdine-Operation Relex 0800 hours brief of 8 October. Do you know the brief that I am referring to?

**Group Capt. Walker**—That is a written brief?

**Senator FAULKNER**—It is a written brief cleared by you and prepared by Wing Commander Cowan. I have raised it here on previous occasions. This is a brief that, from memory—and I do not have it in front of me—discusses significant SIEV4 events in the preceding 24 hours. It does not mention children being thrown overboard but does mention SUNCs misbehaving—I suppose that is the best way of putting it.

**Group Capt. Walker**—I guess the reason the children overboard issue is not mentioned in that report is that I see it as my responsibility as a staff officer to take auditable information and put it forward to the other departments. Nothing I had in writing showed that children had gone into the water, so I did not include it in the brief that went forward.

**Senator FAULKNER**—That is just as well, isn’t it, because it did not happen?

**Group Capt. Walker**—With hindsight it did not happen but, as I say, I had no evidence to show that it did happen.

**Senator FAULKNER**—You used original cables and signals and that sort of thing to draw up these briefs?

**Group Capt. Walker**—On the ship, yes.

**Senator FAULKNER**—Children being thrown overboard is not mentioned in those, so it does not get into that brief?

**Group Capt. Walker**—No.

**Senator FAULKNER**—As the clearing officer for that brief, you accept responsibility for it?

**Group Capt. Walker**—Yes.

**Senator FAULKNER**—How is that distributed to all of those people, including the Minister for Defence and others, on the distribution list? Does that go out by fax or email?

**Group Capt. Walker**—It goes out as an email.

**Senator FAULKNER**—Did you often get any feedback from these sorts of reports? Did that ever happen?

**Group Capt. Walker**—Yes, it did—usually from the Department of Foreign Affairs and Trade.

**Senator FAULKNER**—Did you get any for this one?

**Group Capt. Walker**—Not that I recall.

**Senator FAULKNER**—Is it standard operating procedure for Strategic Command to produce briefs of this type?

**Group Capt. Walker**—It is event specific, so it is put out if there is an activity of specific interest. In this case, with Operation Gaberdine and Operation Relex, we were putting it out on a daily basis.

**Senator FAULKNER**—If you had had supportive material—and we have described as signals the whole range of tangible evidentiary support for the fact that children had been thrown overboard—and I know you did not, would that be the sort of thing that would go into a report like this?

**Group Capt. Walker**—Yes, it would. Operationally, it is probably of no significance but politically it is of interest.

**Senator FAULKNER**—Yes. Would you be happy to describe this as an authoritative account of the incident—not the children being thrown overboard incident, but the SIEV4 incident? There is nothing in it, is there, that causes you discomfort, even in retrospect?

**Group Capt. Walker**—No, there is not.

**Senator FAULKNER**—There is no reason to believe it is not authoritative?

**Group Capt. Walker**—Do you mean what I have given out?

**Senator FAULKNER**—Yes, the brief.

**Group Capt. Walker**—No. I think that is reasonably accurate, given that the product of Strategic Command is only as good as the information that comes into the headquarters.

**Senator FAULKNER**—With the chronology that comes out of Strategic Command and with this brief that comes out of Strategic Command, is it reasonable to assume that Strategic Command is sufficiently in the loop to be able to compile an authoritative account? It seems to be, but I wonder if there are weaknesses?

**Group Capt. Walker**—At our level, it is a results orientated account rather than an activities level account, if you follow me. We are not into the fine detail of how business was done; we are really just reporting on events, what has been achieved and where we are going next.

**Senator FAULKNER**—I think Mr Moore-Wilton in fact said at one point that he doubted whether Strategic Command might have all the relevant information. Is that a fair comment, do you think?

**Group Capt. Walker**—I think it is a question of what Mr Moore-Wilton considers to be relevant.

**Senator JACINTA COLLINS**—That is the world's biggest understatement!

**Senator FAULKNER**—I would not presume to guess. Would it be possible in relation to the Strategic Command brief of 0800 hours on 8 October for us to get a list of the Prime Minister and Cabinet email contacts that it would have been sent to, if there are any? You may want to take that on notice for us.

**Group Capt. Walker**—Who in PM&C was it sent to?

**Senator FAULKNER**—All I am asking is: can you take that on notice for us? Could I go to another issue which I would like to raise, relating to something that you supplied in your submission to General Powell in the preparation of his report—the fax cover sheet from ADHQ command centre to Ross Hampton: 'HMAS ADELAIDE—SIEV 04 UPDATE 01 CORRECT AS AT 07 1400K OCT 01'.

**Group Capt. Walker**—I have that.

**Senator FAULKNER**—I thought it was rather impressive, the way I read that into *Hansard*! Would it be fair to say that that is a Strategic Command brief to Minister Reith's office, in layman's terms? Is that what it is?

**Group Capt. Walker**—I would prefer to describe it as Strategic Command brief to Ross Hampton. Ross Hampton was not our normal point of contact within the minister's office. It was not usual for us to work with him. I am not certain what the circumstances were in the office at the time, but Ross Hampton seemed to be the single point of contact, if you like, that weekend. He seemed to have a strong need for detailed information about it.

**Senator FAULKNER**—I am not sure why you draw the distinction, when Hampton is a ministerial staffer for Reith.

**Group Capt. Walker**—We would normally work through the Defence liaison staff. That was our normal chain of communication.

**Senator FAULKNER**—Who was that, Scrafton?

**Group Capt. Walker**—Mr Scrafton, yes—or his staff.

**Senator FAULKNER**—Could you say why this brief was supplied to Mr Reith's office?

**Group Capt. Walker**—Because Ross Hampton had requested it of the watchkeeper.

**Senator FAULKNER**—How did he request it?

**Group Capt. Walker**—I believe by phone, from the watchkeeper.

**Senator FAULKNER**—Did he request it or did he go in with his usual approach, which is basically to stand over people and demand it?

**Group Capt. Walker**—You would have to take that up with the watchkeeper. He was the one who was speaking to Mr Hampton on the phone.

**Senator FAULKNER**—The only reason I ask—it is not particularly important—is that we know some of the contacts he had with Strategic Command and others in the ADF were very offensive.

**Senator JACINTA COLLINS**—It seems to be a pattern of behaviour.

**Senator FAULKNER**—A pattern of behaviour, as Senator Collins points out, is probably a good way of describing it.

**Group Capt. Walker**—You are asking me for hearsay in that case. But the watchkeeper was concerned that he had been left in no doubt by Mr Hampton that he was to provide the information.

**Senator FAULKNER**—I'll bet. Were you aware of Hampton's pattern of behaviour?

**Group Capt. Walker**—Not that time.

**Senator FAULKNER**—But you are now?

**Group Capt. Walker**—I am now.

**Senator FAULKNER**—Can you say what information this particular brief was based on?

**Group Capt. Walker**—The watchkeeper took this out of messages coming from the ship.

**Senator FAULKNER**—Would you describe that as a formal or informal communication with the minister's office, given the background that you have described to us?

**Group Capt. Walker**—I would be content to see that as a formal method of communication, in that I do not believe the watchkeeper exceeded his authority. He simply took verbatim—I think it was pretty well verbatim—words out of the messages from the ship and passed them on to the minister's office.

**Senator FAULKNER**—The watchkeeper is in a difficult position in this sense, isn't he? Let's be frank about it. The minister's staff are on the phone—possibly abusive—because we are yet to establish whether his behaviour was usual or whether, for once, he was a bit more well-mannered. It is an invidious position for the watchkeeper, isn't it?

**Group Capt. Walker**—It is a very difficult position and a very responsible position, and we have some very good people working in that spot.

**Senator FAULKNER**—The watchkeeper did the right thing in this regard?

**Group Capt. Walker**—I think he did the right thing. He provided the information that was requested.

**Senator FAULKNER**—I am not critical, but I do appreciate the challenge that the watchkeeper would have faced at that time, given the contact from the minister's office. You would certainly accept that this was outside the chain of command.

**Group Capt. Walker**—It is not really operational information. It is just details, if you like. So I do not think it is a chain of command issue so much as a provision of information. It is a coordination, communication service, if you like.

**Senator FAULKNER**—Did the watchkeeper report to you and indicate this had happened?

**Group Capt. Walker**—He did later.

**Senator FAULKNER**—How much later?

**Group Capt. Walker**—I think it was about two days later before I found this out. That is probably to do with the roster that they work.

**Senator JACINTA COLLINS**—What did he report to you?

**Group Capt. Walker**—He reported the nature of the demand; let's put it that way.

**Senator JACINTA COLLINS**—How did he describe to you the nature of the demand?

**Group Capt. Walker**—He said it had been forcefully demanded.

**Senator FAULKNER**—I will bet he did not say that, Group Captain Walker. I suspect you are being careful. So what did he really say?

**Group Capt. Walker**—I do not recall what he really said.

**Senator FAULKNER**—But let's be serious for a moment. You were left under no illusion but that it was a pretty forceful demand from Hampton.

**Group Capt. Walker**—Yes. I think the watchkeeper felt—

**Senator FAULKNER**—Did the watchkeeper feel that he had been stood over?

**Group Capt. Walker**—Yes. He had been left in no doubt that this was the minister's office demanding the information and that he was to provide it.

**Senator FAULKNER**—What action did you take as a result of that, when the watchkeeper informed you?

**Group Capt. Walker**—Later on that week I was beginning to get concerned. I was generally concerned about the release of information from Strategic Command to a whole range of people who were simply ringing a range of numbers that people had obtained within Strategic Command and demanding information on behalf of various organisations, without really being clear as to what level and for what purpose. So I told all of my people on the 11th—my record shows—that they were not to release information without clearing it through me.

**Senator FAULKNER**—So what you decided to do was to set up a process whereby you would authorise such release of information.

**Group Capt. Walker**—Yes—just to vet who was getting what. It is an awkward position, because we were trying to do our best, as service providers, to communicate, coordinate and cooperate in a timely manner. But what was tending to happen was that we were losing visibility of who had what information and for what purpose.

**Senator FAULKNER**—In your submission to Major General Powell, you indicate you produced an 'info brief' to Minister Reith on 7 October.

**Group Capt. Walker**—Yes, I did.

**Senator FAULKNER**—I wonder if we could identify what that brief was, please.

**Group Capt. Walker**—All it was was a record of what had happened to SIEV4 up to its arrival in the vicinity of Christmas Island. It was produced before I had any firm indication of numbers of people going into the water, so it became almost a non-brief in terms of what people subsequently became interested in.

**Senator FAULKNER**—This is prior, obviously, to the infamous ‘children overboard’ incident, then.

**Group Capt. Walker**—It was. I was actually producing the brief after the incident had happened, but before I got around to reading the messages.

**Senator FAULKNER**—So the best way to describe it may be that you were depending on reporting that precedes the incident that was misrepresented.

**Group Capt. Walker**—Yes, the significant issue in that brief was the firing of shots, which I thought at the time was going to be probably the most critical incident.

**Senator FAULKNER**—Why did you produce that brief for Minister Reith?

**Group Capt. Walker**—Just to keep him updated on the situation. I thought the firing of the shots would have been an activity that would be of interest.

**Senator FAULKNER**—Fair enough. What I suppose I was getting at was whether this was your initiative or that of one of your superiors.

**Group Capt. Walker**—I did that on that day because I thought the minister needed to know.

**Senator FAULKNER**—Fair enough. So it was your initiative?

**Group Capt. Walker**—Yes.

**Senator FAULKNER**—Of course, as we have established, it does not refer to children being thrown overboard—we know why. Is there any reason to think that that brief is not authoritative too?

**Group Capt. Walker**—The brief is all derived from information that came in from the ship.

**Senator FAULKNER**—So you are saying to us that all these briefs that are going from Strategic Command to the minister’s office and to the Department of the Prime Minister and Cabinet are authoritative?

**Group Capt. Walker**—There is nothing original coming out of Strategic Command; it is operational information which we think belongs to—

**Senator FAULKNER**—I appreciate that. You are depending on other primary sources.

**Group Capt. Walker**—Yes.

**Senator FAULKNER**—I understand that, but—understanding that you are depending on other primary sources—you are not suggesting that the briefs are not authoritative. As one looks back, there does not appear to be anything in them that would lead a reasonable person to question their authority.

**Group Capt. Walker**—No. I think they are accurate.

**Senator FAULKNER**—One other issue that you also canvass in your submission to General Powell's report is the UNHCR letter that was sent to the secretary of the department of immigration on 8 October. The UNHCR letter mentions the allegations that children were thrown overboard. Are you aware of that?

**Group Capt. Walker**—Yes.

**Senator FAULKNER**—Could you let me how Strategic Command responded to that letter, and specifically are you aware of any contact from Strategic Command to either DIMA or Mr Farmer about 'children overboard' claims as a result of that letter?

**Group Capt. Walker**—Yes, we were involved in that. I do remember discussing who should respond, because it did appear to bounce backwards and forwards between the two departments for a while. In the end we were instructed not to respond, but I cannot remember who at this stage was to respond and why. I think the issue was more to do with the legal questions than anything else. Could we take that on notice and get back to you?

**Senator FAULKNER**—I would appreciate that. I just want to be clear on one thing in relation to the People Smuggling Task Force, then perhaps other colleagues would like to ask you some questions. I would just like to go back to the task force and Ms Halton. I wonder if you are aware of any contacts from either Ms Halton or anyone else at the task force that followed up the information, or misinformation, about 'children overboard'—that whole incident with Defence—either during any meeting you were attending or outside the People Smuggling Task Force environment. I just wonder if you are aware of any contacts that might help the committee's understanding of what occurred.

**Group Capt. Walker**—No, I am not aware of any personal involvement on the part of Ms Halton. The only other activity that I was aware of on behalf of the Department of the Prime Minister and Cabinet was the request for the chronology, which we provided.

**Senator FAULKNER**—You are not aware at all of any task force contacts to *Adelaide*, maybe via satellite phone, or Brigadier Silverstone?

**Group Capt. Walker**—No. As I say, she had different information from mine, but how she obtained it I do not know.

**Senator FAULKNER**—Have you got any indications at all, apart from gaining that information, about Ms Halton or any other member of the task force providing information to anyone outside the task force, which is a different issue, of course?

**Group Capt. Walker**—No, I am not aware of any. You asked me to check who was on the distribution for the thing. In the Department of the Prime Minister and Cabinet it was the First Assistant Secretary, Social Policy Division.

**Senator FAULKNER**—I should know who that is. Thanks very much.

**CHAIR**—I would like to go to the alleged photographs of the incident. I apologise if I cover some ground that you have covered in your answers to Senator Faulkner, but I was out of the room for a moment or two. Can you tell me when you knew that the photographs had been misattributed?

**Group Capt. Walker**—I can only assume that whenever I first saw them in the media would have been the first time I realised that they were referring to a separate incident.

**CHAIR**—That was—and I am relying on memory now—about 10 or 11 October, I think.

**Group Capt. Walker**—I think that would be correct, yes.

**CHAIR**—Is that also when you had serious doubts about the incident itself, or did you have serious doubts earlier than then?

**Group Capt. Walker**—I can only restate what I said before. I had no auditable evidence that it had happened. That was not to say that it did not happen. It appeared to me that people in a different communication chain had different information, and they obviously had information that they had confidence in.

**CHAIR**—But did you begin to internally question how reliable that may have been?

**Group Capt. Walker**—I probably need to separate the two incidents again. I certainly knew that the photographs did not support the ‘children in the water’, but that was not to say that the ‘children in the water’ did not happen.

**CHAIR**—So when they were published you knew for sure—correct me if I am wrong—that the photographs were being misattributed. Did that lead you to consider whether or not the incident itself may have occurred?

**Group Capt. Walker**—No. It did not raise any more doubts than I already had.

**CHAIR**—When did the doubt start to creep in?

**Group Capt. Walker**—As I said, I was not sure whether the event actually took place or did not take place until Ms Bryant told me during the course of her interview.

