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SENATE

SELECT COMMITTEE ON A CERTAIN MARITIME
INCIDENT

Reference: Certain maritime incident

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SENATE
SELECT COMMITTEE ON A CERTAIN MARITIME INCIDENT
Thursday, 13 June 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 and Mason

Terms of reference for the inquiry:

For inquiry into and report on:

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

WITNESSES

HAMMER, Dr Brendon, former Assistant Secretary, Defence, Intelligence and Security Branch, Department of the Prime Minister and Cabinet.....1800

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Committee met at 9.34 a.m.

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

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 are available from the secretariat staff. 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. I remind members, and I will consult with the members of the committee during the course of the morning, about the prospects for a private meeting, perhaps at lunchtime. The waiting room next door is for witnesses only and is a private area to which the press and public have no access. 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 first witness I call and welcome to the table is Ms Harinder Sidhu. As I understand it, Ms Sidhu, you are in continuance. You have taken your oath or affirmation.

Ms Sidhu—Yes, that is right.

CHAIR—I do not think there is any need to readminister it a second time because you were stood down; you were not dismissed. As I recall, Senator Faulkner was in full flight when we cut him off in his prime, so the call goes to Senator Faulkner.

Senator FAULKNER—I just wondered whether the witness wanted to add anything to the opening statement since the break.

CHAIR—That is a fair question. Do you have any additional comments to make, Ms Sidhu?

Ms Sidhu—No, I do not.

Senator FAULKNER—During the time that Commander King was the Defence Liaison Officer in the Department of the Prime Minister and Cabinet, was he used as a conduit of information in a similar way that occurred in relation to the matters that Commander Chatterton discussed with him and you were informed about?

Ms Sidhu—No, not in that sense. In fact, that may have been the only occasion he was used as a conduit of information. I believe I testified earlier that he would, on occasion, represent PM&C at meetings where he would receive information that was shared at those meetings and return that information to PM&C. That was the more usual form of his work.

Senator FAULKNER—Do you think at any time in your experience that Commander King acted inappropriately in his provision of information from Defence to PM&C or more broadly in his liaison role?

Ms Sidhu—I would like to clarify that. He did not have a formal liaison role. That was never the purpose of his secondment to PM&C. In answer to your question, I do not believe that Commander King ever acted inappropriately. He was more inclined to err on the side of caution and seek advice on how to proceed before saying or doing anything. I do not recall any occasion when I would say that he acted inappropriately.

Senator FAULKNER—Fair enough. Did he undertake that role and responsibility as a Defence Liaison Officer in a similar way to others who have held that position?

Ms Sidhu—In general, yes. Each secondee to that position obviously brings their own skills and their own networks of contacts and so forth, so there are particular differences in how each operates. But by and large Commander King worked in much the same way as his predecessors in that position.

Senator FAULKNER—When Commander King had his discussion with you on 11 October, you determined that you and Commander King would meet Dr Hammer at the earliest available opportunity. I think that is right, is it not?

Ms Sidhu—Yes, that is right.

Senator FAULKNER—At that meeting with Dr Hammer, did you feel that Dr Hammer understood the significance of what he was being told?

Ms Sidhu—I cannot actually make a clear judgment on that. I can only report what I perceived to be his reaction, which was one of surprise and a general sense that this was not a matter of our concern. I cannot say categorically whether or not he perceived any significance. That is something you may have to ask him.

Senator FAULKNER—I can ask him, of course, but I was wondering what your impressions were because you were a first party at the meeting yourself.

Ms Sidhu—I would say that yes, he probably did see some significance in the information, but I think that is counterbalanced by the fact that it was uncorroborated and out of context. I did not get a clear impression, frankly.

Senator FAULKNER—In relation to the misrepresentation of the photographs, were you surprised after 11 October that no correction was made public?

Ms Sidhu—That is difficult for me to answer. On one level I wondered why it had not come out in public, but on another level the thing that struck me was that I had never again heard that story. So I characterised it as a stray rumour on the basis that nothing else had ever emerged about it subsequent to the 11 October conversation.

Senator FAULKNER—You may have characterised it as a stray rumour, but you took immediate action to try and tell Dr Hammer about this information. In fact, you met him with Commander King the same day, did you not?

Ms Sidhu—Yes, that is right.

Senator FAULKNER—In fact, you tried to have an even earlier meeting, if it were possible, than you did.

Ms Sidhu—Yes, that is true. But, as I said earlier as well, I had no way of establishing the truth of this information. As time went on I heard nothing else that would suggest to me that that particular piece of information was true. As I have also said, I hear many rumours and I cannot always account for their truth or otherwise.

Senator FAULKNER—Did you put the fact that no correction was made public at any stage down to the fact that this was occurring during the period of a federal election campaign?

Ms Sidhu—I do not think I thought that deeply about it. I did not make a direct connection with the election campaign, no. I was more concerned about whether in fact this story was true. The question of a correction or otherwise never really came up in my mind.

Senator FAULKNER—You say you were concerned about whether or not the story was true. Aside from the contact with Ms Wildermuth that we understand occurred on 7 November, did you raise this issue with anybody else in that period from 11 October last year—from the time when Commander King raised this with you and you and Commander King met Dr Hammer—through to when the election was held on 10 November?

Ms Sidhu—Other than what I put on the record, no.

Senator FAULKNER—When Ms Wildermuth contacted you in November, did you have any understanding of what Ms Wildermuth was likely to do with the information that you provided to her about the status of suggestions that children had been thrown overboard?

Ms Sidhu—I had no information about what she was likely to do, no.

Senator FAULKNER—Why did you pass the information on to her?

Ms Sidhu—As I said before, in the course of our conversation about the documents that she was looking for I remembered Commander King's comments to me. It was a spontaneous thing: I remembered it and I spoke of it almost as soon as I recalled it in the context of my conversation with Ms Wildermuth.

Senator FAULKNER—But you told me a little earlier that you were concerned about whether this story was true.

Ms Sidhu—Yes, but in a general sense. As I also said, my concern chiefly revolved around the time when Commander King told me the information and we reported the information to Dr Hammer. It was not an ongoing worry that I had throughout this period.

Senator FAULKNER—I will take what you say at face value; I accept it. You were concerned about whether the story was true. Did you do anything about finding out whether or not it was true?

Ms Sidhu—No.

Senator FAULKNER—Could you say why not, if you were concerned about whether it was true?

Ms Sidhu—I was not worried about it on an ongoing basis. This was not something that I worked on as part of my duties. It appeared to me that it was strictly a rumour that was received second- or third-hand. As I have also said before, perhaps if I had heard that story again—if it had come up more than once—I may have thought to pass it on or to try to seek out the truth, but throughout that entire period this was an isolated incident. It occurred once and I never heard it again. I did not see any point in chasing it up, especially given that I was working on so many other things that were properly within the spread of my authority and responsibilities.

Senator FAULKNER—When did you become aware of what Ms Wildermuth did with the information you told her?

Ms Sidhu—It would have been quite some time later. I think it would have been closer to the time when Ms Halton wrote her letter to the secretary.

Senator FAULKNER—So you did not know that Ms Wildermuth had effectively seen that that information passed—indirectly, via Ms Bryant, is my recollection—to Ms Halton and to the Prime Minister's office?