**CHAIR**—Were you on the task force on 12 October?

**Group Capt. Walker**—Yes, I was.

**CHAIR**—When did you mention your concerns about the photographs; did you mention them at that meeting?

**Group Capt. Walker**—No, I do not think I did.

**CHAIR**—But you would have seen them on the 10th or the 11th—

**Group Capt. Walker**—Yes.

**CHAIR**—and known then that they were not what they purported to be, that they were deceitfully reported.

**Group Capt. Walker**—Yes. I think by that stage our PACC organisation was already dealing with the minister's office about the issue. Therefore, I assumed that it was a Defence matter that Defence would resolve.

**CHAIR**—Is that why you did not say anything at the IDC on the 12th?

**Group Capt. Walker**—I presume so. I have no real recollection. The IDCs, as I say, were not specific to this incident; they were usually discussing other matters.

**CHAIR**—Did the IDC proceed by doing a round-up so that all the agencies could report in and coordinate their knowledge of events? Did they proceed that way—by asking people to add information that may have become available since the previous meeting?

**Group Capt. Walker**—The meetings that I attended were normally to do with requirements and provision of services, not so much a matter of general discussion.

**CHAIR**—So, as best you could advise us now, you think that you did not raise it because you believed PACC had dealt with it with the minister.

**Group Capt. Walker**—Yes, PACC were working on the issue, clarifying the fact that the photographs, as issued, were not matched with the information that had been attached—I have to be careful here with the words—that the photographs did not refer to the incident which they appeared to be matched with.

**CHAIR**—What exactly did you understand PACC were doing with the minister?

**Group Capt. Walker**—I understood that they were dealing with the minister's office to clarify exactly the nature of the incident that the photographs portrayed—namely, after the sinking of the vessel, the day after the alleged incident.

**CHAIR**—When you saw these photographs in the paper and you knew that the labelling was not right, what did you do; did you report it to anyone?

**Group Capt. Walker**—I believe that I discussed it with a member of PACC who regularly attended a meeting in Strategic Command on a different matter, and I was assured that PACC knew of the error and was addressing it with the minister's office.

**CHAIR**—Can you recall who that member of PACC was?

**Group Capt. Walker**—No; it would be an opinion.

**CHAIR**—Sorry?

**Group Capt. Walker**—I have an opinion of whom it might have been, but I am not certain of who it was.

**CHAIR**—But you are firm in your own mind that you reported it to PACC.

**Group Capt. Walker**—That I discussed it with the PACC representative.

**CHAIR**—Can you recall what was said to you when you did raise it with them? What was the reply exactly?

**Group Capt. Walker**—I did get an explanation along the lines of there having been some confusion about the stories which had been attached to the imagery having become somehow mismatched or detached.

**CHAIR**—Was there more? Did they say to you, 'We're on the case; we're going to fix this up'?

**Group Capt. Walker**—Yes, that was the impression I gained.

**CHAIR**—Can you recall whether that was said to you expressly?

**Group Capt. Walker**—I believe it was, yes.

**CHAIR**—Can you recall what 'fixing it up' meant—that they were going to contact the minister's office?

**Group Capt. Walker**—As I understood it, they were already in contact with the minister's office, discussing the nature of the photographs and the information that had been attached with them.

**CHAIR**—If you understood that, did you also understand what had been the response from the minister's office?

**Group Capt. Walker**—No, I do not think I knew it at that stage.

**CHAIR**—But, knowing that this was wrong, at that point in your own mind were you satisfied that the matter was being attended to and was likely to be corrected?

**Group Capt. Walker**—Yes, I was. I thought PACC were taking all the steps they could and that it would be resolved quickly.

**CHAIR**—Were you surprised when it was not?

**Group Capt. Walker**—Yes.

**CHAIR**—When it was not, did you raise it with PACC again?

**Group Capt. Walker**—I do not recall.

**CHAIR**—Did you have interaction with PACC in the succeeding days and weeks?

**Group Capt. Walker**—I had regular interaction with PACC to do with the war on terror. So I was meeting with the PACC representative at least three times a week and other issues were discussed from time to time.

**CHAIR**—So you are not a fixture in the PACC office, but you are wandering in and out three days a week?

**Group Capt. Walker**—No, they come down—

**CHAIR**—They come and see you?

**Group Capt. Walker**—Yes.

**CHAIR**—They wait on you?

**Group Capt. Walker**—Yes.

**CHAIR**—You cannot recall, but would you dismiss the idea that you did not follow up with them?

**Group Capt. Walker**—No, I will not dismiss the idea that I did not follow up. But I think I thought I had gone far enough, and I believed that PACC were doing all in their power to resolve the situation.

**CHAIR**—This is not intended as any criticism, but you saw that it was wrong, you ascertained from PACC that it was going to be corrected and it was then obvious that it was not corrected. You talked to PACC three or four times a week about broad issues and there was general chitchat as well. After the initial discussion, did anyone in PACC indicate to you that efforts were being made to correct the record?

**Group Capt. Walker**—Yes, I believe PACC continued their efforts. Where the stalemate actually arrived in the end, I am not sure—or why. You would have to take that up with PACC.

**CHAIR**—But, if you believe PACC did do that, what is the foundation for that belief; why do you believe that?

**Group Capt. Walker**—Sorry?

**CHAIR**—Why do you believe that, over the succeeding days, PACC did continue their efforts to try and correct the record?

**Group Capt. Walker**—I believe that because of conversations I had at the time.

**CHAIR**—Can you be specific about with whom and at what time?

**Group Capt. Walker**—I would prefer not to be.

**CHAIR**—I understand that, and I appreciate the sensitivities, but we are conducting an inquiry into these matters.

**Group Capt. Walker**—My normal point of contact in PACC was Mignon Patterson, who I do not believe was directly involved but certainly knew of all of the actions of PACC at the time.

**CHAIR**—So are we to conclude that, when you believe that there were ongoing efforts, you would have believed that by virtue of contact with this person?

**Group Capt. Walker**—Yes. So I have no first-hand evidence; I am working on conversations.

**CHAIR**—When you saw that the photos were misrepresented and after or at about the time you had your discussion with PACC about what they were doing to correct them, did you report it or discuss it with any other people within the chain of command? Was there anyone else to whom you spoke about this?

**Group Capt. Walker**—I do not recall.

**CHAIR**—Within Strategic Command?

**Group Capt. Walker**—I presume that I discussed it with the head of Strategic Command, but I cannot detail when that would have been.

**CHAIR**—But you are confident that you did?

**Group Capt. Walker**—No, I am not confident that I did, necessarily. I have no specific recollection.

**CHAIR**—But you presume you did?

**Group Capt. Walker**—I presume I did.

**CHAIR**—Why do you make that presumption? Is it that you are just a thorough person who does these things in the normal course?

**Group Capt. Walker**—We have regular meetings and briefings to share information within headquarters. I presume it would have been covered, because it was a topical issue of concern at the time.

**CHAIR**—And you are a conscientious officer who dots the i's and crosses the t's.

**Group Capt. Walker**—I believe so. I try to do my job well.

**CHAIR**—On that basis, you make the presumption that you would have done this.

**Group Capt. Walker**—Yes.

**CHAIR**—Did Jenny McKenry or anyone else inform Strategic Command that the minister had been advised that the photos had been misattributed?

**Group Capt. Walker**—You would have to ask the head of Strategic Command that question, I think.

**CHAIR**—Or, presumably, Ms McKenry.

**Group Capt. Walker**—If I can snap back one question, the Navy headquarters would also be involved in that loop. The question of the photographs was, I thought at the time, more an issue for Navy than it was for Strategic Command. Navy headquarters, I think, had an involvement, and I think at that stage part of my relative comfort that somebody was attending to the issue was because I thought that between PACC and Navy the issue would be resolved. It is not strictly an operational matter to be dealt with by Strategic Command; it was a question of whose responsibility it was to fix the mismatch of information.

**CHAIR**—In regard to these issues of responsibilities, this demarcating clearly bounds of responsibility, at this level of information flow you would cover all the options, wouldn't you? While on a very narrow reading it might strictly be their responsibility, would you overlap to make sure that there were linkages? You have just reported to us that you believe you told Strategic Command that you did discuss this matter.

**Group Capt. Walker**—To get to the bottom of this, perhaps I could say this: when we received the imagery for forward transmission, Lieutenant Commander Wilson sent it forward to Commander Piers Chatterton, who is in Navy headquarters, and also to Brigadier Bornholt in PACC. From our perspective, since we had only been an information addressee, we felt we had fulfilled our responsibility by passing it on to the responsible areas, and that we should leave them to deal with the situation.

**CHAIR**—That is fair comment; you have done your job. But the manifest fact sitting there is these photographs which we know are not true. They are not corrected and it remains the case. Is that an example of miscommunication—is that what you would describe it as?

**Group Capt. Walker**—There could be a number of interpretations—you are asking me for an opinion. It could be miscommunication; it could be blocked communication; it could be non-resolution of the situation. I do not know. You are asking me for an opinion.

**CHAIR**—I see. Can you as a consequence of this experience—as a group captain in the Air Force, concerned, as I am sure you are, about information flowing critically in a timely way to the key officers—as a professional Defence Force personnel officer say that you think this was a good example of communication, or were there faults in the system?

**Group Capt. Walker**—From where I sit, the information that we passed forward was done in the correct manner, and I have no reason to believe that the two organisations that we passed that information on to did not also act in the correct manner.

**CHAIR**—I appreciate that answer, but the problem I am dealing with is that it is said by ministers and others that they were not told about these things, and you are telling us that the information was passed on in the correct manner. As far as I can conclude from your evidence, it was passed on, to the best of your knowledge, in the appropriate way that Defence would communicate these things.

**Group Capt. Walker**—Yes. I believe that the various areas within Defence did the job they were required to do, when they were required to do it.

**CHAIR**—Strategic Command would, in the normal course, expect to know this information, wouldn't it? If photographs of people in the water were published which were not true and it concerned a Defence operation, Strategic Command would expect to know that those photographs were not true.

**Group Capt. Walker**—I think that is rather situation dependent. I say that because we are a staff organisation, not a command organisation, and we therefore monitor what is happening in the chain of command. The operation here was run by the Headquarters Australian Theatre. In my view, the nature of the photographs as they came forward was a single-service, Navy issue in that the purpose of the photographs was a good-news media relations exercise on behalf of the Navy. What Navy would have been hoping for out of that was good publicity: our sailors are doing well. So it was not strictly an operational issue; therefore, we might or might not have become aware of it.

**CHAIR**—What Navy would have been hoping for was doubtless what you have just said. Here was a photograph of Navy ratings in the water, saving people's lives. This was not a case of the Navy being in the water picking up children who may or may not have been thrown overboard; they were actually in the water saving people's lives in an event that occurred a day after the alleged first event. That is a relevant fact for Australians to know, to appreciate the value of the defence forces and the courage that they show in operational circumstances. But Strategic Command, as I understand it—and I am a layman in these terms, not a defence

expert—sits at the top of the pile with an overview of what is going on everywhere. Wouldn't you expect it to know, at the end of the day, what was happening?

**Group Capt. Walker**—As I say, it depends on the purpose of the information. If the purpose of the information were a single-service good-news story which had little operational implication, then perhaps not. We cannot know everything; we do not want the detail of a whole lot of things.

**CHAIR**—But this is not a good-news story now.

**Group Capt. Walker**—No, it is not.

**CHAIR**—This is a story which is not true. Given some of the remarks that Admiral Barrie has made about perceptions of Defence, harking back to the poor image they had—these are anxieties that he and Admiral Smith have expressed—as a consequence of the Vietnam period, they did not want this to recur. Here is an operational situation in which it could be argued that Defence are the meat in the sandwich again and are being misrepresented. So you really would expect that senior people in the command chain would want to know that, wouldn't you?

**Group Capt. Walker**—Yes, I think they did. As I said, I think Navy headquarters were probably the biggest stakeholders in this story, and I would have expected them to run with it and see it right through to the end.

**CHAIR**—And the evidence is that they did.

**Group Capt. Walker**—I believe so.

**CHAIR**—Thank you, Group Captain.

**Group Capt. Walker**—Can I answer the question about the UNHCR letter?

**CHAIR**—Please do.

**Group Capt. Walker**—I have in my notes: 'I am advised that the letter came to Strategic Command and was forwarded to the DLOs in the minister's office on 8 October at 16:20'.

**Senator FAULKNER**—Why would such a letter go to Strategic Command?

**Group Capt. Walker**—I think DIMA forwarded it to us because they thought it dealt with operational matters.

**Senator FAULKNER**—I see.

**Group Capt. Walker**—The last piece of advice here is: 'Strategic Command provided no response because the DLOs in the minister's office said they would deal with it'.

**CHAIR**—Thank you, Group Captain.

[4.51 p.m.]

**EDWARDS, Ms Katrina Mary Rubenach, former First Assistant Secretary, Social Policy Division, Department of the Prime Minister and Cabinet**

**CHAIR**—Welcome to the inquiry, Ms Edwards. Is it your wish to make an opening statement of any sort?

**Ms Edwards**—Yes, it is. I held the position of First Assistant Secretary, Social Policy Division until 15 December 2001, when I went on leave prior to commencing work in Centrelink. I would like to facilitate the committee's deliberations by providing some details in relation to the events around suspected illegal entry vessel 4 and SIEVX.

On the evening of 6 October 2001, Ms Halton called me to advise that another SIEV had been sighted and that the occupants seemed to be prepared to sink their boat, as they were all wearing life jackets. She asked me to assist in contacting members of the task force for a meeting the next morning, in accordance with what was, by then, our standing practice. The meeting commenced at nine o'clock the next morning. According to my notes, Mr Farmer informed the meeting that his minister, Mr Ruddock, was doing a media appearance later that morning and would need an update on what was happening. The meeting was largely devoted to situation updates as events continued to unfold, and consideration of options on how the potential unauthorised arrivals might best be accommodated. A number of people were commissioned to obtain information in order to pull together a decision note for the Prime Minister that evening.

My notes indicate that at 9.15 a.m.—although this time would have been approximate—an update on the situation was received, to the effect that the potential unauthorised arrivals were jumping in the water, and children were being thrown in. As I indicated in my statement to Ms Bryant, I did not record who the information first came from, but I had thought it was Group Captain Walker. I do recall that, around this time, a number of members of the group—including, I thought, Ms Halton—received calls to the effect that people and/or children were in the water. In response to Mr Farmer's initial request for 'media lines', a term which we used to refer to factual talking points and reiteration of standard lines, the group started assembling the information that had been received into a logical order. My notes indicate that the group also noted that the government's position was that any new unauthorised arrivals would not be brought to mainland Australia.

Before this process was complete, Mr Farmer received a phone call that he announced was from Minister Ruddock. Mr Farmer pulled back somewhat from the table, but intimated that he wanted members of the group to listen in to check that he was reporting what we had been told correctly. I recall that a number of members of the group, including, I think, Ms Halton, were engaged in other mobile phone conversations at this point. As has previously been advised by her, Ms Halton developed a draft template of the note for the Prime Minister prior to the commencement of the evening meeting, and the group spent the time redrafting it, adding additional information and making corrections. The meeting started at around 5.30 p.m., with the same group as in the morning. Air Vice Marshal Titheridge arrived somewhat later. I have since established from Department of the Prime Minister and Cabinet security records that he

entered the building at 6.25 p.m. My recollection, verified by the editing record of the document, as well as building security records, is that the paper was completed and cleared by all of those present. Group Captain Walker remained after Air Vice Marshal Titheridge's arrival for the bulk of the meeting, but left shortly before the end, once the Defence related material had been completed.

As I indicated in my statement to Ms Bryant, over the next day or so I and my group contacted Strategic Command to confirm the original advice and to obtain further details. Having reviewed the records to refresh my memory, I am confident we started our inquiries on 8 October, following receipt of DFAT sit rep No. 59. I can remember being concerned about the lack of mention of children or people being pushed overboard. While it is not unusual for sit reps to be short on the details of events, Ms Halton and I agreed that, in the circumstances, we should follow up to obtain further details of the incident.

Between 8 October and 10 October my group made vigorous inquiries of Defence, including seeking a full chronology of the events. As I recall, Defence asked that we clear the request with the office of the Minister for Defence, which we did. In response to these requests, Strategic Command forwarded a chronology to the Social Policy Division at lunchtime on 10 October. Ms Halton was not contactable at the time that the chronology was received; she was absent because she was at a meeting in Melbourne that day. In the course of the afternoon, my staff advised me that there were a number of inconsistencies in the document, which we then pursued with Strategic Command. We did, I think either at this point or possibly earlier, ask that Strategic Command attempt to confirm the events directly with HMAS *Adelaide*. This request was rejected.

In the light of this, I asked Ms Halton's executive assistant to let me know as soon as Ms Halton arrived in the building. Once called, I hurried to the office with a copy of the chronology and some talking points we had prepared that reflected the apparent uncertainty about the events. I vividly recall reading out the words of the footnote to her and then handing her the chronology. She indicated some surprise at the wording of the document, as she seemed to be aware of other supporting evidence for the original claims. She then made a series of phone calls, which I understood were to members of Mr Reith's office. In the course of these calls she was advised that there was no doubt that the incident had occurred and that a video of the incident existed, although it was of poor quality, that there were photos and that statutory declarations were being gathered from crew members. This follow-up occurred at the expense of my being able to brief Ms Halton effectively on the other substantial developments of the day, which were to be the subject of discussion at the evening task force meeting.

The next morning, photos that appeared to support the original claims were in the newspapers, and I do not recollect actively pursuing the matter further as it appeared to have been settled. Neither then nor at any time subsequently did any Defence officer directly, or through my staff, advise me that the photos had been incorrectly attributed, that the video had been inconclusive or that the statutory declarations were inconsistent and, on balance, did not support the original claims made.

In coordinating exercises of this kind, the Department of the Prime Minister and Cabinet necessarily relies heavily on advice and input from all the relevant agencies through their official representatives on task forces. It is for this reason that task force meetings almost

invariably start with a run around the table, seeking updates from each agency. Accordingly, in the absence of any advice, formal or otherwise, and the publication of the photos, I understood there to have been a considerable weight of evidence gathered, including a video and crew statements, that supported the original claims.

At the time I spoke to Ms Bryant last year, I could not pin down the date when I learned of doubts around the photos and around the incident itself. In the light of subsequent evidence, I am confident that it was 8 November. I was absent on leave on 7 November and, on arriving at work, was informed of the Defence tearoom gossip relating to the incorrect attribution of the photos. I also read the media reports that naval officers had told Christmas Islanders that the incident had not happened. I then heard Admiral Shackleton's comments on that day.

In relation to SIEVX, I was absent on leave in the week prior to 22 October. At the People Smuggling Task Force meeting of 22 October there was a discussion about SIEVX. My recollection is that Coastwatch was seeking to test the assessment of whether or not it had in fact departed. As others have testified, it was not unusual for multiple departure dates to be reported for the same boat, for boats to divert en route or to otherwise be delayed. The meeting was told that the boat had not been spotted and that there had been no calls from relatives, who are often well briefed on when to expect an arrival. On the other hand, the original report had seemed firmer than some. As I recall, on balance, the conclusion was drawn that the assessment was not sufficiently firm as to warrant passing the information to AusSAR at that point. The Coastwatch subsequently advised that it had in fact passed the information that the boat was overdue to AusSAR that day and, indeed, while the meeting was in progress. On 23 October the task force was briefed on the sinking by, I think, the AFP representative who was able to provide accounts of the voyage from survivor testimony. According to that the brief, the boat had in fact sunk on 19 October.

**CHAIR**—Thank you very much.

**Senator FAULKNER**—Could I take you back to the People Smuggling Task Force meeting of 7 October, where I think you were the note taker or minute taker?

**Ms Edwards**—That is correct.

**Senator FAULKNER**—I want to deal with this issue about the phone call between Mr Farmer and Mr Ruddock. I am just trying to get this clear. Mr Farmer had indicated that he stayed at the table, effectively, so people could listen to the conversation that he was having. Ms Halton, in her testimony, indicates that she did not hear or overhear the conversation—or Mr Farmer's end of the conversation; obviously she could not hear Mr Ruddock's end of the conversation. To what extent were you able to listen to Mr Farmer's end of the conversation that he was having with Mr Ruddock at that time?

**Ms Edwards**—I heard a large part of it, but I would not say that I heard all of it. There was a lot of movement around the table, and I was a little bit separated from Mr Farmer.

**Senator FAULKNER**—Was it your impression that Mr Farmer was making efforts to try and ensure that people were able to hear what he was saying?

**Ms Edwards**—I think he was particularly concerned about his own officers who were seated, I think, reasonably near to him, but yes.

**Senator FAULKNER**—Do you have any recollection of whether Ms Halton might have been able to hear or not hear that conversation or parts of that conversation?

**Ms Edwards**—As I said in my opening statement, my memory is that she was actually on the phone at that point.

**Senator FAULKNER**—You talk about ‘media lines’ as being a term which we use to refer to factual talking points and reiteration of standard lines. You are saying that that is how you define that term. ‘Media lines’ was commonly used terminology in the task force, wasn’t it?

**Ms Edwards**—Within my group, yes. It was simply a straight factual set of talking points, in point of fact, that we assembled so that people knew exactly what the current situation was.

**Senator FAULKNER**—Focusing on the actual issue of children overboard and when this first comes to light, you had indicated in your statement to Ms Bryant—and you have reiterated that today—that you thought it was Group Captain Walker. But I think you are outlining a situation in relation to the task force meeting where there was a lot going on—there were a lot of different conversations; I assume some of the people were on the phone. It sounds like a bit of a shemozzle, actually, but I am sure it was terribly well organised. Is that the way it always worked at the People Smuggling Task Force?

**Ms Edwards**—Sometimes people took their phones outside, but because there was so much happening people were anxious to share information as quickly as possible on that occasion. So it was not always clear exactly where things came from.

**Senator FAULKNER**—Was that the norm?

**Ms Edwards**—I would not say it was the norm, but it was not an unusual occurrence. Typically, we had task force meetings when things were happening, and events could unfold very quickly.

**Senator FAULKNER**—I think you are really saying that you are not now absolutely certain how this issue first came to the task force.

**Ms Edwards**—No. In the light of the evidence of others, I accept that.

**Senator FAULKNER**—Fair enough. Are you clear, though, about how claims of children being thrown overboard came to your attention?

**Ms Edwards**—Yes.

**Senator FAULKNER**—I am not 100 per cent sure whether these are one and the same thing.

**Ms Edwards**—I am not quite sure that I understand the distinction.

**Senator FAULKNER**—If you are not sure whether this may or may not have come from Group Captain Walker, I am wondering whether the matter that came to your attention is the same in your mind as the matter that came before the task force. I am wondering if there is a distinction there.

**Ms Edwards**—No. I am confident that I learnt of it at that meeting. I am confident—and my notes indicate—that it occurred some time around 9.15. Who it came from, I didn't as I said, specifically note at the time, but there was no doubt in my mind that that was where the information came from—and that was subsequently passed to Mr Ruddock.

**Senator JACINTA COLLINS**—Did you have an impression that Ms Halton already knew that information?

**Ms Edwards**—Not at the beginning of the meeting, no, because my notes suggested that she started doing a summary of the previous situation and she did not mention the children at that point.

**Senator FAULKNER**—Was there a lot of excitement in the room at the time?

**Ms Edwards**—People were certainly concerned, yes.

**Senator FAULKNER**—Did anyone at the task force meeting relate this to the election campaign?

**Ms Edwards**—No, I do not believe so. We were very much concerned with developing handling options for the group that was arriving. We were preoccupied with developing the options and the task that was at hand.

**Senator FAULKNER**—You can say to us that no-one mentioned the election campaign?

**Ms Edwards**—Absolutely.

**CHAIR**—Can I ask a question? It is on a moment back in time. Did the media lines that were prepared specifically say that children were thrown overboard?

**Ms Edwards**—We did not ever get to the point of writing them down because, as I stated, the call came through before we had completed working through—and I think we were never quite looking at necessarily producing a written document that morning. It was more that Mr Farmer wanted to be clear on what the state of play was. If you are asking whether that was what he passed on, in my recollection it was, yes.

**CHAIR**—I thought it was later that day, at the second meeting, that the media lines were actually prepared.

**Ms Edwards**—No. Later that day, we produced a note for the Prime Minister in that meeting.

**CHAIR**—Did that note specifically say that children were thrown overboard?

**Ms Edwards**—Yes, it did.

**CHAIR**—Specifically?

**Ms Edwards**—Yes. It was by way of context on the options for the handling. I believe you have a copy of the note. It was not a note for media purposes specifically. It was a decision note on options for the handling of the arrivals.

**CHAIR**—How did it say it? Did it say that this was an allegation or a fact or a discredited allegation?

**Ms Edwards**—I do not believe it was caveated in any way, but I will read you the relevant section of the note. It says:

Once in the contiguous zone, the HMAS Adelaide fired volleys in front of the vessel and boarded and returned it to International waters. This has been met with attempts to disable the vessel, passengers jumping into the sea and passengers throwing their children into sea.

**CHAIR**—That was how the report went to the Prime Minister?

**Ms Edwards**—That is correct.

**Senator FAULKNER**—Later, you say that you have a vivid recollection that you pointed out to Ms Halton the footnote that there was no evidence.

**Ms Edwards**—Yes.

**CHAIR**—Did you also suggest therefore that the note that had gone to the Prime Minister should be corrected as a consequence?

**Ms Edwards**—I am not sure that we got that far. The first issue was clearly to verify the current state of play. Strategic Command had been telling us a very similar message for the previous couple of days, which was that they had no evidence within their holdings, but that did not mean that there was no evidence. They were aware that things happened at higher levels.

**Senator FAULKNER**—Who was ‘us’?

**Ms Edwards**—My division. There were, I think, three people involved in discussions with Defence at various times, but certainly I had that conversation with Group Captain Walker.

**Senator FAULKNER**—Who would those three people be?

**Ms Edwards**—My recollection is that the main officer concerned was Matt Healey, and I think he had a number of conversations, but I think Catherine Wildermuth and possibly Rachel Stephen-Smith were also involved.

**Senator FAULKNER**—So this is around—what date are we talking about in early October?

**Ms Edwards**—We held a series of conversations on the 8th, 9th and 10th.

**Senator FAULKNER**—And who were the Strategic Command people who were saying this to you?

**Ms Edwards**—I believe I had at least one conversation with Group Captain Walker, but I am not sure who the other officers concerned were. I believe the watchkeeper was probably one, but beyond that I could not say.

**Senator FAULKNER**—So there was clarity even in the informal discussions that Strategic Command were having with officers of the Department of the Prime Minister and Cabinet, that there were concerns about the accuracy of the claims that children had been thrown overboard?

**Ms Edwards**—No, I would not say that. What they were telling us was that they did not have in their possession any written record which mentioned the children being thrown overboard. They made it clear to us that that did not mean that it did not happen, because they were not privy, quite often, to the operational detail of material that was relevant.

**Senator FAULKNER**—So there is no primary source—a signal or other evidentiary support for children being thrown overboard? That would be the right way of interpreting it, would it?

**Ms Edwards**—None within the possession of Strategic Command. That did not mean that there was not one. We were well aware that not all material went to Strategic Command; it was a selective process based on assessments in the Defence system.

**Senator FAULKNER**—But obviously there are some significant concerns if more than one officer from Strategic Command and more than one officer in your own division are being informed of this.

**Ms Edwards**—That is correct.

**Senator FAULKNER**—Doesn't this set off some alarm bells?

**Ms Edwards**—We were looking for further details around the events, because all we had had was the original report, so of course we wanted to follow up the basis for it and the further details about exactly what had happened and when, and that is why we asked for the chronology.

**Senator FAULKNER**—The only further details that come indicate that there is no supportive written evidence of the claims that children had been thrown overboard?

**Ms Edwards**—No—

**Senator FAULKNER**—In fact, all the evidence goes in the other direction, doesn't it?

**Ms Edwards**—There was no evidence going in the other direction. The footnote was quite clear. It simply said that Strategic Command were not aware of what the answer was.

**Senator FAULKNER**—But your contact with Defence, for the purposes of the People Smuggling Task Force, is Strategic Command.

**Ms Edwards**—That is correct.

**Senator FAULKNER**—They are the contact group, they are filtering the information, and they are the liaison point for PM&C and Defence in relation to these activities, aren't they?

**Ms Edwards**—Yes, but it had been—

**Senator FAULKNER**—It is the interface, isn't it?

**Ms Edwards**—But they had not been privy to the original information. Group Captain Walker had not been aware of the original information, so he told us on the subsequent days, and I believe at the evening meeting on the Sunday. The fact that he had not heard the original information suggested that there was an information loop going on that they were not party to.

**Senator FAULKNER**—Yes, but Group Captain Walker seems to be a very careful person. He writes or clears a number of reports, and not one of them mentions children being thrown overboard.

**Ms Edwards**—That is correct.

**Senator FAULKNER**—Again, does this set off any alarm bells? It is a bit hard to bat the blame back over the net to Group Captain Walker. He has actually committed this to writing or cleared documents which do not mention children being thrown overboard at all.

**Ms Edwards**—And that is exactly why we were pursuing the issue with Strategic Command and asking them to take it up further.

**Senator FAULKNER**—People were not satisfied that the information being supplied by the group captain or the officers in Strategic Command was accurate?

**Ms Edwards**—We were not satisfied that we had sufficient details around the events. We had the initial report. There was no particular reason to doubt it, except that there was no follow-up, and naturally we wanted to have the details of what exactly had happened.

**Senator FAULKNER**—But it did not suit either, did it? It did not suit the political imperatives.

**Ms Edwards**—With respect, I do not think that that was the issue. In fact, the Prime Minister's office had specifically asked us if we were following up the issues, and we did.

**Senator FAULKNER**—Good. When did that contact occur?

**Ms Edwards**—Mr Jordana rang us. I am not sure whether it was the 8th or the 9th, but he spoke to either Ms Halton or me—or perhaps both; I am not sure that I recall now.

**Senator JACINTA COLLINS**—Of October?

**Ms Edwards**—Sorry, October.

**Senator FAULKNER**—What did he say to you?

**Ms Edwards**—He asked whether we were following up on the events, and we assured him that we were.

**Senator FAULKNER**—Is that all he said?

**Ms Edwards**—I do not recall anything else. It was just an ‘Are there more details?’ kind of conversation.

**Senator FAULKNER**—What were you able to say to him in response to his question, ‘Are you following up on events’?

**Ms Edwards**—The answer was yes.

**Senator FAULKNER**—You were able to assure him you were?

**Ms Edwards**—Yes.

**Senator FAULKNER**—That was the end of the section, wasn’t it?

**Ms Edwards**—At that point, yes.

**Senator FAULKNER**—Until when?

**Ms Edwards**—I do not recall another conversation that I had with Mr Jordana on the issue at this point, but I believe that Ms Halton has said that she did have a conversation with him on the 10th.

**Senator FAULKNER**—Anyway, there is not a skerrick of supportive evidence that children had been thrown overboard that was in your possession. But, more importantly, there is a lot of informal contact that we were not aware of, between you and Group Captain Walker and others from Strategic Command, reinforcing the fact that there was no supportive material—no signals or other reports.

**Ms Edwards**—My recollection is that we were asking for further details. They were telling us that they were assembling them and seeking to pull together whatever material was available. We were attempting to acquire a chronology of events, which they informed us they were preparing.

**Senator FAULKNER**—And did send.

**Ms Edwards**—And did send.

**Senator FAULKNER**—And other written reports went from Strategic Command to PM&C too.

**Ms Edwards**—Yes, that is correct. On the 9th, there were some reports on the events of the sinking and indeed we obtained some factual material on the sinking the previous day.

**Senator FAULKNER**—But if you go right back to 7 October, was anyone at the task force meeting actually sceptical about this information that Mr Farmer passed on to Mr Ruddock?