Ms Sidhu—I was aware, because Ms Bryant had called me around December. I should correct what I have just said. Ms Bryant called me around December to clarify the date of my conversation with Ms Wildermuth in the context of her report into the

incident. So I was aware that Ms Bryant had been made aware of it. I was not aware that it had gone beyond Ms Bryant until Ms Halton's letter.

Senator FAULKNER—Did you ask Ms Bryant whether that particular conversation, that matter—the so-called tearoom gossip—would be mentioned or canvassed in the Bryant report?

Ms Sidhu—No.

Senator FAULKNER—Was there any discussion about that with Ms Bryant at all?

Ms Sidhu—No.

Senator FAULKNER—But that was the context in which she rang you, was it not?

Ms Sidhu—Yes. It was strictly a very quick conversation in the context of her trying to check facts, as I understood it. She just called me and asked, 'Can you recall the date of your conversation with Ms Wildermuth?' I tried to pin the date down and responded that I could not.

Senator FAULKNER—So were you surprised when that effectively did not appear in the Bryant report?

Ms Sidhu—No, not particularly.

Senator FAULKNER—I would like to ask you about the status of this information. Are you aware of Ms Bryant's evidence to this committee that she had followed up with your division in the light of Commander Chatterton's evidence before this committee?

Ms Sidhu—Yes, I am aware of her evidence.

Senator FAULKNER—Are you also aware that we have been told that your division had originally believed that the incident was a rumour or tearoom gossip, but in the light of Commander Chatterton's evidence, you no longer believed that that was the case?

Ms Sidhu—Yes, I am aware of her evidence to that effect.

Senator FAULKNER—Can you shed any light on that for me?

Ms Sidhu—I cannot shed any more particular light. By the time Commander Chatterton had given his evidence, his evidence had come after the meeting between Commander King, Dr Hammer and me in March when Commander King revealed to me that it had been a direct approach. From that point on, I was aware and I believe Dr Hammer was aware, and I would assume Mr Potts, the division head, was also

made aware, that it had in fact been a direct approach. Up to that point, we had always believed that it had been an indirect rumour picked up second-hand.

Senator FAULKNER—Is it fair to say that you originally thought it was a rumour—

Ms Sidhu—Yes.

Senator FAULKNER—but at some stage later you changed your mind?

Ms Sidhu—No, I had not changed my mind. I had found out fresh information which cast a different light on the events. I have not changed my mind about what I was originally told because that is my clear recollection of what I was told in October. What I am saying is that, from March, it had become clear to me that a different event had occurred and I accept Commander King's explanation of that.

Senator FAULKNER—Yes, but I am talking about whether Commander Chatterton's evidence changed your views or views in your division.

Ms Sidhu—No, not from my perspective. From my perspective, the thing that changed my picture of the events was Commander King's comments to me personally.

Senator FAULKNER—But if you thought it was rumour, innuendo or tearoom gossip at the time—and that is what you are saying to me was its status basically—

Ms Sidhu—That is right.

Senator FAULKNER—It is fair to say that you thought it was rumour or gossip. Is that a fair description?

Ms Sidhu—Yes, that is fair.

Senator FAULKNER—If that is the case, why did you immediately seek to meet your superior, Dr Hammer, at the earliest available opportunity to pass it on? Do you normally do that when you receive a piece of gossip?

Ms Sidhu—It depends on the nature of the rumour. There have been occasions in the past when we have encountered a rumour which, in the end, has turned out to have some substance or formed part of a larger story. I assessed that this was potentially a significant story and that there may be some substance behind it. I went to Dr Hammer to see if there was any light he might be able to shed on it, as he had done in the past on one or two occasions.

Senator FAULKNER—But you would not normally do that if someone passes on a piece of gossip or rumour, would you—go to your superior and try and set up a meeting quickly? I am not critical of that. I think you did the right thing. But it seems

to me that you acted quickly and decisively. What surprises me is that you would do so if you thought this was only a bit of rumour or gossip.

Ms Sidhu—I do not know how to put it more clearly than that. We get stories all the time through where I work and some of them are potentially significant and some of them form part of a larger story. I thought that this may in fact form part of a larger story or there may be a wider context to it.

Senator FAULKNER—You were right about that. It was not a rumour, was it? This had real substance, didn't it?

Ms Sidhu—As it turned out, yes.

Senator FAULKNER—As it turned out.

Ms Sidhu—Yes. But at the time I did not know that. It seemed to me that Commander King appeared worried about the information and I took it seriously, even though he was concerned about sharing names or where he had precisely heard this information. But quite clearly he had heard it from a source that he thought had some credence. I just thought it might be wise to inform Dr Hammer of it and, if he was available then, I thought the sensible thing to do would be to go straightaway.

Senator FAULKNER—But you never chased up with Dr Hammer what was the outcome of the meeting that you and Commander King had that same day with Dr Hammer?

Ms Sidhu—No.

Senator FAULKNER—You did not have any conversation with him about it at all?

Ms Sidhu—No. Not afterwards, no.

Senator FAULKNER—In Dr Hammer's case, you did not talk about this until it became a notorious public incident and likely to be the subject of questioning at a Senate committee?

Ms Sidhu—I did not talk about it again with whom—with Dr Hammer again?

Senator FAULKNER—Yes.

Ms Sidhu—No. We did not discuss it again until the question of a possible departmental submission to a committee was being canvassed.

Senator FAULKNER—Yes, to this committee.

Ms Sidhu—Exactly right.

Senator FAULKNER—You indicated to us the last time you were before us, Ms Sidhu, that when Ms Wildermuth approached you on 7 November last year you had given her two documents to take back to the Social Policy Division overnight—is that a fair summation of the situation?

Ms Sidhu—Yes. That is exactly right.

Senator FAULKNER—I think the point has been made that that was not the normal process. That is right, isn't it?

Ms Sidhu—Yes, that is right.

Senator FAULKNER—They were cables, were they, or documents?

Ms Sidhu—It appeared to be defence reports that had been distributed through the Foreign Affairs and Trade cable network.

Senator FAULKNER—One was a classified report entitled 'CJTF639 daily intsum 039' of 7 October 2001'? I think that was it.

Ms Sidhu—It was 034.

Senator FAULKNER—Thank you. It was 034 of 7 October 2001?

Ms Sidhu—Yes, that is right.

Senator FAULKNER—And the other one was a classified report entitled 'ASTJIC intelligence brief 209/01' of 8 October 2001'?

Ms Sidhu—Yes, that is right.

Senator FAULKNER—When did Ms Wildermuth return those documents to you?

Ms Sidhu—The next morning.

Senator FAULKNER—She gave them to Ms Bryant, as far as you know?

Ms Sidhu—I do not know.

Senator FAULKNER—Have you got any idea at all what happened to those documents?

Ms Sidhu—No.

Senator FAULKNER—At the time that they were provided for the benefit of the Social Policy Division, did you indicate clearly what, if any, constraints might apply, given that this was not the normal situation?

Ms Sidhu—Yes, very clearly. I asked her to ensure that they were appropriately locked up. She understood the reasons why, and she, as I know, has access to the appropriate security container. I also impressed upon her that I could not release them for more than overnight. I asked her to return them to me the next morning. The third thing I asked her was not to copy them.