**Ms Edwards**—No, there was no particular reason to be, because we had had details of similar kinds of incidents at various points along the way. It was not unusual for these situations to be extremely tense. We had never had any problems in terms of the accuracy of the information provided by Defence.

**Senator FAULKNER**—So it is a standard operating procedure to make these sorts of things public via a minister without confirmation?

**Ms Edwards**—It was standard operating procedure for Defence to provide us with ongoing briefing on exactly what was happening.

**Senator FAULKNER**—Yes, but this did not come from Defence, did it?

**Senator JACINTA COLLINS**—This was instigated by a minister.

**Ms Edwards**—It came via Defence, because, as I understand it, Ms Halton was briefed by Air Vice Marshal Titheridge.

**Senator FAULKNER**—Yes, but what did Group Captain Walker, who was actually present, say?

**Ms Edwards**—He was present in the morning and he was not, according to subsequent testimony, away—although, as I say, I do not recollect that. But, in the evening meeting, Air Vice Marshal Titheridge was present. He was there while the document was being considered. In some cases—

**Senator FAULKNER**—He had come back from the races.

**Senator BRANDIS**—Let the witness finish her answers, Senator.

**Ms Edwards**—I am not sure whether or not Air Vice Marshal Titheridge had taken the chance to have himself briefed by his officers previously, but he had clearly been making phone calls and receiving updated briefings and seemed to be aware of the situation.

**Senator JACINTA COLLINS**—What time did the evening meeting finish?

**Ms Edwards**—I do have some details of that in my notes. The evening meeting finished around 7.50. It may have been slightly earlier. There were people leaving the building around that time.

**Senator FAULKNER**—Just coming back to the information that was passed on to Minister Ruddock: it is true that no-one at the task force thought confirmation was warranted?

**Ms Edwards**—It was not obvious that any other confirmation was possible. We had received information in the usual way.

**Senator FAULKNER**—What was the usual confirmation that occurred?

**Ms Edwards**—A phone briefing was normal, to provide updates as they occurred.

**Senator FAULKNER**—But, you see, Group Captain Walker was there, wasn't he?

**Ms Edwards**—Yes.

**Senator FAULKNER**—Did anyone think to ask the Defence representative who was there?

**Ms Edwards**—Yes, but he was not aware of the information and it clearly had not come in through his normal system.

**Senator FAULKNER**—No, that is right. But that did not stop it being made public. Everyone is falling over themselves to get this stuff out there.

**Ms Edwards**—I do not think that is the case. There was simply a request by a minister to be briefed on the latest situation. It was up to the minister how he used that information.

**Senator JACINTA COLLINS**—But it was not the minister who sought to be briefed on this occasion and who actually first used the information. It was a different minister.

**Ms Edwards**—The message we had that morning was that Minister Ruddock was going to be doing some media later that morning and wanted to be briefed on the current situation.

**Senator JACINTA COLLINS**—Your understanding, then, is that the special arrangement was organised for Minister Ruddock, not Minister Reith?

**Ms Edwards**—I was not aware that there was a special arrangement at the time. There did not appear to be anything particularly special about it from our perspective. It was simply a minister asking to be briefed and that is a perfectly normal process.

**Senator JACINTA COLLINS**—I think you misunderstand my question. You had the minister asking to be briefed out of the IDC. The special arrangement I am talking about was the provision of that information to the IDC at the special request, as we understand it, of the Minister for Defence—although there is some confusion that it might have been for the Treasurer.

**Ms Edwards**—I was not aware at the time of any special arrangement. It was normal to ensure that the task force was being kept up to date as quickly as possible on the latest events.

**Senator JACINTA COLLINS**—Did you hear the conversation with Minister Ruddock?

**Ms Edwards**—I heard parts of it.

**Senator JACINTA COLLINS**—Did you hear any discussion as to the nature of the report?

**Ms Edwards**—No, not particularly.

**Senator JACINTA COLLINS**—You did not hear any questions about how this information had been presented to the IDC and its likely veracity?

**Ms Edwards**—Not that I recall but, as I say, I am not sure that I heard all of the conversation.

**Senator JACINTA COLLINS**—Do you recall Group Captain Walker raising any issues about the veracity of the information?

**Ms Edwards**—I believe that in the afternoon discussion he mentioned that he had gone back to his office and checked the record to see whether there was anything in writing, and there had not been. But he reiterated that this was not abnormal. Often information flows happened at a substantially higher level than him.

**Senator JACINTA COLLINS**—But when you say, as you said in your statement to Ms Bryant, that there was no new information and that the issue was not pursued, do you mean there that Group Captain Walker was not able to provide any corroboration of the earlier report at that point in time?

**Ms Edwards**—That is correct.

**Senator JACINTA COLLINS**—So it is not so much that there is no new information but that there is no corroboration of this telephone reporting to the IDC?

**Ms Edwards**—My recollection is that Group Captain Walker had not been able to provide any updated information on what had occurred, nor had he been able to validate the ‘children’ issue.

**Senator JACINTA COLLINS**—So there had been no validation?

**Ms Edwards**—My reading of what he said was that there was no new information.

**Senator JACINTA COLLINS**—Yes, but I suppose there is a difference between a ‘there is no new information’ statement and a ‘there is no validation’ statement.

**Ms Edwards**—There is, and I think that my reading of it was that both those issues were the case. He did not have any additional information to provide to the IDC on what had happened.

**Senator JACINTA COLLINS**—Which further indicated that there was no validation.

**Ms Edwards**—No, I suppose that, had he said that there was a lot of detail on what had happened and it did not mention children, that would have been a different thing. That was not what I understood him to say.

**Senator JACINTA COLLINS**—We need to be quite clear here and understand precisely what you did understand him to say, because he has reported to us elsewhere that he went back to Defence and combed through every report that was available and could find no mention. That was not your understanding of how he presented that to you?

**Ms Edwards**—Yes, that was my understanding but, as I understand it, there was not anything in those reports which added to the knowledge of the task force.

**Senator JACINTA COLLINS**—I understand that, but the presentation which was put earlier simply says things such as what you have said in this statement—‘no new information’. I put to you that that is a very different message to ‘this is an unverified report’.

**Ms Edwards**—‘There is no new information’ encompasses both elements of that.

**Senator JACINTA COLLINS**—I know it encompasses it, but it presents it in quite a different way to saying, ‘There is no verification of the report that was sent to the Prime Minister this morning.’

**Ms Edwards**—No, the report had not been sent to the Prime Minister at that stage. The report was sent in the evening, following that meeting.

**Senator JACINTA COLLINS**—Okay—well then, indicating in the report to the Prime Minister that there is no verification of this statement.

**Senator BRANDIS**—Did they doubt the report?

**Senator JACINTA COLLINS**—Because it is unverified.

**CHAIR**—Because there is no evidence for it.

**Senator BRANDIS**—I think Senator Collins is confusing verification with corroboration. There was some initial advice given. There was no reason to disbelieve it, but there was no additional information later in the day. Is that not the position, Ms Edwards?

**Ms Edwards**—That is correct.

**Senator JACINTA COLLINS**—Thank you very much for your help, Senator Brandis—

**Senator BRANDIS**—That is all right; any time.

**Senator JACINTA COLLINS**—but I was actually adopting the witness's language, and she started the references to verification. I am putting to her, with all due respect, that there is a difference between a statement that something is unverified and a statement that no new information was made available. I might take this opportunity to go to some other areas in terms of the detail of your opening statement, before we go back to Senator Faulkner. You have indicated that the evening meeting finished at 7.50 p.m. and that Group Captain Walker remained for the bulk. Do you know from the records what time it was when he left the building?

**Ms Edwards**—Yes, I do. He left at 1926 hours.

**Senator JACINTA COLLINS**—At 7.26 p.m. And you say in your statement, '... once the Defence related material had been completed.'

**Ms Edwards**—Yes. My recollection is that we had gone through a number of sections which dealt with matters from Defence, and he made some comment to the effect that, 'If we have done Defence, can I leave now?' which he was given permission to do by Air Vice Marshal Titheridge.

**Senator JACINTA COLLINS**—Did any of that Defence related material relate to the component of the report that you read out to us earlier?

**Ms Edwards**—Yes, we went through the report line by line and people made amendments, changes and added in caveats where they felt that was appropriate.

**Senator JACINTA COLLINS**—What is an example of some of the other caveats that were added in?

**Ms Edwards**—I cannot recall specifically. If I hunted through the note—which I believe you do have a copy of—I would probably find one. I think there was one in relation to the numbers of people, for example. Indeed, we said in the very first or second sentence:

The boarding party report that there are 90 men including 4 Indonesian crew, 42 females and 54 children but this number may be unreliable.

So we did quite carefully go through the note and make sure that the statements were, to the best of our knowledge, accurate.

**Senator JACINTA COLLINS**—In the morning meeting, would Group Captain Walker have been aware of the nature of the report that children had been thrown overboard?

**Ms Edwards**—He was present at the meeting and heard the report, yes.

**Senator JACINTA COLLINS**—Can you describe how it was reported to the meeting?

**Ms Edwards**—As I said, I recorded in my notes that a call came through at around 9.15 a.m., and then whoever it was who received the call reported to the meeting that people were jumping in and throwing children overboard.

**Senator JACINTA COLLINS**—Our problem is this: Air Vice Marshal Titheridge says to us that he does not recall many things but, if he had reported this to the IDC, he would have put a caveat in his report in terms of the nature of the original report. Do you recall it being reported to the IDC that it was on the basis of a telephone conversation from Brigadier Silverstone?

**Ms Edwards**—No, I do not believe we knew it was from Brigadier Silverstone. It was, as I say, from our perspective, the normal kind of process whereby we were ensuring that the task force was kept up to date with the latest information on what was happening on the scene, and it was reported as being by phone. As far as I recall, that was the only information.

**Senator JACINTA COLLINS**—So if someone had asked you after that meeting what the source of the phone conversation was, what would you have recalled?

**Ms Edwards**—I would have said it was Defence.

**Senator JACINTA COLLINS**—So there was a call from Defence?

**Ms Edwards**—Either a call of information from Defence or information indirectly from Defence.

**Senator JACINTA COLLINS**—You said a moment ago that you had never had any reason to doubt or to have concern about information from Defence prior to this occasion.

**Ms Edwards**—That is correct. As far as I know, we received a large volume of information in often tight time frames and difficult circumstances. While timeliness was sometimes an issue, there were no other problems that I am aware of throughout that period in relation to accuracy.

**Senator JACINTA COLLINS**—Then on this occasion you were not aware that this information was by nature of a special request, were you?

**Ms Edwards**—No, I was not.

**Senator JACINTA COLLINS**—How does your representation of the reliability of information from Defence previously sit with reports that this committee has received as to frustrations in dealings with—and information from—Strategic Command?

**Ms Edwards**—There were certainly frustrations but, as I say, they were on the level of detail and the timeliness of information. There were often substantial lags in receiving detailed information, and the kind of information that was typically provided to Strategic Command appeared to be very highly summarised.

**Senator JACINTA COLLINS**—I will go to the second page of your statement where you say, regarding the chronology, that ‘my staff advised me that there were a number of inconsistencies in the document’. What were those inconsistencies?

**Ms Edwards**—I cannot recall in detail, but I believe that if you counted the number of people that had jumped overboard there were more than Strategic Command reporting in their

summary notes. I did a quick count before coming here and found at least 16, whereas the number was either 14 or 15. There were inconsistencies in timing—that kind of thing.

**Senator JACINTA COLLINS**—Some of which still exists.

**Ms Edwards**—Sorry?

**Senator JACINTA COLLINS**—Some inconsistencies in timing still exist.

**Ms Edwards**—Indeed.

**Senator JACINTA COLLINS**—But those inconsistencies were within the chronology?

**Ms Edwards**—Yes.

**Senator JACINTA COLLINS**—Do they remain within the chronology as it stands now?

**Ms Edwards**—I am not sure what the state of the chronology is at this point.

**Senator JACINTA COLLINS**—Would you look at it?

**Ms Edwards**—Do you mean that it is still inconsistent compared to that original document?

**Senator JACINTA COLLINS**—The chronology that we have been provided with is the one which has the footnote. I am assuming we are talking about the same document except that you are perhaps referring to an earlier draft.

**Ms Edwards**—No. The document that you have been provided with is the one that we are talking about. It remains inconsistent in instances.

**Senator JACINTA COLLINS**—Going back a little bit earlier to your statement, you indicate that you started making inquiries following the receipt of DFAT's sit rep 59:

I can remember being concerned over the lack of a mention of children or people being pushed overboard.

That is essentially the same concern that Group Captain Walker was indicating after he went back to Defence and looked through documents there. They contained no reference to children although—correct me if I am wrong—you indicated to us you were not aware that his concern was so based the day before.

**Ms Edwards**—No. Group Captain Walker, as I understand it, said that he had received no written reports that mentioned children, but he reiterated that that did not mean that had not happened, because there were information flows happening at high levels. I think that either on that evening or at some other point in those days we had a conversation about what the nature of those flows was and he suggested there were a number of levels at which members of the Defence Force spoke to each other, spoke to ministers' officers and briefed CDF and others.

**Senator JACINTA COLLINS**—Going back to DFAT sit rep 59, your concern here was self initiated? You saw DFAT sit rep 59?

**Ms Edwards**—Yes. I saw DFAT sit rep 59, and I believe I had a conversation with Ms Halton around that time and we agreed between us that it would be prudent to pursue further details.

**Senator JACINTA COLLINS**—Is it normal for you to be perusing DFAT sit reps or were you doing so for a particular reason?

**Ms Edwards**—No, I received them every day.

**Senator JACINTA COLLINS**—So between 8 October and 10 October you made vigorous inquiries of Defence, including seeking—and then getting—the chronology of events?

**Ms Edwards**—Yes.

**Senator JACINTA COLLINS**—You recall handing Ms Halton a copy of the chronology, which from her evidence she does not recall receiving?

**Ms Edwards**—Yes. I accept that she does not recall seeing it.

**Senator JACINTA COLLINS**—You also indicate that you produced a copy of talking points. Could we be provided with a copy of that document?

**Ms Edwards**—I believe you already have been. They are a part of Ms Bryant's package.

**Senator JACINTA COLLINS**—So that is what you are referring to.

**Ms Edwards**—Yes.

**Senator JACINTA COLLINS**—At the end of that point, you said:

This follow-up with Mr Reith's office occurred at the expense of my being able to brief Ms Halton effectively on the other substantial developments of the day, which were to be the subject of discussion in the evening's task force meeting.

What do you mean by that?

**Ms Edwards**—We were having a task force meeting within about 15 minutes or so of Ms Halton's arrival back in the office, as I recall. The agenda for that meeting covered a range of other issues, on some of which there had been developments in the course of the day. As I recall, we had about a 30-second discussion on some of those, because we were preoccupied with chasing down the material relating to the chronology.

**Senator JACINTA COLLINS**—Do you recall this because there were other substantial issues that you felt were not dealt with?

**Ms Edwards**—They were dealt with in the course of the meeting; normally I would have preferred to have discussed them with Ms Halton beforehand.

**Senator JACINTA COLLINS**—By this statement, do you mean Ms Halton gave priority to following through the report that was made to her with respect to the chronology?

**Ms Edwards**—Yes.

**Senator JACINTA COLLINS**—Do you recall her speaking to anyone other than Mr Reith's office?

**Ms Edwards**—I did not specifically at the time. I understand she did speak to Air Vice Marshal Titheridge as well.

**Senator JACINTA COLLINS**—Do you recall who she spoke to in Mr Reith's office?

**Ms Edwards**—No. I was not sure exactly who they were. I think she worked through the list—Messrs Hendy, Scrafton and Hampton—in the course of the evening. She made a series of phone calls immediately afterwards. I think you have previously had evidence on the times of those calls.

**Senator JACINTA COLLINS**—My recollection was that she indicated that she spoke to the minister.

**Ms Edwards**—I think she had spoken to the minister prior to my arriving. She may have been on the phone to him when I arrived.

**Senator JACINTA COLLINS**—So there was longer than this 15 minutes that you were with Ms Halton?

**Ms Edwards**—Not much more than 15 minutes, no. She had arrived in the building at something like 4.40 p.m. I suspect I came up within one or two minutes of that. She was on the phone when I arrived, but not for very long as I recollect. She made a series of phone calls once I had spoken to her.

**Senator JACINTA COLLINS**—If I recall her evidence, she indicated she spoke to the minister after being apprised of the problems that arose with the chronology. This is not your recollection?

**Ms Edwards**—No. Ms Halton does not recall being apprised of the problems raised by the chronology.

**Senator JACINTA COLLINS**—I thought that she recalled your providing her with a verbal report.

**Ms Edwards**—She recalled my briefing her before the meeting. She does accept that I did brief her, but her recollection was that, when I came in, she had just received a phone call from

Minister Reith which mentioned a video. She was therefore keen to track that down. I believe that is consistent with my recollection, which is that she was aware of some form of evidence which seemed to outweigh the chronology.

**Senator JACINTA COLLINS**—I will need to go back and have a look at the *Hansard* of her evidence, because my recollection was that she recalled your verbal briefing and discounted that because of, as I understood it, a consequent discussion with Minister Reith. But your impression is that she had that conversation before you gave her the verbal briefing?

**Ms Edwards**—That is right. When I gave her the verbal briefing, she seemed to believe that she had been told—and she subsequently told me that it was by Minister Reith—that there was a video. When I arrived, she certainly seemed to be aware of some material that existed and so she made the series of phone calls to Mr Reith's office in the interests of hunting down exactly what that evidence was. It was those phone calls that elicited the existence of the video, the photos and the statutory declaration that was made by the crew, which we felt overrode the rather equivocal comment in the chronology.

**Senator JACINTA COLLINS**—You said a moment ago that she subsequently told you that she had had that earlier discussion with Minister Reith. When was that?

**Ms Edwards**—I do not specifically recall when she spoke to Minister Reith. It is perfectly consistent, but I do not recall it. I am not sure when she said that to me. It was probably in the context of the Bryant inquiry.

**Senator JACINTA COLLINS**—Maybe we should go back. Ms Halton arrives back from Melbourne and you are keen to catch her before the IDC meeting to give her a briefing on a variety of issues, the first of which was the chronology. She was on the phone when you arrived in her office, and at that stage you do not know to whom. You then brief her about the chronology. How do you describe the chronology to her?

**Ms Edwards**—I believe I read out the footnote to her and handed it to her, because we went straight to the issue. I think I told her that we had been making some inquiries to follow it down, that there were a number of problems with the document and that there seemed to be a serious concern. She responded by saying that she was aware of some evidence, and I think it was a video. She said, 'Let's chase it down,' and she proceeded to do that.

**Senator JACINTA COLLINS**—Did you describe the footnote as a footnote?

**Ms Edwards**—Yes. I handed the document to her and showed her where it was.

**Senator JACINTA COLLINS**—So did you describe it as 'a statement at the bottom of this report', or did you describe it as a footnote?

**Ms Edwards**—I believe I said, 'We've got the chronology and this is what they have written at the end of it.'

**Senator JACINTA COLLINS**—Which alternatively could be described as a conclusion.

**Ms Edwards**—If the document itself is a long list of things and it does look like a footnote.

**Senator JACINTA COLLINS**—I am just curious as to whether that is the way you described it at that point in time. Do you recall?

**Ms Edwards**—I do not specifically recall.

**Senator JACINTA COLLINS**—So at that point Ms Halton indicates to you that she is aware of a video?

**Ms Edwards**—Yes.

**Senator JACINTA COLLINS**—Is that all before she then launches into this series of conversations?

**Ms Edwards**—That is all I recall, yes.

**Senator JACINTA COLLINS**—What did she understand the video to depict?

**Ms Edwards**—I do not recall a lot of details. I think she said something to the effect of, ‘I’ve heard that there is evidence.’ It was no more detailed than that.

**Senator JACINTA COLLINS**—So not even that it was a video; just ‘I have heard that there is evidence’?

**Ms Edwards**—She may have said a video; I do not recall at this point.

**Senator JACINTA COLLINS**—But at that stage she did not indicate from whom she had heard this or perhaps what that evidence was?

**Ms Edwards**—Not that I recall.

**Senator JACINTA COLLINS**—So you remain in her office as she continues to have a series of other telephone conversations?

**Ms Edwards**—That is right.

**Senator JACINTA COLLINS**—Can you explain those and the results of those inquiries?

**Ms Edwards**—I do not think she got any particular result from the first two phone calls she made, but on the third call—or maybe it was the second—someone said ‘Yes,’ and started to provide a list of things that were being done in terms of evidence.

**Senator JACINTA COLLINS**—Someone?

**Ms Edwards**—I do not recall who it was. She reported the conversation as saying that there is a video, that there are crew statements being collected and that there are photos.

**Senator JACINTA COLLINS**—Then what happened?

**Ms Edwards**—At that point we went to the task force meeting.

**Senator JACINTA COLLINS**—I am sorry, I thought you said a moment ago that she spoke to Air Vice Marshall Titheridge.

**Ms Edwards**—Sorry, I believe from subsequent evidence—and I am not sure I knew that at the time—that one of the phone calls she made in that list was to Air Vice Marshall Titheridge.

**Senator JACINTA COLLINS**—So we had Titheridge and—was it Hampton?

**Ms Edwards**—I do not recall the order of the phone calls, but it is in the transcripts.

**Senator JACINTA COLLINS**—I am not asking about the order; I asking about the people.

**Ms Edwards**—At the time I was not exactly sure who she was talking to, but I believe it is in the evidence and she provided some material from the phone records.

**Senator JACINTA COLLINS**—So, in your mind, the conclusion of those inquiries, some of which occurred after the IDC meeting, was that she had been assured that there was video material, photographic material and statutory declarations in the process of being prepared, which all provided evidence to corroborate the earlier report?

**Ms Edwards**—That is correct.

**Senator JACINTA COLLINS**—I have two sets of talking points here, one dated 9 October and one dated 10 October. Which one did you give to Ms Halton on this occasion—the one dated 10 October?

**Ms Edwards**—The one dated 10 October.

**Senator JACINTA COLLINS**—So unlike the earlier one, the second set includes the statement that ‘shots were fired across the bow’?

**Ms Edwards**—Yes. That is correct.

**Senator JACINTA COLLINS**—It further states that ‘15 suspected unauthorised arrivals either jumped or were thrown overboard’, which looks incredibly like the wording that was adopted by the Captain of HMAS *Adelaide* in his reports.

**Ms Edwards**—I believe we lifted that straight from the chronology.

**Senator JACINTA COLLINS**—So there is no reference in these talking points to children being thrown overboard.

**Ms Edwards**—No. At that point what we did was take the chronology as we had it and prepared material based on that.

**Senator JACINTA COLLINS**—So, once the information provided in the chronology had been debunked by these reports that there was video, photographic and statutory declaration corroboration of the original report, was that then adopted in later talking points?

**Ms Edwards**—I do not believe we provided any further talking points on the issue after that point. We had prepared those in response to the chronology earlier in the afternoon and there did not seem a need to add further material.

**Senator JACINTA COLLINS**—In fact, the earlier day's chronology also does not refer to children.

**Ms Edwards**—The earlier day's chronology relates simply to the sinking of the vessel.

**Senator JACINTA COLLINS**—It refers to the government is unwavering in its determination to combat people-smuggling and that this group will not be brought to the Australian mainland because they are horrible people who throw their children overboard. I think they were the points being made by the relevant minister at the time.

**Senator BRANDIS**—You are not quoting a document, are you, Senator Collins?

**Ms Edwards**—I was going to say that I do not believe that we said that in that document.

**Senator JACINTA COLLINS**—I am sure you did not, but I am sure, for Senator Brandis's purpose, I could find you the relevant quote.

**Senator BRANDIS**—Mr Chair, this is a point of order. As I heard the question to the witness, Senator Collins used words to the effect that she was going to quote from a document. What was quoted from plainly was not a quote from a document. In the flippancy of this hearing we might acknowledge that, but there may be people listening who do not realise that. It really is mischievous to invent a quotation from a non-existing document even to make a rhetorical point.

**Senator JACINTA COLLINS**—Unfortunately, Senator Brandis, on your point of order, the *Hansard* should show that what I said was that it does not say.

**Senator FERGUSON**—*Hansard* does not record flippancy, either; it records it as fact.

**CHAIR**—The *Hansard* record will show what was said, but obviously people should quote what is there and refer to evidence if they are making remarks about what they believe was the case.

**Senator JACINTA COLLINS**—Going back to the concerns with chronology, you say that there were a number of inconsistencies in the document. One of those issues was the number of people that had gone overboard.

**Ms Edwards**—Yes.

**Senator JACINTA COLLINS**—Do you recall any of the others?

**Ms Edwards**—I believe there were some timing issues about when the shots were fired, but I have to say that I cannot now recall the detail. It was not me personally who had been hunting through the details of it; it was one of my staff.

**Senator JACINTA COLLINS**—Moving on to the ‘tearoom gossip’, how was that described to you when you returned from leave?

**Ms Edwards**—I do not have a strong recollection of it other than to the effect that we had heard there was some gossip from Defence that the photos were not in fact what they were represented to be, and I was made aware that Ms Halton was handling the issue, so I did not pursue it further.

**Senator JACINTA COLLINS**—But it was described to you as gossip.

**Ms Edwards**—Yes, it was.

**Senator JACINTA COLLINS**—So you can corroborate that at that stage it was being treated within the department as gossip?

**Ms Edwards**—Yes.

**Senator JACINTA COLLINS**—You also say that you then heard Admiral Shackleton’s statements on that day—both statements?

**Ms Edwards**—Yes.

**Senator JACINTA COLLINS**—What else did you understand about Admiral Shackleton’s statements on that day?

**Ms Edwards**—I heard the statements and I noted the wording of them.

**Senator JACINTA COLLINS**—You had no other knowledge about those statements?

**Ms Edwards**—No.

**Senator JACINTA COLLINS**—Moving on to SIEVX—I am having this checked in the *Hansard* at the moment.

**Senator FERGUSON**—I hope you are not just padding out until Senator Faulkner finishes briefing the press.

**Senator JACINTA COLLINS**—No, I am not.

**CHAIR**—I hope not, because I have some questions I would like to ask. Is that what Senator Faulkner is doing?

**Senator FERGUSON**—I imagine.

**Senator MASON**—You saw him walk out the same time as you.

**CHAIR**—Perhaps Senator Brandis might call a point of order on you.

**Senator BRANDIS**—I do not think Senator Ferguson was quoting from a document or misquoting it. He was engaging in a bit of reasonable conjecture, I thought.

**Senator FERGUSON**—Mine was one of observation, Chair.

**Senator JACINTA COLLINS**—My recollection of Ms Halton's evidence was that she does not recall being advised of SIEVX. Yet you in earlier evidence we heard today clearly recollect a discussion in the People Smuggling Task Force meeting of 22 October.

**Ms Edwards**—Yes, that is correct.

**Senator JACINTA COLLINS**—Do you recall Ms Halton chairing that meeting?

**Ms Edwards**—I believe she did chair that meeting, yes.

**Senator JACINTA COLLINS**—Can you explain why Ms Halton might not have recalled that?

**Ms Edwards**—No, I cannot.

**Senator JACINTA COLLINS**—Can you describe for us how you understand that material was dealt with on that occasion?

**Ms Edwards**—As I said, the report came to the group in the usual updating process that occurred at the beginning of each meeting. Coastwatch seemed to be trying to get a sense of how strong a report it really was and whether at this point it was appropriate, based on the weight of the report, to report onwards to AusSAR that the boat was overdue.

**Senator JACINTA COLLINS**—You have said in your statement, on the other hand, that the original report seemed firmer than some.

**Ms Edwards**—Yes. I think the discussion went along the lines—and I had not been privy to the earlier discussions—that this had seemed to be a reasonably firm report. But we were also aware that a large number of reports were continually being made of boats that were going to come but did not appear—because the same boat was reported as leaving on different days, or the boat diverted to an island along the way, or the original report was not a good source or another reason. The discussion, as I recall it, was around those kinds of issues.

**Senator JACINTA COLLINS**—Did the discussion at that stage include the additional report that confirmed the original report?

**Ms Edwards**—What additional report?

**Senator JACINTA COLLINS**—Coastwatch indicated to us today that they had the original report of 20 October indicating that the vessel had departed from Sumar in Indonesia. That was unconfirmed. Then, on 22 October, they had a further report that confirmed that the vessel had departed Sumar and indicated that it was likely overdue and there might be an issue over—I will not use the term ‘safety of life at sea’ because that is debatable—whether it might founder or had foundered.

**Ms Edwards**—I was not aware of the earlier reports because I had not been at work; I had been on leave the previous week.

**Senator JACINTA COLLINS**—What I am asking you is: do you recall, from the discussion on the 22 October, that Coastwatch felt that they were dealing with a confirmed report or was the discussion prior to their having received that confirmation?

**Ms Edwards**—My sense would be that it was prior but I do not have any particular basis for that. My sense was, as I said, that they were wondering what the strength of the report was.

**Senator JACINTA COLLINS**—What time was the IDC meeting that day?

**Ms Edwards**—I understand it started around 3.15 p.m.

**Senator JACINTA COLLINS**—As we understand from Coastwatch today, they had their original report confirming the earlier report at 10.03 that morning but the AFP put a stay on their furthering that information—until they worked out the precise wording so as to deal with any sensitivities with the intelligence—until 1.50 p.m.. So, if the IDC meeting was at 3.15 p.m., it should have incorporated the fact that this was a confirmed report.

**Ms Edwards**—As I said, I do not recall a sense of that, but I had not been privy to the earlier information and it may have been that different people were in the information loops at the task force meeting than had been making decisions in the morning—I do not know.

**Senator JACINTA COLLINS**—Was there any discussion about whether surveillance should be initiated?

**Ms Edwards**—Surveillance?

**Senator JACINTA COLLINS**—Yes.

**Ms Edwards**—By Coastwatch?

**Senator JACINTA COLLINS**—Given the zone, as we heard this morning, it was actually RAAF aircraft that were responsible for aerial surveillance in that region.

**Ms Edwards**—My understanding—and I may be mistaken, not having been party to the earlier discussions—is that surveillance was occurring and people were looking for this boat. It was part of the nature of the discussion that we had not found it yet.

**Senator JACINTA COLLINS**—This is one of the problems for the committee. We have material from Rear Admiral Smith that indicates that surveillance was occurring at and around Christmas Island and Ashmore Reef and that Navy was very busy with three different SIEVs during that time. But we have no indication that surveillance was occurring closer to Indonesia at that time. So it is unclear, when we hear a report—for instance, like yours—that the boat had not been spotted, whether it was actually being looked for.

**Ms Edwards**—I have no information that I can add; you would need to ask Defence.

**Senator JACINTA COLLINS**—Okay. On 23 October when the task force was briefed by the AFP representatives on the sinking, do you know the source of their material?

**Ms Edwards**—No, I do not. I think they had people on the scene. I believe they may have been liaising with the local police.

**Proceedings suspended from 6.00 p.m. to 8.06 p.m.**

**CHAIR**—Thank you for displaying a considerable amount of patience, Ms Edwards. Can I start with the presumption that you made in your statement to the departmental inquiry that it was Group Captain Walker who may have notified the interdepartmental committee that children were thrown overboard—that is at the meeting of 7 October. That was your presumption at the time, and I think you said that in your statement. How strongly convinced of it were you? Were you satisfied in your own mind, or was it more that it may have been or that you think it might have been?

**Ms Edwards**—That was my recollection, but I would not put an extremely high weight on it given that I did not specifically note in my notes the particular source.