Senator FAULKNER—Are you satisfied that they were locked up overnight?

Ms Sidhu—Yes.

Senator FAULKNER—How do you know that?

Ms Sidhu—I trust Ms Wildermuth, and—

Senator FAULKNER—So you do not know.

Ms Sidhu—Not categorically, no.

Senator FAULKNER—Are you satisfied they were not copied?

Ms Sidhu—Again, I do not know for sure.

Senator FAULKNER—No.

Ms Sidhu—This is based on a relationship of professional trust.

Senator FAULKNER—Again, I accept that, but I am trying to establish whether you sought any assurances after the event from Ms Wildermuth as to how those documents were dealt with.

Ms Sidhu—No, I did not.

Senator BRANDIS—You would not ordinarily seek assurances like that, would you, Ms Sidhu?

Ms Sidhu—No. Ms Wildermuth has been properly cleared. She has been briefed on security procedures. I have to assume that somebody holding that level of security clearance understands how to handle material like this.

Senator BRANDIS—And you have absolutely no reason to believe that the documents were be dealt with in any way other than the ordinary course?

Ms Sidhu—No.

Senator FAULKNER—What level of security clearance does Ms Wildermuth have?

Ms Sidhu—Top secret, I understand.

Senator FAULKNER—But you would not ordinarily provide any documents to anyone anyway for use overnight, would you?

Ms Sidhu—Not ordinarily. I had made an exception—

Senator FAULKNER—Have you ever done it before?

Ms Sidhu—I had made an exception before, yes.

Senator FAULKNER—How many times has this been done?

Ms Sidhu—Probably only once or twice. This was a particular occasion—

Senator FAULKNER—Are you able to identify what those other occasions were?

Ms Sidhu—I can recall one occasion where I did not leave a document overnight but brought a document to Social Policy Division for them to look at, which I then collected about an hour later.

Senator FAULKNER—Was it a breach of process to actually give those documents to Ms Wildermuth overnight?

Ms Sidhu—I do not believe it was. I am not aware of any particular guidelines or rules about handling of documents which I may have breached. But it was outside of my ordinary way of operating.

Senator FAULKNER—I accept that—it was not normal procedure.

Ms Sidhu—Not for me, no.

Senator FAULKNER—It was abnormal—not unprecedented, because it happened on at least one other occasion.

Ms Sidhu—Yes.

Senator FAULKNER—Did the fact that this was occurring at the very end of an election campaign, when there was a great deal of sensitivity about the matters to which these documents related, have any impact on your decision or decision making in relation to providing those two documents?

Ms Sidhu—No. It was strictly a professional courtesy. The election campaign or otherwise did not come into it.

Senator FAULKNER—It would depend on how they would be used, would it not?

Ms Sidhu—That is true. But the entire department understood about the caretaker conventions. We had been briefed on these. We were operating within them. Ms Wildermuth had asked for access for those documents for what appeared to be a

professional and an appropriate purpose. There was no question in my mind—nor had she raised any questions—that this was in any way related to the election campaign. It was strictly a work related official function.

Senator FAULKNER—Commander King actually told this committee that you had told him on 8 November, I think, that you had informed Ms Wildermuth about the information that the photographs were misrepresented or wrongly attributed to the ‘children overboard’ incident. Is that right?

Ms Sidhu—Yes.

Senator FAULKNER—Is it true that you told Ms Wildermuth that they were in fact photographs taken when the boat was sinking?

Ms Sidhu—I told her that there was a story circulating in Defence to that effect, yes.

Senator FAULKNER—Why did you tell Commander King about this conversation with Ms Wildermuth?

Ms Sidhu—When I told Ms Wildermuth the story she appeared very surprised. I myself was quite taken aback that a rumour such as this had not crossed her path before, given that she was working so closely with the People Smuggling Task Force. I guess it was her reaction that generated a bit of concern in my mind. When I had mentioned the story to her, I did not also mention Commander King’s name, but her reaction caused me to think that perhaps Social Policy Division may want to follow it up and that Commander King would therefore become involved. So, as a courtesy the next morning, I let Commander King know that I had spoken to Ms Wildermuth, that this had been her reaction and that there may be some follow-up. But none eventuated.

Senator FAULKNER—Do you think it is unusual to go to Commander King to see if it is okay to disclose the source of information if the information is just gossip?

Ms Sidhu—I try to operate, as far as possible, in a collegiate way and to provide a certain amount of professional courtesy. I thought Commander King might consider himself to be in an embarrassing position if it were to come out that he was peddling rumours, I suppose. So I felt I owed him the courtesy of letting him know that I had in fact passed the story on.

Senator FAULKNER—But Commander King has told this committee that you did not inform him in November that you thought this was just gossip. Is that right?

Ms Sidhu—That I did not inform him?

Senator FAULKNER—That you did not say to Commander King that you thought this advice was just gossip.

Ms Sidhu—I am not aware that he has actually said that.

Senator FAULKNER—That is my recollection, but I might be wrong. I make far too many mistakes, so let us assume for a moment that I am wrong. Did you or did you not talk to him on 8 November about the status of this being gossip?

Ms Sidhu—To the best of my recollection, I do not remember discussing with Commander King the status of the information. All I recall telling him is that I had passed the information on to Ms Wildermuth and that she had been surprised at hearing it. I just thought he should know.

Senator FAULKNER—But Commander King would not have been aware of your view that the status of this information was gossip, because you did not tell him.

Ms Sidhu—That is true; I did not.

Senator JACINTA COLLINS—Earlier this morning you said that the information was clearly worrying Commander King and that he clearly regarded the source of it as credible.

Ms Sidhu—Yes.

Senator JACINTA COLLINS—How do you say those two things and explain to us now that you regarded it as gossip?

Ms Sidhu—Again, my recollection is that Commander King had overheard other people discussing this matter. I was not aware of who those people were. As I testified before you earlier, my attempts to press him for names or ranks had proved unsuccessful, so I could only regard this as information that was overheard. I did not know who was discussing this information and I had no way of judging whether they were people who might actually know or not but, judging from Commander King's concern, I felt that he may have made a judgment that these were people who might know something about the issue. I passed it on on that basis.

Senator JACINTA COLLINS—But, in your mind, none of what you have just described constitutes a discussion about the status of the information?

Ms Sidhu—With Commander King?

Senator JACINTA COLLINS—Yes.

Ms Sidhu—As I say, my recollection is that he told me that he had overheard a conversation to this effect. That is the extent of the discussion we have had about the status of the information, until March this year.

Senator JACINTA COLLINS—Except that you obviously reached conclusions.

Ms Sidhu—Yes.

Senator FAULKNER—Let us go to the question of the Department of Prime Minister and Cabinet's submission—or possible submission—to this committee. Could you give me some background on what you actually know about the development of that in the early stages?

Ms Sidhu—Very little, really. When the committee was constituted I believe I heard through the Social Policy Division—and I believe it was Ms Bryant, who suggested this to me—that the department would be putting together a submission and that it would be helpful if I could write down my recollection of the events. She was particularly concerned that I would be able to pin down key facts such as dates, times and places where I had heard various bits of information—the two key dates obviously being the date that Commander King came to see me and the date that I spoke to Ms Wildermuth. That is the extent of my knowledge about the submission. I was later told by Mr Potts that the government had made a decision not to proceed with a departmental submission.

Senator FAULKNER—Were you aware of what was expected from the International Division, beyond what you have said? Was that more in your individual capacity as a Commonwealth officer or on behalf of the International Division?

Ms Sidhu—I understood it to be a PM&C-wide submission to which individual officers would make their contributions.

Senator FAULKNER—Was your contact with Ms Bryant more on behalf of the division or in an individual capacity?

Ms Sidhu—No, it was in an individual capacity.

Senator FAULKNER—Would that have involved Commander King at the time?

Ms Sidhu—At the time she spoke to me, no. I do recall alerting Commander King to the possibility of a submission. Let me just think. I cannot accurately recall whether when she raised that with me she mentioned Commander King's name or not, so I do not know what prompted me to contact Commander King. But I did mention it to him—

Senator FAULKNER—But you cannot tell me why you contacted Commander King? It was your initiative, was it, to contact Commander King?

Ms Sidhu—It may have been. This would have been in February this year.

Senator FAULKNER—Do you know why you decided to contact him?

Ms Sidhu—Principally because he was the source of my information.

Senator FAULKNER—Beyond saying it was in February this year, you are not able to nail down that date more specifically?

Ms Sidhu—No, I cannot.

Senator FAULKNER—Was this because he may have been expected to contribute to such a submission because he was working in a defence liaison officer capacity in the department during the relevant period?

Ms Sidhu—Yes—specifically because he was the source of the information that I had received.

Senator FAULKNER—So what happens when you contact Commander King about the fact that a submission is being prepared? What does he do? What does he say?

Ms Sidhu—He was accepting. He said that that was fine; he was happy to help out if he could.

Senator FAULKNER—So did he offer to contribute to the submission?

Ms Sidhu—At that stage, my advice from Ms Bryant was not to prepare a concrete contribution but, rather, to prepare a document for myself which would jog my memory and would act as the basis of my contribution to the submission. Commander King indicated he would be happy to do likewise—just to write down his recollections.

Senator FAULKNER—How do you know that? Was this in the same conversation with him?

Ms Sidhu—Yes. I explained what I had been asked to do, and he said, ‘Yes, that is fine.’ He was happy to—

Senator FAULKNER—He appeared reasonably keen to contribute to it, did he?

Ms Sidhu—Yes.

Senator FAULKNER—Did you pass the information that Commander King was undertaking that preparatory activity to anybody else?

Ms Sidhu—I may have mentioned it to Ms Bryant, but I do not think beyond that, no.

Senator FAULKNER—No-one in the International Division?

Ms Sidhu—No.

Senator FAULKNER—So as far as you know, only Ms Bryant would be aware that Commander King was likely to contribute to such a submission?

Ms Sidhu—Yes, that is true.

Senator FAULKNER—What happened then?

Ms Sidhu—I prepared my document and nothing more was asked of me. I had a follow-up conversation with Ms Bryant, when she asked me if I had in fact prepared such a memory jogger, as I have termed it. I responded to her that, yes, I had. She did at one point ask to see it, but soon after that, I believe, the decision for the department not to contribute a submission was made; so it was a moot point, really.

Senator FAULKNER—Did you provide the memory jogger to her?

Ms Sidhu—Yes, I did.

Senator FAULKNER—Would you be able to provide a copy of that memory jogger to the committee? I assume it forms the basis, anyway, of the material that you have provided to Mr Moore-Wilton?

Ms Sidhu—No, it does not cover that. It preceded that meeting.

Senator FAULKNER—Of course, it precedes that, yes.

Ms Sidhu—It actually formed the basis of my opening statement when I was here last.

Senator FAULKNER—Would you be able to provide a copy of that memory jogger to us?

Ms Sidhu—Yes, certainly I could. I do not have it with me now.

Senator FAULKNER—I appreciate that. Did you have any ongoing communication with Commander King about this? Did you tell him a contribution is not required anymore?

Ms Sidhu—I believe at one point I did ask him. He sent me a quick email asking what was happening with the submission. I responded that it was no longer required, that this decision had been made by cabinet.

Senator FAULKNER—In terms of your communication with Commander King, first of all, you contact him sometime in February about the possibility of a submission being prepared and contributing to it. I think that is right, isn't it?

Ms Sidhu—Yes, that is right.

Senator FAULKNER—Then you have a further email contact about that not proceeding?

Ms Sidhu—Yes.

Senator FAULKNER—That was generated by you, I assume.

Ms Sidhu—No. As I said, he sent me an email—because he had heard nothing more from me after that first conversation we had had—asking me what was happening, to which I responded that nothing appeared now to be needed.

Senator FAULKNER—Did you have any other contact of any description with Commander King in the lead-up to the preparation for the Senate estimates committee that we are aware of?

Ms Sidhu—No.

Senator FAULKNER—So there was an original conversation and then the email contact?

Ms Sidhu—That is right.

Senator FAULKNER—But, as far as you know, no other officers of the department would have been aware of a possibility of Commander King contributing to a PM&C submission?

Ms Sidhu—Yes. As far as I am aware, nobody else would have.

Senator FAULKNER—Apart from Ms Bryant and Dr Hammer, no others would have been aware of the nature of Commander King's involvement or role—would that be right?

Ms Sidhu—As far as I knew, no.

Senator FAULKNER—I saw in your statement mention of Commander King asking for his electronic calendar.

Ms Sidhu—Yes.

Senator FAULKNER—What was all that about?

Ms Sidhu—It went to trying to establish the dates at which he attended the various Op Slipper meetings. He noted all his meetings down in the electronic calendar and had asked to see if it could be regenerated so he could review the dates at which he attended the Op Slipper meetings to better pin down the date at which he had heard the advice about the photograph.

Senator FAULKNER—When was that request made?

Ms Sidhu—I cannot recall exactly. It may have been about the time when I asked him to compile the memory jogger for the submission. It may have been sometime in February; I cannot recall.

Senator FAULKNER—So that is another contact, is it?

Ms Sidhu—No. I think it may have been in the same contact.

Senator FAULKNER—Was the access to the electronic calendar organised?

Ms Sidhu—Yes, that is right. And it turned out that it was available about the time that he came for the meeting with Dr Hammer and me, so it was convenient for him to do the two things in the one day.

Senator FAULKNER—Who made the decision about access to the electronic calendar? Was that you or was it somebody else?

Ms Sidhu—I put a request in on his behalf. But at that stage I understood Social Policy Division were also seeking access to all their electronic calendars and emails for the same process, so his request went into the same batch of requests.

Senator FAULKNER—So, you basically passed on his request?

Ms Sidhu—Yes, that is right.

Senator FAULKNER—Who did you pass that request on to?

Ms Sidhu—I passed it on to our office manager, I suppose, for the division, who I know passed it on to our information services section in the department.

Senator FAULKNER—And the request was granted?

Ms Sidhu—Yes, that is right.

Senator FAULKNER—Who informed Commander King that the request was granted?

Ms Sidhu—I did.

Senator FAULKNER—Do you know when you did that?

Ms Sidhu—It would have been around the time that I arranged for the meeting with Dr Hammer and me.

Senator FAULKNER—Do you know how you did that? Was it a telephonic conversation, an email or what?