**CHAIR**—You have heard since, of course, what Group Captain Walker has said?

**Ms Edwards**—Indeed.

**CHAIR**—Does that cause you to revise in your own mind your initial view?

**Ms Edwards**—As I said, I wrote down what I remembered—and my recollection had been that it was Group Captain Walker. But I have heard his evidence, and clearly he seems not to have been the source.

**CHAIR**—So you are now satisfied that it was not him?

**Ms Edwards**—I would say 90 or so per cent, yes.

**CHAIR**—Given his evidence and all the other evidence that this information effectively came from Air Vice Marshal Titheridge, are you able to rake through the coals of memory to give, if you like, a second fix on who it might have been?

**Ms Edwards**—I believe it was probably Ms Halton, given that she recalls receiving a phone call and providing the information.

**CHAIR**—Are you able to say whether Group Captain Walker spoke about this matter in the committee when it was reported?

**Ms Edwards**—I do not recall specific comments in the morning because, as I say, I thought that he was the original source. I certainly recall some comments in the afternoon.

**CHAIR**—What was the nature of those comments?

**Ms Edwards**—As I have said, he reported that there was no new information.

**CHAIR**—If I am right, the words I took down from Group Captain Walker were that he thought Jane Halton announced, ‘They are throwing children in the water.’ Do you recall those words?

**Ms Edwards**—Not those exact words, but certainly pretty much that substance.

**CHAIR**—Is that the flavour of it?

**Ms Edwards**—Yes.

**CHAIR**—While the words themselves might not be precise, that was the image that was conveyed to you, was it?

**Ms Edwards**—Yes, it was.

**CHAIR**—Do you recall whether there was any discussion as to what proof, evidence or justification there was for that statement? Was there any call for that from the rest of the committee?

**Ms Edwards**—No, it was reported to us as the latest update. We had had several other updates on what was happening on the ground previously. At the beginning of the meeting the state of play was outlined, and there were several calls, as I have said, through the course of the meeting which provided further updates. It was business as usual for these kinds of meetings.

**CHAIR**—Then you adjourned and came back later that day. Before our extended dinner break you read into the *Hansard* that part of the note that the committee was to pass up to the Prime Minister dealing with the allegation that children were thrown overboard. As I recall the words you read, they were just a direct statement of that proposition—'uncaveated' was the point that I think you were making at that point.

**Ms Edwards**—Yes, that is correct.

**CHAIR**—As you said, later on you became aware of the footnote, and your vivid recollection is that you pointed out that footnote to Ms Halton. That footnote raised a doubt as to whether or not the event may have taken place, didn't it?

**Ms Edwards**—The footnote was quite specific in its wording. As I recall, it said that there was no documentary evidence—in brackets—held by Strategic Command. But that does not mean the events did not happen. I have not got the exact words in front of me. It did not in fact raise a doubt. It made a comment about the nature of the evidence held by Strategic Command.

**CHAIR**—But did it not flash any sort of warning light that this statement, which had been passed to the Prime Minister, was, at that point, not backed by any evidence?

**Ms Edwards**—It certainly raised warning lights in my mind in that for a couple of days we had been pursuing Strategic Command for some details and they had not been able to confirm one way or another what the answer was.

**CHAIR**—You asked Strategic Command to check with the captain of the *Adelaide*?

**Ms Edwards**—Yes.

**CHAIR**—And they declined?

**Ms Edwards**—That is right.

**CHAIR**—Why did they decline?

**Ms Edwards**—I think they pointed out to me, or one of my colleagues, that they were not part of the chain of command and it was not open to them to do that.

**CHAIR**—Did that then cause you to logically move to the chain of command and seek that information from them?

**Ms Edwards**—No. It had been made clear to us on a number of occasions that that would be completely inappropriate.

**CHAIR**—Why?

**Ms Edwards**—Because, as I understand it, the Defence chain of command is about making sure that the people who have the appropriate authority to give orders give them. That was the purpose of the filtering mechanism that Strategic Command represented.

**CHAIR**—But here you had before you a conundrum that must be a nightmare for most public servants. You had advised the Prime Minister, no less. There is a high premium on getting that advice accurate and true, and the department has a reputation for being precise and fastidious about accuracy. Yet there was this note, and there still remained an absence of any evidence that the statement was true. Did you feel in any way that this was an important matter that ought to be tied down?

**Ms Edwards**—Yes, and that is why I raised it with Ms Halton and we pursued the series of calls to try and tie down what the real state of the evidence was.

**CHAIR**—And that series of phone calls went to Mr Reith's office?

**Ms Edwards**—Yes.

**CHAIR**—And what you obtained from Mr Reith's office was comfort to the view that the alleged event had actually happened?

**Ms Edwards**—Yes.

**CHAIR**—Did you seek from Mr Reith's office at all, or did you ask Mr Reith's office at all, to check with the *Adelaide*?

**Ms Edwards**—These were not conversations I had but ones that Ms Halton had. But, no, I do not believe she did. There was no need to at that point because we were told that there was a video and statements were being gathered from crew members of the *Adelaide*, so in effect that evidence was coming.

**CHAIR**—When did the evidence get there?

**Ms Edwards**—We did not receive it.

**CHAIR**—Were you nervous or anxious that the evidence that was coming, that would confirm the advice that you had given to the Prime Minister, never turned up?

**Ms Edwards**—The photos appeared in the newspapers the next day, so it seemed as if the evidence was there. We had been basically assured that the incident had happened and that there was a body of evidence to support it. As I said, the photos appeared, so there was no reason to pursue the inquiries any further.

**CHAIR**—Yes. I was in Darwin on the day those photos appeared on the front page of the *Australian* newspaper. When I got out of bed and picked up the copy that had been slipped under my door, I saw those photos. They were just photos of four people in the water, as I recall.

**Ms Edwards**—But they appeared and they were one piece of the story. There was no reason to expect that there was a problem with the remaining pieces of evidence, and certainly we assumed that, if there was, we would have been informed by the Defence representatives on the task force, who we were seeing every day.

**CHAIR**—But you agree that the photos in themselves were not evidence of anything other than people in the water?

**Ms Edwards**—There certainly appeared to be evidence that there had been children in the water. They were accompanied by captions and so forth. It was reasonable to take the evidence at face value.

**CHAIR**—They were accompanied by captions in the newspaper.

**Ms Edwards**—Yes, but we had been told that these were photos of the relevant events.

**CHAIR**—Did you seek from Mr Reith's office a copy of those photographs?

**Ms Edwards**—No, we did not.

**CHAIR**—Did you seek from Mr Reith's office verification that the captions attached to the photographs in the newspaper were true?

**Ms Edwards**—No, because there was no reason to assume anything other than the correct application of the captions.

**CHAIR**—I know, but I keep coming back to this point: in my now misty, long-time-ago ministerial career, in dealing with PM&C, I found them to be firm, authoritative, fastidious and obsessed with accuracy about things, which I think befits what is often regarded as the premier

department of all the departments in Canberra. To close the circle, to complete the evidentiary chain, you relied on the newspaper. I find that hard to believe.

**Ms Edwards**—No, we were not simply relying on the newspaper; we were relying on the fact that we had been advised that there was a firm body of evidence. We queried the fact that there did not seem to be some support for it for a few days. Then we were told that there was in fact a very substantial volume of evidence. There was no reason to pursue it further and it was not, after all, the main objective of the IDC to worry about this particular issue. We were preoccupied with managing the arrangements for the unauthorised arrivals—that was where our focus was. In fact, events very quickly became overtaken over the next few days with the next round of issues.

**CHAIR**—When did you learn that the photos were deceitfully labelled?

**Ms Edwards**—I cannot remember when I learnt decisively—probably not for some time later. As I said, I heard the rumour when I came in to work on 8 November, which raised a substantial question about it.

**CHAIR**—The idea would have been lodged at the back of your mind, wouldn't it, that you had advised the Prime Minister of this information, and then seeping through the woodwork almost were question marks like: there is no evidence yet, although you had seen the photos, and then you heard what is called tearoom gossip. This starts to build a picture.

**Ms Edwards**—There was no 'seeping through'. On the 10th, we were assured that there was a substantial body of evidence. It was not for another month that we heard anything counter.

**CHAIR**—So when was that?

**Ms Edwards**—As I said, 8 November.

**CHAIR**—How was what has been called 'tearoom gossip' presented to you? How did you hear of that?

**Ms Edwards**—I think Ms Bryant told me about it when I came into work.

**CHAIR**—Did she describe it as 'tearoom gossip'?

**Ms Edwards**—I cannot remember whether she used the word 'tearoom', but she certainly said something to the effect that Harinder Sidhu had made some comments that she had heard some gossip from Defence that the photos were incorrectly attributed.

**CHAIR**—She did not tell you that Dr Hammer had reported it?

**Ms Edwards**—No, I do not believe so. I do not recollect the exact terms that she came to me with, though. But my recollection is that it was just that someone had overheard something at a meeting.

**CHAIR**—What did this do to your confidence that you had given correct advice?

**Ms Edwards**—It certainly raised a question.

**CHAIR**—How did you go about addressing that question?

**Ms Edwards**—At that point, my understanding was that the issue was being pursued by Ms Halton, and so I did not feel the need to pursue it independently.

**CHAIR**—I would like to go back to the task force. It is true, isn't it, that the task force wanted to be a clearing house for all the information about border protection, people-smuggling et cetera? That was its prime function.

**Ms Edwards**—I would not necessarily say a clearing house. Its aim was to make sure all of the relevant agencies were coordinating appropriately and so knew of the things that interacted with each other. It was not that we had to know absolutely everything; it was that we made sure everyone was aware of the interconnections.

**CHAIR**—There were no written terms of reference for it, though.

**Ms Edwards**—That is correct.

**CHAIR**—Was this understanding of its function articulated in some form to you at any point?

**Ms Edwards**—I do not specifically recall. We had a morning logistics group which was doing a lot of the operational work. Every now and then it would identify an issue that it did not feel it could resolve at the level of the officers involved and would benefit from higher level discussion, and so it would be suggested that that might be something the higher level group might discuss. So I think it probably evolved over a little bit of time.

**CHAIR**—Can you give me a sense of the flavour of your activities? For example, did you discuss possible scenarios of what people smugglers might do and possible counters to those scenarios?

**Ms Edwards**—When we were specifically asked for advice on issues, yes. The normal practice was that these meetings were called when there was something to discuss—a new boat had been sighted or there was some other issue that needed to be dealt with. We would go around the table for everyone to give their update on the latest issues within their portfolios. If there was a specific task to be undertaken, such as to provide advice for the Prime Minister which included options, then we would talk through the options that might be possible.

**CHAIR**—The Navy stepped up its surveillance, signified by Operation Relex. Did that cause you to regard the period that you were on the threshold of or actually entering into as a sensitive period, that there might have been more efforts at people-smuggling in the coming weeks than there were prior to the *Tampa*?

**Ms Edwards**—I think we had been aware prior to the *Tampa* that there was a large number of people in the smuggling chain, as it were, and that, yes, there would be a fairly intensive period ahead of us.

**CHAIR**—In discussing scenarios, was one of the scenarios that you discussed the possibility that confrontation by the people smugglers might escalate in order to get past the border protection measures that had been deployed?

**Ms Edwards**—Confrontation in what sense?

**CHAIR**—There were the rules of engagement the Navy followed in order to try to stop those vessels coming through. There was a comment—attributed, I think, to Ms Halton—along these lines: ‘They may be preparing to abandon their vessel’—this is SIEV4—‘they are all wearing life jackets.’ If you wanted to, you could categorise such comments as saying, ‘Maybe the people smugglers are ratcheting up the pressure they are putting on the border protection measures that you had deployed.’

**Ms Edwards**—Yes, I think that is true. There was a sense that, as Operation Relex put more pressure on them, the people smugglers would naturally respond and that would impact on the way that people on board the boats were briefed.

**CHAIR**—Had you looked at what people-smuggling activities in other parts of the world had had to deal with when they were trying to protect their borders?

**Ms Edwards**—Yes, there were discussions on a number of occasions on some of the overseas experiences.

**CHAIR**—That would mean that you had looked at the American experience, for example?

**Ms Edwards**—Yes.

**CHAIR**—Compared with the border protection problems that they have got, ours are just a drop in the bucket, aren’t they? I think the evidence in the report is that ONA had reported to you that people smugglers in Italy—I think they were Albanian—had thrown children overboard. Were you aware of that?

**Ms Edwards**—Yes.

**CHAIR**—Were you deliberately on the lookout for that type of behaviour?

**Ms Edwards**—I would not say we were deliberately on the lookout for it, but when it occurred and when there seemed to be indications from one source or another, or in terms of actual behaviour, we were certainly aware of the possible context.

**CHAIR**—Had you discussed what might be your response if those things occurred?

**Ms Edwards**—I do not believe that that particular group got into any of those kinds of issues in any detail. I believe those were probably issues that were being considered by Defence, Coastwatch and others who were dealing directly with the operational detail.

**CHAIR**—Had PM&C discussed it?

**Ms Edwards**—Only at the very broad level.

**CHAIR**—That if children were dropped overboard—

**Ms Edwards**—No, I cannot recall a specific discussion of what would occur in those circumstances; that was a matter for the rules of engagement for Defence, which we did not have substantial involvement in.

**Senator FAULKNER**—Ms Edwards, do you recall the date when you first told Ms Halton about your concerns about the inaccuracy of the ‘children overboard’ claims?

**Ms Edwards**—As I said, I believe we started making inquiries on the 8th. That was not a concern about inaccuracies; that was a concern that we did not have enough detail about the event and we needed to follow up on it. Those discussions continued over the next few days, and it was not until the 10th that we had something in writing which triggered a substantial—

**Senator FAULKNER**—So it was really the chronology, at the end of the day, that made you make the comment that you made to Ms Halton in relation to the claims.

**Ms Edwards**—Certainly, from my perspective, receiving something in writing was a reasonable cause for triggering further inquiries at a higher level.

**Senator FAULKNER**—Ms Halton, of course, told us that she did not remember the conversation she had with you about that. Are you aware of that?

**Ms Edwards**—Yes, I am.

**Senator FAULKNER**—But you are quite definite that you did tell her?

**Ms Edwards**—I am. I believe that our differing recollections are not inconsistent inasmuch as Ms Halton remembers more strongly the call from Minister Reith, whereas I obviously do not because I was not a party to that call, but we both remember the subsequent inquiries that uncovered the detailed evidence that we were led to believe supported the original.

**Senator FAULKNER**—Was it common for Ms Halton to receive phone calls from Minister Reith?

**Ms Edwards**—I would not say it was common, but I believe she had a number of them.

**Senator FAULKNER**—It is my recollection that in this particular case Mr Reith rang Ms Halton. Is that correct?

**Ms Edwards**—I do not know. I was not present.

**Senator FAULKNER**—Do you know what the nature of that conversation was? Have you been able to establish that?

**Ms Edwards**—I have only been able to read whatever is in there.

**Senator FAULKNER**—How soon after that phone contact between Ms Halton and Mr Reith was your contact with Ms Halton?

**Ms Edwards**—Based on what both Ms Halton and I recollect she was on the phone when I came into her office. She believes that she was on the phone to Mr Reith, so I think it is a reasonable surmise that she was on the phone to Mr Reith, and Mr Reith told her something about the video or some of the evidence. I came in with the chronology and apprised her of its contents; she felt that that did not fit with what she had been told and so she made some subsequent inquiries. That is how I would reconstruct that afternoon.

**Senator FAULKNER**—I suppose you spent at least a few moments trying to reconstruct that afternoon for the evidence that you gave to Ms Bryant's report?

**Ms Edwards**—Yes.

**Senator FAULKNER**—Did you ever take the view that there needed to be some independent assessment or checking about the doubts in relation to the photographs? Was this a matter that you gave any attention to?

**Ms Edwards**—Do you mean after 8 November?

**Senator FAULKNER**—No, I mean earlier, in October.

**Ms Edwards**—There were no doubts in my mind about the photos early in October. As I have said, I had no doubts until 8 November, when I was informed that there was some gossip around that they were not in fact correctly attributed.