Ms Sidhu—I cannot recall precisely.

Senator FAULKNER—Did Commander King ever say why he wanted access to this electronic calendar?

Ms Sidhu—Yes. As soon as I had mentioned the Social Policy Division's concern to be clear on dates and places, his response was, 'I will need access to my calendar to accurately identify those.'

Senator FAULKNER—Was approval for this granted at some other level of the department?

Ms Sidhu—Yes. I do not know precisely by whom, but it went into a process and it was approved.

Senator FAULKNER—And this all precedes the arrangements for the meeting with you, Commander King and Dr Hammer?

Ms Sidhu—Yes, that is right.

Senator FAULKNER—Did you have any other contact with Commander King before that process kicked off?

Ms Sidhu—I probably had a couple of social contacts, email contacts, but not on this matter, no.

Senator FAULKNER—Are you able to say what those email contacts are about?

Ms Sidhu—Mostly passing jokes back and forth.

Senator FAULKNER—Fair enough. But what I am asking is: do they go to the substance of this matter that we are talking about?

Ms Sidhu—No, they do not; not at all.

Senator FAULKNER—Correct me if I am wrong, but I think that Dr Hammer came to you with the idea of the meeting with Commander King, did he not?

Ms Sidhu—Yes, that is right.

Senator FAULKNER—Are you clear on the date there?

Ms Sidhu—It was on 8 March.

Senator FAULKNER—What did he say to you on 8 March?

Ms Sidhu—I cannot recall the exact words he used, but I believe I have said before that he suggested that somebody had suggested it would be a good idea to get together to refresh our memories. He may have made some comment along the lines that he could not recall precisely what had happened in the original meeting between Commander King, Dr Hammer and me and he thought it would be a good idea to get together to refresh our memories. He asked if I could arrange a meeting for the three of us.

Senator FAULKNER—Did he express any concerns, at that early stage, that there might be different recollections of events?

Ms Sidhu—He did not mention that at all. His main concern was that he did not recollect it very well.

Senator FAULKNER—Why would it not be enough to talk to you about it?

Ms Sidhu—For the sake of completeness, given the information had come from Commander King, I presume it would make sense to have the three of us there. I did not have much memory of it either and we thought perhaps Commander King would add another piece to the puzzle.

Senator FAULKNER—Was it a face-to-face conversation you had with Dr Hammer on 8 March, when he requested that you organise the meeting?

Ms Sidhu—Yes, that is right.

Senator FAULKNER—Why did he not take the initiative to organise it?

Ms Sidhu—Largely, because he did not have Commander King's contact details. He knew that I had them. There were some work related items that were held over from when Commander King departed in January, so he was aware that I had been following these up and tying up loose ends with Commander King. I presume it was on that basis he asked me to organise the meeting.

Senator FAULKNER—When you eventually met him at the Hotel Kurrajong on 11 March were any of those work related items discussed?

Ms Sidhu—No, by that stage most of them had been wound up.

Senator FAULKNER—They were not as important three days later. From 8 March, how many attempts did you make to arrange the meeting between you, Commander King and Dr Hammer?

Ms Sidhu—I tried to call Commander King on 8 March. When Dr Hammer approached me I think it was close to 5 o'clock on that Friday. I was not able to reach Commander King. I tried to call again on the Saturday and left a message.

Senator FAULKNER—Was 8 March a Friday?

Ms Sidhu—Yes.

Senator FAULKNER—What time did Dr Hammer talk to you?

Ms Sidhu—Some time between four and five in the evening.

Senator FAULKNER—Did you take immediate steps to try to contact Commander King?

Ms Sidhu—Within 20 minutes or so, yes.

Senator FAULKNER—Why was it so urgent?

Ms Sidhu—It was not; that is the way I tend to do things. If I am asked to do something I try to get it out of the way. Perhaps I had the opportunity to call straightaway before I forgot about it.

Senator FAULKNER—So you tried to contact Commander King late that afternoon or evening, 20 minutes after your discussion?

Ms Sidhu—Yes. It was closer to five, I recall, by the time I was trying to call him. I left a voice mail message, I believe, on his work phone. I was unable to reach his mobile. I tried his mobile again on Saturday morning, got a voice mail and left a voice mail message with him.

Senator FAULKNER—What was that voice mail message?

Ms Sidhu—It was a message asking him to call me back and saying that Dr Hammer had wondered if he might be available to get together on the Sunday to discuss our meeting regarding the photographs in October.

Senator FAULKNER—It sounds pretty urgent.

Ms Sidhu—It was not phrased in a way that was particularly urgent.

Senator FAULKNER—How did you know of Dr Hammer's availability on the Sunday?

Ms Sidhu—When he approached me on the Friday I tried to define with him a time and a place for a meeting.

Senator FAULKNER—I see; what did he say?

Ms Sidhu—He said that he thought perhaps it might be best if we met on Sunday afternoon at his home.

Senator FAULKNER—Did you ask him why?

Ms Sidhu—No, but I believe he made some comment to the effect that he was very busy at work and thought it would be more relaxed to meet in his home than anywhere else.

Senator FAULKNER—You thought that was fair enough—there was nothing unusual in that?

Ms Sidhu—Yes.

Senator FAULKNER—It was not urgent, but you would meet at his home, on Sunday afternoon and at the earliest available opportunity?

Ms Sidhu—It was not put in those words. I did not see anything untoward in it.

Senator FAULKNER—I am just asking whether you reflected on that at all. You have had the odd social gathering, I think you said earlier, at Dr Hammer's home?

Ms Sidhu—Yes.

Senator FAULKNER—Were they normally organised with a couple of days notice, late on Friday afternoon?

Ms Sidhu—No.

Senator FAULKNER—Was Dr Hammer normally a bit more organised than that?

Ms Sidhu—Social gatherings are obviously organised a bit further in advance.

Senator FAULKNER—This was not a social gathering, was it?

Ms Sidhu—No. But it was a matter that did not necessarily fall neatly in the scope of our work. It was something that was outside our normal work responsibilities and the things that we normally did.

Senator FAULKNER—You left the voice mail message for Commander King. What happened then?

Ms Sidhu—He called me back—I cannot recall whether it was on the Saturday or the Sunday; I think it was on the Saturday—and said that he was spending the weekend in Sydney and was unable to make the meeting on the Sunday. I accepted that and said I would pass it on to Dr Hammer, and he suggested that if we wanted to meet we could do it sometime during the week. I thought that was reasonable, and that was the extent of the conversation.

Senator FAULKNER—When did you actually nail down the time?

Ms Sidhu—For the Monday meeting?

Senator FAULKNER—Yes.

Ms Sidhu—On Monday morning.

Senator FAULKNER—So you rang again on the Monday morning?

Ms Sidhu—I rang him at work on Monday morning.

Senator FAULKNER—At what time?

Ms Sidhu—I do not remember exactly. It would have been late morning, about 10.

Senator FAULKNER—There seems to be a degree of urgency about this coming through what you are saying to us.

Ms Sidhu—I suppose it does seem that way.

Senator FAULKNER—It sure does.

Ms Sidhu—I recall that Dr Hammer was keen to have the meeting, but I did not sense any great pressing urgency about the meeting. It was just a question of being expeditious.

Senator FAULKNER—Keen? He asked you to organise this on the Friday afternoon and suggested that it happen on Sunday afternoon at his home. When that did not work, you organised on the Monday morning to have it that afternoon.

Ms Sidhu—As I say, I did not pick up any particular sense of urgency about having to have the meeting so soon.

Senator BRANDIS—That was your reaction, Ms Sidhu. Did you detect any urgency on Dr Hammer's part?

Ms Sidhu—Not particularly. I think it was just a question of trying to meet as efficiently as possible. That was the sense that I got.

Senator FAULKNER—When you made contact and had the phone conversation with Dr Hammer on the weekend, how do you think Commander King reacted to such a suggestion? Do you think he was surprised by this at all?

Ms Sidhu—It did not seem to me that he was surprised. He seemed a bit intrigued by it, but generally he seemed fairly relaxed and said he would be happy to come along and help out.

Senator FAULKNER—Did he seem wary?

Ms Sidhu—No.

Senator FAULKNER—Uncomfortable?

Ms Sidhu—No, not on the telephone.

Senator FAULKNER—Did he ask you any questions about it?

Ms Sidhu—He may have tried to clarify the purpose of the meeting. I do recall mentioning to him that it had been some time since we had actually discussed the

matter and, given that there were likely to be questions and none of us had a very clear recollection of our meeting, it would probably be a good idea if we got together to refresh our memories.

Senator FAULKNER—What was his reaction to that?

Ms Sidhu—He appeared to accept it.

Senator FAULKNER—So you do not think he was wary?

Ms Sidhu—No.

Senator FAULKNER—Let us just go to the conversation you had the next morning with him. He agreed to meet at the prearranged location?

Ms Sidhu—I believe he said that he would be available later in the afternoon. To some extent also, the ability for him to access his computer account weighed into the timing because the information services people were closing down at a certain time on that day. We adjusted the timing to ensure that we could have the meeting and he could access his Outlook account at the same time.

Senator FAULKNER—This urgency does not quite seem to fit with what Dr Hammer tells us in his letter to Mr Moore-Wilton.

Senator BRANDIS—What urgency, Senator Faulkner? All of the evidence has been that there was no urgency, notwithstanding your constant attempts to press the witness to the contrary.

Senator FAULKNER—We will establish the urgency, Senator Brandis. In the unlikely event that I am ever invited to your home on a Sunday afternoon I expect that you will give me more notice than telling me in a mobile phone call on the Friday afternoon.

Senator BRANDIS—I am merely at pains to make the point that it is the answers that are the evidence, not the questions. The answers have been uniformly that there was no sense of urgency.

Senator FAULKNER—You are entitled to come to whatever conclusions you care to jump to.

CHAIR—It can also be that the actions are the evidence. The actions here are that on the Friday an attempt was made by a mobile phone call to set up a meeting, unusually, on a Sunday. That may be evidence of urgency.

Senator FAULKNER—Dr Hammer says:

I recall that it was mid-to-late February 2002 when Mr Potts first asked that I bring Ms Sidhu and Commander King together. I recall asking Ms Sidhu to set the meeting up, but that some difficulty arose in

finding a time. Some time later Mr Potts asked whether there had yet been a meeting and I explained that I had been trying to set one up.

And so it goes on. How does that fit with what you have told us?

Ms Sidhu—I do not think that it is inconsistent. I do not specifically remember an earlier occasion of trying to arrange a meeting but that does not mean that it did not happen. I believe it is consistent in that I did actually set up a meeting later on at Dr Hammer's request.

Senator FAULKNER—I am trying to nail down when it was that you first heard about the idea of such a meeting. I think you have told us that it was the Friday afternoon.

Ms Sidhu—That is when I remember it. I do not dispute that—

Senator FAULKNER—But Dr Hammer is saying that it is a lot earlier. I accept what you are saying to us, but I am merely asking you whether you can explain the discrepancy here.

Ms Sidhu—It just goes to my memory. I do not recall the earlier approach. I am not disputing that there may or may not have been one.

Senator FAULKNER—But, anyway, you are not aware of a request from Dr Hammer mid to late February asking you to set such a meeting up?

Ms Sidhu—I do not specifically recall one, no.

Senator FAULKNER—In other words, what you are saying and what Dr Hammer says in his letter to Mr Moore-Wilton are different.

Ms Sidhu—Yes, I guess.

Senator FAULKNER—It is an extremely odd way to be dealing with this gossip. No-one—Dr Hammer, Mr Potts—seems to be treating it very lightly, are they? It is being treated very seriously.

Ms Sidhu—It goes to the timing. It had by February become a serious matter as it had been raised in Senate estimates and it was likely to be raised in this committee. But prior to that we had no basis for treating it as anything other than a rumour.

Senator FAULKNER—You said in your letter to Mr Moore-Wilton that your account had departed a little from the account that you had given this committee when you last appeared before it—

Ms Sidhu—Yes.

Senator FAULKNER—and you had had more time to consider and reflect on events. Could I ask you what you actually remember more clearly now?

Ms Sidhu—In my note to Mr Moore-Wilton my comment that my account had departed referred specifically to the exchange that I had with Commander King about the status of the information that he had passed on to me. I have written it down as I recalled it once I had had time to think about it. In other words, there had been a couple of exchanges between Commander King and me on that question.

Senator FAULKNER—When I asked Commander King, at this committee on 2 May this year, this question:

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

Commander King's answer to me was:

It was an awkward moment.

But you did not feel it was awkward?

Ms Sidhu—No.

CHAIR—It is the answers that are the evidence, isn't it, Senator Faulkner? The answer here from Commander King that it was an awkward moment is the evidence, isn't it?

Senator FAULKNER—It is his evidence. What I am asking Ms Sidhu is whether it was awkward for her. He is saying it was awkward for him.

Senator JACINTA COLLINS—If she perceived the awkwardness?

Senator FAULKNER—Yes. Did you perceive the awkwardness or did you feel awkward?

Ms Sidhu—As I said to you, when I spoke to Commander King on the phone he appeared relaxed about it and willing to help. I perceived no awkwardness on his part, no.

Senator FAULKNER—You agreed to meet where on the 11th with Dr Hammer and Commander King?

Ms Sidhu—At the Hotel Kurrajong—actually, to meet at the front of PM&C and to have coffee at the Kurrajong.

Senator FAULKNER—Yes, outside PM&C.

Ms Sidhu—That is right.

Senator FAULKNER—Yes. And then you go to the Hotel Kurrajong.

Ms Sidhu—That is right.

Senator FAULKNER—Who decided the venue?

Ms Sidhu—Dr Hammer.

Senator FAULKNER—Did you ask why?

Ms Sidhu—I do not recall asking why, no.

Senator FAULKNER—You did not think it was a bit odd, meeting on Sunday in his home and then a meeting at the Hotel Kurrajong the next day to discuss Commander King's evidence?

Ms Sidhu—No. I did not reflect on that at that time, no.

Senator FAULKNER—You have reflected on it since?

Ms Sidhu—Well, yes. But if I put it down to anything and if I put it down to anything now it would be to Dr Hammer trying to find a quiet place where he could concentrate on the issue at hand rather than in the hustle and bustle around his office.

Senator FAULKNER—How many work meetings do PM&C officers have at the Hotel Kurrajong?