**Senator FAULKNER**—Yes, but it is that gossip that I am talking about.

**Ms Edwards**—At the time I learned of the gossip I knew that Ms Halton already had inquiries in train and so I did not feel the need to set in train my own independent inquiries.

**Senator FAULKNER**—You are not aware of any formal or informal checking of those photographs by PM&C with Defence prior to 7 or 8 November?

**Ms Edwards**—No, I am not aware of any.

**Senator FAULKNER**—Were you ever actually told by anyone in Strategic Command that children had been thrown in the water?

**Ms Edwards**—At the time of the morning meeting, as I said, my recollection was that it did come from Group Captain Walker, but beyond that I do not believe so.

**Senator FAULKNER**—Did you have an awareness at some stage that no women and girls had been thrown in the water, which Ms Halton may have indicated to us at some point? I tried to turn up the reference but could not find it. I may not be recalling accurately. I thought I had a *Hansard* record of it but I could not turn it up a few minutes ago.

**Ms Edwards**—I am not sure that I recollect the exact reference.

**Senator FAULKNER**—Why did you come to the conclusion that the photos proved the case?

**Ms Edwards**—I do not think I came to the conclusion that the photos proved the case. We flagged that there were concerns. Strategic Command did not seem to have any evidence to support the incident. However, we were told that in fact they were not in the full loop. There were in fact three parts of evidence of which we shortly afterwards saw one. So there was no reason to think that the other two had any doubts. Certainly we would have assumed that if any doubts subsequently emerged we would be informed.

**Senator FAULKNER**—Do you recall Ms Halton's presentation on 10 October at the People Smuggling Task Force about the 'children overboard' issue?

**Ms Edwards**—No, I do not, but I was absent for at least a substantial initial period of that meeting. I took a phone call in her office, and I believe that after I returned she subsequently took some phone calls, so it was a slightly disjointed meeting.

**Senator FAULKNER**—So you may well have been out of the room when that occurred?

**Ms Edwards**—That is correct.

**Senator FAULKNER**—It did not occur while you were in the room, or you do not have any recollection of it?

**Ms Edwards**—Not that I remember.

**Senator FAULKNER**—You are in a unique position, aren't you, because you are the note or minuter taker, effectively. There was a note taker and, when you were present, it was you, wasn't it?

**Ms Edwards**—That is right—well, not on every occasion. There were a number of occasions when other people filled in for me and in the later stages, towards the end of October onwards, Ms Bryant was typically the note taker.

**Senator FAULKNER**—You do not recall, on the 10th or 11th, any comments by the Defence representative or representatives at the task force meeting about the claims?

**Ms Edwards**—I am quite certain there were not any on the 11th. As I say, there could have been on the 10th while I was not there. I do not recall any.

**Senator FAULKNER**—You do not know of any decisions by Defence or commitments by Defence representatives at the task force to check or have someone confirm the understanding of the facts about the matter?

**Ms Edwards**—I believe that on the 9th, which was the first task force meeting after the initial Sunday advice, there was a discussion on the need for improved information flows. I believe Ms Halton made a comment to the effect that some checking needed to be done. That was certainly a reflection of some of the discussions that we had been having.

**Senator FAULKNER**—You said to Ms Bryant that it was late October or early November when you became aware of the misrepresentation or wrong attribution of the photographs?

**Ms Edwards**—At the time, I could not remember exactly when it had been and there was not anything to particularly jog my memory about when it was. But I have subsequently checked, and I am absolutely convinced it was not until 8 November.

**Senator FAULKNER**—How have you been able to check that?

**Ms Edwards**—I was looking for when I heard that gossip and when Admiral Shackleton's statement was, because those were the two things that particularly stuck in my mind.

**Senator FAULKNER**—It was the so-called tearoom gossip, if you like?

**Ms Edwards**—That was the first piece. As I said, there were three things that happened to me on the same day. Tearoom gossip by itself, given it was reported as something overheard at a meeting, probably would have caused me to ask questions but not necessarily to discount the original advice. A series of things started to come out from that date onwards that I think raised questions in my mind.

**Senator FAULKNER**—Could you outline for the committee, please, your involvement in the tearoom gossip as you understand it? You were one of the parties to that, I think it is fair to say. Could you outline how you became involved and, as a result of being involved, what action you took?

**Ms Edwards**—I was really not a party to it. As I said—

**Senator FAULKNER**—You were an indirect party, it is fair to say.

**Ms Edwards**—My understanding is that the tearoom gossip had been reported to Ms Halton the previous evening and she had already instigated some follow-up action, and it was just in passing that I was informed that this was around.

**Senator FAULKNER**—Who informed you in passing?

**Ms Edwards**—Ms Bryant.

**Senator FAULKNER**—Did you understand at the time why Ms Bryant informed you of this?

**Ms Edwards**—Yes. It was normal practice to fill me in on what was happening when there were new developments within the group.

**Senator FAULKNER**—Do you recall what she actually said to you?

**Ms Edwards**—Not the exact words. As I said, it was to the effect that Harinder Sidhu had overheard or had heard at a Defence meeting that someone had overheard that the photos had been misattributed.

**Senator FAULKNER**—As a result of Ms Bryant saying that to you, what did you then do, if anything?

**Ms Edwards**—She said that she had already informed Ms Halton, so I assumed that I did not really need to do anything further at that point.

**Senator FAULKNER**—You did not raise it with anyone?

**Ms Edwards**—No.

**Senator FAULKNER**—You just took it on board?

**Ms Edwards**—Yes.

**Senator FAULKNER**—What about Mr Jordana's request for information on 7 November? Were you aware of that?

**Ms Edwards**—Yes, I was.

**Senator FAULKNER**—Could you explain for the committee what your role was in relation to that?

**Ms Edwards**—I had no specific role. It was standard practice for Ms Halton to keep Mr Jordana informed of developments as they occurred and follow up on advice. I do not believe she specifically requested me to do anything in order to help with that because she already had it all at her fingertips.

**Senator FAULKNER**—So did you have any direct contact with Mr Jordana?

**Ms Edwards**—On the 7th, no.

**Senator FAULKNER**—You just heard about that from Ms Halton?

**Ms Edwards**—That is right.

**Senator FAULKNER**—Were you required to take any action?

**Ms Edwards**—No, I was not.

**Senator FAULKNER**—So, again, it was just a matter that was told to you for your information?

**Ms Edwards**—Yes.

**Senator FAULKNER**—And you did not take any action?

**Ms Edwards**—No.

**Senator FAULKNER**—There was no follow-up?

**Ms Edwards**—No.

**Senator FAULKNER**—But there was, of course, follow-up from members of your division?

**Ms Edwards**—Not from the 7th, no.

**Senator FAULKNER**—I thought there was.

**Ms Edwards**—You may perhaps be thinking of the 8th. On the Monday or the Tuesday—but I think it was probably the Monday—Mr Jordana asked if we were following up, and we assured him that we were. So, yes, there was follow-up from that.

**Senator FAULKNER**—So, as far as you know, there was no other involvement on the 7th from members of your division; it was merely, if you like, the primary contact, Ms Halton?

**Ms Edwards**—That is correct.

**Senator JACINTA COLLINS**—A question that we did not ask earlier was: why was Mr Jordana asking if this was being followed up? What was his concern?

**Ms Edwards**—I do not recollect specifically. I imagine that he was just seeking more details of the incident because the day before we had provided a fairly bare bones report and he would have wanted to have more information relating to it.

**Senator JACINTA COLLINS**—But there were no caveats on the report that children have been thrown overboard.

**Ms Edwards**—No, but this was a fairly major event and it would be natural to want to know a little more about exactly what had happened.

**Senator JACINTA COLLINS**—That is what I thought, but when we were questioning Department of Immigration and Multicultural and Indigenous Affairs it seemed from Minister Ruddock's point of view that he had no cause to ask further questions, even though he was very closely questioned by the media on such issues as the age and number of the children. So why, when the minister concerned was asked such detailed questions and he did not come back and want more detail, did Mr Jordana seek such?

**Ms Edwards**—I cannot comment on that; I have no information that relates to that.

**Senator FERGUSON**—How would you expect Ms Edwards to know that? How could you really expect her to know?

**Senator JACINTA COLLINS**—She just said that she does not.

**Senator FERGUSON**—I am surprised you asked the question.

**Senator FAULKNER**—In relation to Mr Jordana's contact on the 8th, do you recall who that contact was made with?

**Ms Edwards**—I believe I spoke to him, but I am quite sure that he spoke to Ms Halton.

**Senator FAULKNER**—Do you have a recollection of what he said to you at that time?

**Ms Edwards**—Nothing beyond what I have already recounted, which was that he asked if we were following up on the details of the incident, and we assured him that we were.

**Senator JACINTA COLLINS**—What detail did he seek?

**Ms Edwards**—The exact numbers, the age of the children involved—all of those kinds of things.

**Senator JACINTA COLLINS**—Did he ask whether there were any caveats on the original report or the nature of the original report?

**Ms Edwards**—Not that I recall.

**Senator JACINTA COLLINS**—When you were not able to answer the exact numbers or the ages of the children, did he query why that was the case?

**Ms Edwards**—No, I do not think so. It was the usual situation of him making a request for information and us following up on it.

**Senator JACINTA COLLINS**—So, at that stage, he did not understand the limited nature of the original report?

**Ms Edwards**—I guess he would have been aware that, as with all these reports, we were just getting information as it came to hand. He was aware, I think, of the arrangements that we had

where we were getting oral reports. I imagine he was also receiving regular copies of situation reports, and so he would have seen the report from the morning.

**Senator JACINTA COLLINS**—Did he express concern akin to yours that nothing was being mentioned in the DFAT sit reps?

**Ms Edwards**—I cannot recall specifically. He may well have.

**Senator FAULKNER**—Did you take certain actions as a result of this communication you had with Mr Jordana on 8 November?

**Ms Edwards**—Yes. As I have said, I asked my staff and I made a few phone calls to Strategic Command to start seeking a chronology and further details.

**Senator FAULKNER**—Do you recall precisely what you provided to Mr Jordana?

**Ms Edwards**—No, I do not.

**Senator FAULKNER**—Do you know whether you provided the chronology?

**Ms Edwards**—No, I did not. My recollection is that, once we had details of the sinking of the vessel, we did provide some talking points that went through the factual situation around those the next day, and then subsequently, on the Wednesday, we provided him with a copy of the talking points that we produced on that date.

**Senator FAULKNER**—Sorry, when were the talking points produced?

**Ms Edwards**—On Wednesday, the 10th. There were two sets of talking points, in fact—the 9th and the 10th.

**Senator FAULKNER**—And they were produced effectively by the PST?

**Ms Edwards**—The ones of the 9th were produced by my group in my division. The ones of the 10th were produced by my group but I believe they were on the table at the meeting of the 10th.

**Senator FAULKNER**—Did you draft them, or were you part of the drafting group? I doubt if you were, but I just wonder to what extent you were involved at that level.

**Ms Edwards**—To what extent I personally drafted them?

**Senator FAULKNER**—Yes.

**Ms Edwards**—I do not think I personally drafted those ones. I would certainly look at the drafts that were produced—

**Senator FAULKNER**—You would clear them?

**Ms Edwards**—Yes.

**Senator FAULKNER**—That was your role, more than—

**Ms Edwards**—Normally. Occasionally I might draft something myself.

**Senator FAULKNER**—But basically your role was to clear them before they were progressed?

**Ms Edwards**—That is correct.

**Senator FAULKNER**—Did you send them to a senior officer in the PM&C or effectively straight through to the Prime Minister's office?

**Ms Edwards**—Something like that, I would have—I cleared with Ms Halton throughout this period.

**Senator FAULKNER**—But you cannot say precisely what you provided to Mr Jordana on the 8th?

**Ms Edwards**—I believe we did fax some material to Mr Jordana but I cannot say exactly what it was. I do not believe we produced our own independent written documents. It would have been material such as sit reps.

**Senator FAULKNER**—Had there been any checking of that, given the Bryant committee and the like?

**Ms Edwards**—Yes, I believe there has been some checking but I do not believe it has been conclusive.

**Senator FAULKNER**—So you have not been able to turn up anything?

**Ms Edwards**—That is correct. That is my understanding. I am, of course, no longer an officer of PM&C.

**Senator FAULKNER**—It is not the practice to keep copies of that sort of material?

**Ms Edwards**—It would normally be, but if it was already material that was sitting on the file I guess it could easily have become slightly disentangled from the fax cover sheet.

**Senator FAULKNER**—And was this material that had already been sitting on a file?

**Ms Edwards**—As I say, I am not sure exactly what material was sent, so I cannot say.

**Senator FAULKNER**—Is the file intact?

**Ms Edwards**—Yes, there is a file.

**Senator FAULKNER**—But is it intact?

**Ms Edwards**—As far as I know.

**Senator FAULKNER**—So stuff is taken out of the file, maybe photocopied or put on the fax, and stuck back in the file? Is that how it works?

**Ms Edwards**—It could have been, although I suspect, given that things were still moving, that they probably had not made it onto the file at that point.

**Senator FAULKNER**—It might be material that had not got as far as being filed?

**Ms Edwards**—That is correct.

**Senator FAULKNER**—Who did you task to find the material?

**Ms Edwards**—I believe it was Matt Healey, who was a junior officer in the division at the time.

**Senator FAULKNER**—Did you give him an indication that this was urgently required?

**Ms Edwards**—I think almost everything was urgent at that time. We were doing our best to provide whatever material we could.

**Senator FAULKNER**—So there was no need to say it was needed urgently?

**Ms Edwards**—I do not think so, no.

**Senator FAULKNER**—Do you know what the turnaround time was?

**Ms Edwards**—No, I do not.

**Senator FAULKNER**—Are fax cover sheets and things like that kept?

**Ms Edwards**—Yes. It is a matter for Prime Minister and Cabinet since it is their file. They can have a look and see whether or not they have that, but I have no information at the moment.

**Senator FAULKNER**—Weren't you making the point that effectively you are in another department now?

**Ms Edwards**—Yes, that is correct.

**Senator FAULKNER**—Perhaps you might take that on notice and one of the officers in PM&C could let us know about that. Did you play a role in the selection of Ms Bryant to undertake the inquiry into these matters that has been tasked by the Prime Minister?

**Ms Edwards**—No, I do not believe so.

**Senator FAULKNER**—You would know, though, if you did.

**Ms Edwards**—I was not involved in the selection of Ms Bryant. I believe there was a conversation between Ms Halton and me at one point along the lines of Ms Halton suggesting that maybe the idea of an inquiries officer to undertake some of the investigation work would be required, and I disqualified myself.

**Senator FAULKNER**—I thought you might be a possible victim of a possible inquirer—it is not an unreasonable conclusion to come to.

**Ms Edwards**—Indeed, and I disqualified myself as at that point I was aware that I was likely to be leaving the department shortly, so I said it could not be me.

**Senator FAULKNER**—When you were then in the Department of the Prime Minister and Cabinet, was there any debate internally where you were located about whether there were any weaknesses in having a member associated with the task force actually undertaking the inquiry? I appreciate that was requested by the Prime Minister, but was there any discussion of which you are aware outlining any concerns along those lines?

**Ms Edwards**—Not that I recall.

**Senator FAULKNER**—So Ms Halton actually suggested you do the job?

**Ms Edwards**—No, I do not think the conversation was along that kind of line. It was more that we needed to find someone, and so I responded that I would not be a suitable person.

**Senator FAULKNER**—Because you were leaving?

**Ms Edwards**—Yes.

**Senator FAULKNER**—While you were still there were you kept in touch with the progress of the inquiry at all?

**Ms Edwards**—Only in very broad terms.

**Senator FAULKNER**—Ms Bryant was out of your division, wasn't she?

**Ms Edwards**—She was in my division.

**Senator FAULKNER**—While she was undertaking her inquiry was she replaced? What happened to her ordinary role in the department?

**Ms Edwards**—She continued to do her ordinary work involving the task force, but we had already done some internal redistribution of some of her other tasks, and we made some efforts to try to free up her time.