Ms Sidhu—Not that many.

Senator FAULKNER—How many have you had?

Ms Sidhu—In a work sense?

Senator FAULKNER—Yes.

Ms Sidhu—I can recall one other occasion where we had a branch meeting at the Hotel Kurrajong and then just moved on to a social gathering.

Senator FAULKNER—Pretty unusual?

Ms Sidhu—It is not that usual, no.

Senator FAULKNER—No. It is not usual at all, is it? How did Commander King appear?

Ms Sidhu—Initially when I met him: calm, relaxed, amiable.

Senator FAULKNER—Was he in uniform?

Ms Sidhu—Yes.

Senator FAULKNER—In your letter to Mr Moore-Wilton, you indicated that Dr Hammer, at the meeting, seemed to be frustrated with Commander King. Your words are that Dr Hammer was ‘trying to coach Commander King to be more forthcoming about his recollections of the 11 October meeting’.

Ms Sidhu—Trying to ‘coax’ Commander King.

Senator FAULKNER—Yes. I think that was the word you used, wasn’t it?

Ms Sidhu—Yes, not ‘coach’.

Senator FAULKNER—What did I say?

Ms Sidhu—Coach.

Senator FAULKNER—I meant to say, ‘coax Commander King’. It is just a direct quote from you, I thought, from your letter. You do accept that Commander King was uncomfortable?

Ms Sidhu—Yes, I do.

Senator FAULKNER—How did you come to that conclusion?

Ms Sidhu—In my letter to Mr Moore-Wilton, I described the sequence of events. Commander King appeared reasonably calm until we started sharing our recollections and he was then invited to share his recollections of the meeting. He appeared uncomfortable in saying anything. He appeared reluctant to say very much.

Senator FAULKNER—Dr Hammer was questioning him about his side of the story, if you like, his version of events, wasn’t he?

Ms Sidhu—It was not an interrogation. Dr Hammer merely invited him to share his recollections.

Senator FAULKNER—You do not interpret it as an interrogation, but Commander King might have.

Ms Sidhu—He may well have, yes.

Senator FAULKNER—But he was being questioned about his recollection of events, wasn’t he?

Ms Sidhu—Yes, that is right, but so were we all.

Senator FAULKNER—Was Commander King questioning Dr Hammer about Dr Hammer’s view of the world?

Ms Sidhu—No.

Senator FAULKNER—No. So we were not all being questioned, were we?

Ms Sidhu—But I was, as well.

Senator FAULKNER—Yes, but Commander King was not. He was the bunny in the spotlight, wasn't he?

Ms Sidhu—Not necessarily, no. I described my recollections of that meeting and my recollections of my contacts with Commander King. This was a three-way exchange. But Dr Hammer, yes, did ask Commander King for further information, and he did press him for a bit more information because Commander King had said in fact very little. As I say in my statement, I believe that Dr Hammer was trying to find tactics to encourage Commander King to share a bit more of what he remembered.

Senator FAULKNER—Do you think Dr Hammer appeared uncomfortable with some of what Commander King was saying?

Ms Sidhu—No. There is only one point at which I think Dr Hammer may have had some concern. As I describe in my statement, Dr Hammer had basically given a broad description of his recollection of the meeting, and Commander King had tried to cast some of that in slightly different words. I believe that Dr Hammer at one stage frowned and said words to the effect of 'that is not my memory' or 'that is not how I recall it', but that was a momentary thing.

Senator FAULKNER—So it was a pretty tense meeting, wasn't it?

Ms Sidhu—No.

Senator MASON—What part of the word 'no' don't you understand, Senator Faulkner?

Senator FAULKNER—I would have thought it would be pretty tense when, putting aside Commander King's view of the meeting, Ms Sidhu herself accepts that he was uncomfortable.

Senator MASON—Someone frowned!

Senator FAULKNER—'Uncomfortable', is her word.

Senator BRANDIS—Senator Faulkner, you were not at the meeting and Ms Sidhu was, and you had her unequivocal answer.

CHAIR—Order! We have a witness before us; let us continue with questions.

Senator FAULKNER—So you did not find it tense when you thought that Commander King was uncomfortable?

Ms Sidhu—I have said to this committee before and I have said in my letter to Mr Moore-Wilton that there was a moment in which Commander King was uncomfortable; Dr Hammer posed a question, he clearly appeared uncomfortable and we moved on. It was a moment in a half-hour meeting.

Senator FAULKNER—So was it tense for that moment?

Ms Sidhu—Yes, I think it was a little bit.

Senator FAULKNER—Thank you. Have you got that on board, Senator Brandis? Were you uncomfortable?

Senator BRANDIS—That is the limit of your forensic triumph, Senator Faulkner; I suggest you move on.

CHAIR—Let us stop debating among the committee and get on with the questions.

Ms Sidhu—I was only uncomfortable at the moment in which Commander King appeared uncomfortable. I shared his discomfort at that time.

Senator FAULKNER—So you were perfectly happy that such a meeting should take place in such a venue, about such a subject with such urgency. Were there no problems, as far as you were concerned?

Ms Sidhu—I welcomed the meeting as an opportunity to refresh my memory about it. I had not spoken to Commander King in any detail about these events and really had only discussed it with Dr Hammer very briefly on one previous occasion, so I was in fact looking forward to the meeting as an opportunity to refresh my memory of the events. I did not see anything untoward in the meeting at the time that it was called.

Senator FAULKNER—So was it only limited to possible evidence—refreshing memories about evidence before Senate committees? Was there any discussion about any other matter?

Ms Sidhu—Yes, the discussion ranged over a number of matters and issues. It was largely a social discussion, and the discussion of our meeting probably constituted 10 minutes of the entire meeting.

Senator FAULKNER—Was the preparation that was being undertaken for the submission for the department ever considered? I mean, you had the electronic calendar and so forth.

Ms Sidhu—We did not discuss that specifically at this meeting, although we were aware that, at that stage, that was still in the air. I approached the meeting with a view to getting a better sense of dates, places and events.

Senator FAULKNER—Was that relevant to the Prime Minister and Cabinet submission?

Ms Sidhu—Yes. It seemed to me to be relevant to the PM&C submission, because it would fill in some gaps in my memory.

Senator FAULKNER—Was that still a matter that was under consideration at that time?

Ms Sidhu—Is far as I was aware, it was still a live thing.

Senator FAULKNER—Was there an issue about what Commander King might contribute to the submission?

Ms Sidhu—No, not explicitly.

Senator FAULKNER—Not explicitly?

Ms Sidhu—Nobody had mentioned that this had anything to do with Commander King's possible contribution to the submission. It was—

Senator FAULKNER—Just his evidence?

Ms Sidhu—just that Dr Hammer and I had had a brief discussion some weeks earlier about our recollections of that three-way meeting and we thought that Commander King might have something to contribute to that recollection.

Senator FAULKNER—But was the Prime Minister and Cabinet submission discussed at the Hotel Kurrajong?

Ms Sidhu—Not that I remember, no.

Senator FAULKNER—What sort of questions did Dr Hammer ask of Commander King?

Ms Sidhu—As I have already written down in my letter to Mr Moore-Wilton, Dr Hammer opened the meeting and suggested that we share our recollections. He, in fact, volunteered his recollections to begin with.