**Senator FAULKNER**—Had you had any contact at all with Mr Moore-Wilton over the ‘children overboard’ issue and associated issues?

**Ms Edwards**—Not on that particular incident.

**Senator FAULKNER**—I was not asking about a particular incident; I was just asking—

**Ms Edwards**—This is through the period of the task force?

**Senator FAULKNER**—Yes.

**Ms Edwards**—Yes, on a couple of occasions.

**Senator FAULKNER**—Would you be able to identify those to us?

**Ms Edwards**—I am not sure that I can recollect exact dates, but I think on the 10th in Ms Halton’s absence on another issue we had one or two phone calls at SES meetings within the department when I discussed some of the issues that had come up within it. There may have been one or two occasions when we spoke on issues, but I cannot specifically recall when they were.

**Senator FAULKNER**—What was the other issue of 10 October?

**Ms Edwards**—I think it was an issue in relation to the arrangements for Papua New Guinea.

**Senator FAULKNER**—That is not the ‘children overboard’ issue.

**Ms Edwards**—But I said it was nothing specifically on children overboard.

**Senator FAULKNER**—Was that also the case after the election on 10 November?

**Ms Edwards**—That is correct. The only contact I have had, I think, with Mr Moore-Wilton was to leave him a message following the newspaper reports in February, in relation to the chronology, to draw attention to my statement to Ms Bryant’s inquiry.

**Senator FAULKNER**—Which particular statement or your statement in its entirety?

**Ms Edwards**—Yes. The statement that related to the advice I gave Ms Halton in relation to the chronology.

**Senator FAULKNER**—Which would be along the terms of what you have said today in your opening statement to this committee, would it?

**Ms Edwards**—Yes. In fact, he was not available and I simply left a message.

**Senator FAULKNER**—What about ongoing contact with Ms Halton?

**Ms Edwards**—Yes, I have had a few conversations with Ms Halton. We were in the same building while we were reading files and such like. On occasion, we had a couple of discussions.

**Senator FAULKNER**—What was the nature of those discussions?

**Ms Edwards**—Simply trying to trigger recollections and reconcile our slightly veering memories of the afternoon of 10 October.

**Senator FAULKNER**—Did you leave any phone messages for Ms Halton?

**Ms Edwards**—No, I did not.

**Senator FAULKNER**—But why did you feel it necessary to leave Mr Moore-Wilton a phone message on that topic?

**Ms Edwards**—Because there had been a media report to the effect that the chronology had not been drawn to the attention of either him or Ms Halton.

**Senator FAULKNER**—Was there any response to your message that you are aware of?

**Ms Edwards**—Ms Halton called me back later in the day.

**Senator FAULKNER**—Ms Halton did?

**Ms Edwards**—Yes.

**Senator FAULKNER**—And what did she say to you?

**Ms Edwards**—We had a discussion around our recollections.

**Senator FAULKNER**—Which were differing?

**Ms Edwards**—Which were differing, but I think we agreed they could be reconciled.

**Senator FAULKNER**—In what areas did they differ?

**Ms Edwards**—As you are aware, Ms Halton does not specifically remember seeing or hearing about the chronology.

**Senator FAULKNER**—Is that the main area or the only area?

**Ms Edwards**—That is the only area that I am aware of.

**Senator FAULKNER**—So Mr Moore-Wilton must have mentioned it to Ms Halton, who gets back to you?

**Ms Edwards**—I assume so, yes.

**Senator FAULKNER**—Any other feedback or repercussions from that?

**Ms Edwards**—No, not that I recall.

**Senator FAULKNER**—In the discussions you were having with Ms Halton, separately to the one in response to the message you left for Mr Moore-Wilton, what were the issues you were canvassing then?

**Ms Edwards**—We had been sitting around refreshing our memories with the files and, every now and then, that would trigger a comment or a ‘do you remember this or that?’ kind of comment—nothing more than that.

**Senator FAULKNER**—And why were you refreshing your memory?

**Ms Edwards**—In preparation for these hearings.

**Senator FAULKNER**—These hearings?

**Ms Edwards**—Yes.

**Senator FAULKNER**—So this is quite recent, is it?

**Ms Edwards**—Yes, over the last month or so.

**Senator FAULKNER**—Was anyone else refreshing their memory at the time?

**Ms Edwards**—No, I think we were the main ones. Ms Bryant may have been present at some discussions, but that is it.

**Senator FAULKNER**—Are all these files kept in the Social Policy Division?

**Ms Edwards**—That is correct.

**Senator FAULKNER**—At this stage, both you and Ms Halton work in other departments?

**Ms Edwards**—Exactly.

**Senator FAULKNER**—How much time did you spend refreshing your memory back at PM&C?

**Ms Edwards**—Not a lot, although it might have felt like a lot.

**Senator FAULKNER**—It must have been a relief for you that it was not a lot. Did you have any contact with other ministerial or prime ministerial staff, apart from Mr Jordana?

**Ms Edwards**—At what time?

**Senator FAULKNER**—At any stage.

**Ms Edwards**—In the period of the task force, yes, I probably spoke to Mr O’Leary on one occasion and Catherine Murphy on a few occasions.

**Senator FAULKNER**—Do you recall what Mr O’Leary wanted?

**Ms Edwards**—Not specifically. I really do not recollect. I think it was just a query about some report or other. I cannot remember the specific details.

**Senator FAULKNER**—I thought you might, given that it would not be a common thing, would it, for you to receive a call from Mr O’Leary—the Prime Minister’s chief press operative?

**Ms Edwards**—My recollection is that he was just seeking a fairly simple piece of factual information, but I cannot recall specifically what it was.

**Senator FAULKNER**—And Ms Murphy?

**Ms Edwards**—She asked for some papers to be sent to her at various times.

**Senator FAULKNER**—Do you know what papers?

**Ms Edwards**—I believe she received copies of some of the talking points that we produced at various times—that kind of thing.

**Senator FAULKNER**—Is there anything else you can recall?

**Ms Edwards**—I think she was present at one discussion on some legislation options.

**Senator FAULKNER**—Were they the only ministerial staffers you had contact with?

**Ms Edwards**—I think I spoke to someone in Mr Reith’s office during the week of the 8th or 9th. As I said in my opening statement, we were initially advised by Strategic Command that they needed to have the request for further information cleared by the minister’s office, which we did. Beyond that, I do not recall any.

**Senator FAULKNER**—Why would there be legislation options? Are we still talking about the election campaign period?

**Ms Edwards**—No, I think this was probably earlier.

**Senator FAULKNER**—So this may have been related to the border protection bill?

**Ms Edwards**—That is correct.

**Senator FAULKNER**—Unfortunately, Ms Edwards, I inadvertently missed a little bit of your earlier testimony. I have an understanding of the broad issues that other senators touched on, but if there are one or two questions that remain outstanding I might place them on notice.

**Ms Edwards**—Sure.

**CHAIR**—Going back to the 9 October meeting, can you recall the tone of the discussion at that meeting? For example, was there an agitated tone or any anger about Banks's unauthorised interview?

**Ms Edwards**—I cannot recall whether the interview specifically came up at that point. I certainly remember that there was some discussion outside the meeting. I am not sure whether we were aware of the interview at that point. Certainly, when we did learn about it, I can recall there being some concern.

**CHAIR**—I understand that Mr John Drury, the Acting Chief Executive Officer of Customs, wrote on a note for the file on 9 October that, following Commander Banks's interview on Channel 10, there was a discussion at the interdepartmental committee about bans on anyone other than ministers and their staff briefing the press in relation to Operation Relex. This discussion led to:

... the need for more timely information being passed to members of the senior level reference group—in particular, to Jane Halton of PM&C.

**Ms Edwards**—My recollection of that discussion is slightly different but not necessarily inconsistent, and that was that we had been concerned at the lack of detail that we were getting in the reports that were coming in in the sit reps. Ms Halton was therefore concerned to ensure that we got more frequent, more detailed and timely information. Indeed, Defence did agree to give us sit reps three times a day which they did for the remainder of the events on the *Adelaide*. The policy of people not speaking to the media other than ministers and ministers officers had been in place for some time, and it was reiterated on a number of occasions when the issue came up for discussion. It may well be that it did come up on that occasion in the context of Commander Banks.

**CHAIR**—Why was it a discussion for the committee? Wasn't it a Defence issue?

**Ms Edwards**—It was, but this was a policy that was being coordinated across all of the portfolios. All of the portfolios at various points had issues in relation to whether they should be making public comments on this or that or whether they should have a spokesperson here or there. So the reiteration of the policy had some broader application.

**CHAIR**—Are you saying that the communications memo that covered Defence, which centralised communications in the Minister's office, was duplicated for other departments as well?

**Ms Edwards**—That is correct; that was my understanding.

**CHAIR**—Was it duplicated for other departments for Operation Relex, or was it done at some earlier point?

**Ms Edwards**—As far as I am aware, it was for Operation Relex.

**CHAIR**—So that no other line person in another department could comment to the media, they had to refer everything up to their ministers?

**Ms Edwards**—That is correct.

**CHAIR**—That sounds like a coordinated government policy. Was it?

**Ms Edwards**—It was certainly a policy that had been articulated.

**CHAIR**—When was it put in place?

**Ms Edwards**—I do not recall specifically. Fairly early on, I believe, in the process.

**CHAIR**—What was the reason for it?

**Ms Edwards**—I am not sure of the reasons. I think it was felt that it was important to ensure that there was tight coordination of all of the information flows given the number of different players involved.

**CHAIR**—This puts your committee in a more significant light, because you are the clearing house for a lot of this information.

**Ms Edwards**—The committee itself was not. The committee reiterated the policy from time to time or brought issues to it where it suggested that there may be a case for doing something differently. For example, on a couple of occasions on Nauru, there were slightly different arrangements put in place given the offshore nature and long distances and times involved. But the committee itself was not the clearing house for any information; it was a matter for ministers' officers—reinforcing the issue that ministers' officers were coordinating all media.

**CHAIR**—You could really say there was a government clampdown on information from all sources other than from ministers' officers to cover the border protection issues in Operation Relex. That is a fair statement.

**Ms Edwards**—It was not a clampdown; it was a requirement that all media issues and the handling of them be cleared with minister's officers specifically.

**CHAIR**—Which centralised the information flow at a political level rather than at an administrative level.

**Ms Edwards**—It certainly meant that they had to be consulted on each event.

**CHAIR**—Did this come from a cabinet decision?

**Ms Edwards**—I do not believe so. It could well have been an informal discussion in cabinet, but I do not know.

**CHAIR**—That is an interesting piece of information. Do you know what the nature of the contact between Ms Halton and Ms McKenry on the issue of Banks's unauthorised interview was?

**Ms Edwards**—I think she was simply ringing to find out the details and to find out what systems were in place within Defence. At that 9 October meeting, as I recall, there was a discussion on the fact that information flows seemed to be a little bit chaotic and that we needed to try to systematise them a little bit more.

**CHAIR**—Do you know if anything was agreed about a 'more timely' supply of information?

**Ms Edwards**—Yes. As I said, Defence undertook to provide us in PM&C with three times daily—or I think it was three times daily, it may have been twice—situation reports on the events on the *Adelaide* as they continued to unfold. There was certainly increased direct frequency on what we had previously received.

**CHAIR**—How did you obtain them? What was the method?

**Ms Edwards**—They faxed them to us.

**CHAIR**—They being whom?

**Ms Edwards**—Strategic Command.

**CHAIR**—So they did not come through Commander King?

**Ms Edwards**—No.

**CHAIR**—They were not a liaison function?

**Ms Edwards**—No.

**CHAIR**—They did not come through Air Vice Marshal Titheridge?

**Ms Edwards**—Strategic Command is his division so, indirectly, yes.

**CHAIR**—They did not come from Group Captain Walker?

**Ms Edwards**—I think he may have cleared one or two. I cannot remember the names—but I am sure PM&C could find the relevant documents and the names of the officers if you needed them—but they were Strategic Command officers.

**CHAIR**—We know that Minister Hill has since lifted this centralised communications memo or approved the removal of it and reversion back to the old system. Is that true of all the other departments that are operating on a centralised information supply?

**Ms Edwards**—I am not aware of what arrangements are currently in place, as I am no longer involved in the management of these issues.

**CHAIR**—In evidence to the committee, Jane Halton said that, on 9 October, she asked PM&C staff to pursue details of the ‘children overboard’ event with Defence Strategic Command. She said:

I should say that I did not doubt the event had occurred but rather was trying to answer specific questions about the timing of events. Nonetheless, I specifically asked Defence to confirm all the details and to advise us accordingly.

In her statement to the Bryant inquiry, however, Ms Halton said that, in response to media speculation about the alleged incident, she told the Defence representative at the meeting on 9 or 10 October:

... that they had better be certain about the veracity of the initial reports and they should do some checking.

Can you comment on the nature of the confirmation being sought from Defence? Is this from Strategic Command when they refused to go to Commander Banks?

**Ms Edwards**—As I have said, we were hunting for further and better details. I am not sure that I can add anything much to that.

**Senator FAULKNER**—I noted your comments in relation to SIEVX in your opening statement that you were away prior to 22 October and that it was raised at the task force on both the 22nd and the 23rd.

**Ms Edwards**—Yes.

**Senator FAULKNER**—Are you aware of whether, on the 22nd, there was any element of surprise about the existence of SIEVX? I appreciate that you were not there before the 22nd, but I thought you may have been able to gain an impression of whether this matter had been discussed prior to your return.

**Ms Edwards**—I do not have a specific recollection of whether this was a resumption of a previous discussion. As I said, my impression at the time was that this was a debate on how firm this report was.

**Senator FAULKNER**—You do not have an impression of whether this had been—which is fair enough, because obviously you were not there; I thought the tenor of the discussion may have been such that there was an awareness.

**Ms Edwards**—No, not that I recall. From Admiral Bonser’s evidence and from my knowledge of the files, I believe that there were some discussions, but this was the normal intelligence reporting of SIEVs. As I said, we often received a number of reports of boats about

to come which never eventuated. This one, I think I heard this morning, had been reported five times.

**Senator FAULKNER**—Some discussions prior to the 22nd, you mean?

**Ms Edwards**—Yes; but I have no specific recollection.

**Senator FAULKNER**—Yes, because you were not there; I appreciate that.

**CHAIR**—There is one last gasp from me, I am sorry.

**Senator FAULKNER**—There is one last gasp from me, before you go on. Because I was unavoidably delayed, if there are some further issues—I think they have mainly been canvassed, but if they have not been—I would appreciate your input.

**Senator BRANDIS**—Unavoidably delayed in the press gallery, Senator Faulkner.

**Senator FAULKNER**—No, not in the press gallery, actually; in another room very close to here. I know you would be an expert about the press gallery.

**CHAIR**—We have a witness: please ask questions of the witness. All this is very interesting, but the witness's time is being wasted.

**Senator FAULKNER**—It is many moons since I have been to the press gallery, and until I am likely to go. If there are some issues that were not canvassed, I would like to place them on notice, and I really will not know until I read the *Hansard* transcript.

**Ms Edwards**—Certainly.

**CHAIR**—My last gasp, Ms Edwards: you were saying the Defence material came over the fax to you from Strategic Command.

**Ms Edwards**—Yes. Secure fax, I think.

**CHAIR**—Of course. Do you know if it was passed through the minister's office before it got to you?

**Ms Edwards**—No, I do not.

**CHAIR**—Did any of the material come from the minister's office to you?

**Ms Edwards**—In terms of the material following our request of the task force meeting of the 9th, not that I am aware. It is possible, but I certainly do not recollect it.

**CHAIR**—I am fascinated by this piece of information that the centralised reporting system that applied in Defence, so that everything had to be cleared by the minister's office, was true of all the other departments as well, and it was put in place for Operation Relex.

**Ms Edwards**—I think that is not new information; I think it was actually raised in estimates.

**CHAIR**—I may have missed that. Thank you very much. We have had you for a long time; we apologise for any inconvenience.

**Committee adjourned at 9.18 p.m.**