Senator FAULKNER—You say 'opened the meeting'. This was a social get-together, wasn't it?

Ms Sidhu—Yes.

Senator FAULKNER—So he opened the social get-together.

Ms Sidhu—He just opened the discussion. We had been discussing other things. He moved to this topic.

Senator FAULKNER—Did you think it was a meeting or not? What do you reckon its status was?

Ms Sidhu—I did not see it as a formal meeting.

Senator FAULKNER—I should not have interrupted, but I am glad I did. Anyway, Dr Hammer kicks it off.

Ms Sidhu—He recounted his recollections of the meeting and he said to Commander King, ‘That is what I remember. What do you recall?’ or words to that effect. Commander King responded in noncommittal terms, and Dr Hammer, I believe, asked Commander King to try and describe the meeting in his own words, to put his own recollection to it, at which point Commander King did in fact provide a very general recollection, concluding with some comments on what he thought might have been Dr Hammer’s response. Dr Hammer, as I said, at this point frowned a little and then said, ‘Perhaps if you were asked by the Senate committee a question to this effect, how would you answer it?’ I believe that that question was posed to try and elicit further information from Commander King on the issue.

Senator FAULKNER—Did Dr Hammer indicate at any stage that senior officers of Prime Minister and Cabinet had requested that this process be undertaken?

Ms Sidhu—No.

Senator FAULKNER—So Commander King did not have that context at all?

Ms Sidhu—I guess not, no.

Senator FAULKNER—Did it never cross your mind that he might have wondered what was happening there?

Ms Sidhu—He may have, but, as I said to you, by that stage I had already had two telephone conversations with him about the meeting. I believed that I communicated quite clearly to him that this was a meeting to help us refresh our memories about that earlier meeting.

Senator FAULKNER—Your contact was made on Friday afternoon; Dr Hammer tried to establish a meeting at his home on the Sunday afternoon; you did meet at the Hotel Kurrajong on Monday. Did Dr Hammer, at any stage, go into the urgency of this with Commander King?

Ms Sidhu—No.

Senator FAULKNER—So there was not much, or any, background provided?

Ms Sidhu—Aside from Commander King being aware that a submission was imminent and my explanations to him that this would be an opportunity to refresh our memories, no.

Senator FAULKNER—But it was not just a submission, was it? Dr Hammer was talking about possible questions that might be asked at a Senate committee.

Ms Sidhu—That is true.

ACTING CHAIR (Senator Brandis)—At the time, did you know in what form the evidence would come before this inquiry—in other words, whether by way of a written submission or by way of appearances by witnesses?

Ms Sidhu—No. If anything, I would have thought that it would have been a submission rather than evidence. I believe it was not until some time later that I even became aware that I or anyone else would be called to give evidence.

ACTING CHAIR—That was your state of mind at the time of these meetings, was it?

Ms Sidhu—Yes, exactly.

ACTING CHAIR—Had it been a submission, as you at the time expected, was it in your contemplation that it probably would have been a joint submission on which the three of you, among others, would have worked?

Ms Sidhu—Yes. My understanding was that each of us would submit our recollections and it would be compiled. Maybe there would be somebody in PM&C who might ask questions and would then draft a departmental submission.

ACTING CHAIR—So, contrary to the long suggestion that has been put to you by Senator Faulkner that this amounts in effect to coaching witnesses, could this not be seen, according to your understanding at the time, as more in the nature of a preliminary meeting for the purpose of discussing what you thought was likely to become a joint submission?

Ms Sidhu—Yes.

Senator FAULKNER—Ms Sidhu, you have told me on a couple of occasions that this meeting was held to ‘refresh our memories’.

Ms Sidhu—Yes.

Senator FAULKNER—Do you stand by that?

Ms Sidhu—Yes, I do.

Senator FAULKNER—I put it to you from what I have heard—and I would like you to comment on this—that it sounds much more like trying to get stories straight than refreshing memories. I think that is a reasonable conclusion to come to, and I will be interested in your response.

Ms Sidhu—I think there is fairly strong evidence to the contrary, which is that it was at that meeting that I became aware that Commander King had been told this story directly from the Navy. In no way has that changed my recollection or my

statements about what I recall about the source of that information; nor, indeed, has that altered Commander King's testimony. If anything, it was an opportunity to share with each other what we each remembered, but there is clear evidence that nothing has come out that it in any way stitched up a story.

Senator FAULKNER—I suggest to you that it was because the meeting was not only about refreshing memories but also about getting stories straight that Commander King became concerned and Dr Hammer became frustrated.

Ms Sidhu—No; that is not my observation of the meeting. My observation was that Commander King seemed uncomfortable because he was being put on the spot and asked about something.

Senator FAULKNER—Yes, because he was not playing ball.

Ms Sidhu—That is your interpretation of the meeting, but that is not how I perceived it.

Senator JACINTA COLLINS—Ms Sidhu, I want to recap what you have indicated occurred at this meeting. Firstly, Dr Hammer gave his recollection of the discussion. He then put it over to Commander King. You said a moment ago that Commander King first responded in noncommittal terms. You then said that he responded in general terms after a second attempt.

Ms Sidhu—That is right.

Senator JACINTA COLLINS—Is that the stage when Dr Hammer then frowned?

Ms Sidhu—Yes. At the end of Commander King's response—

Senator JACINTA COLLINS—At the second attempt?

Ms Sidhu—At the second attempt. He tried to put words to what he had said and what Dr Hammer might have said, and all I can say is that Dr Hammer frowned. That is my clear memory of his response at that point.

Senator JACINTA COLLINS—Was this before Dr Hammer framed it as a possible Senate committee question?

Ms Sidhu—Yes.

Senator JACINTA COLLINS—If I recall correctly from Commander King's evidence, there was some notion that Dr Hammer's experience and understanding of how parliament works might provide him with guidance as to how he might need to deal with information about the discussion, and that is why the practice of a question that might occur before a Senate committee was raised. Can you describe how a question from a Senate committee was presented to Commander King?

Ms Sidhu—It followed Commander King’s explanation, in very general terms. Dr Hammer responded by saying, ‘How would you then respond if you were asked by the Senate committee about what happened, for example, when you told Dr Hammer about the information?’ or words to that effect. In a way, I guess, he was perhaps trying to get Commander King to focus on—

Senator JACINTA COLLINS—Being specific?

Ms Sidhu—Yes, being specific about what he was saying. Commander King at that stage said he did not really feel comfortable with proceeding. Dr Hammer dropped the subject and moved on to something else. He made no attempt to coach or lead Commander King in any way on how he might respond to that question.

Senator JACINTA COLLINS—So after Dr Hammer’s third attempt to get Commander King to be more specific he then moved on?

Ms Sidhu—Yes.

Senator JACINTA COLLINS—You said a moment ago that you shared Commander King’s discomfort.

Ms Sidhu—Yes, that is right.

Senator JACINTA COLLINS—Not that you sensed it or that you understood it, but that you actually shared it.

Ms Sidhu—Yes.

Senator JACINTA COLLINS—Can you explain for us what you shared?

Ms Sidhu—He clearly appeared uncomfortable and I did sense his discomfort, but—

Senator JACINTA COLLINS—No, you said you shared his discomfort—

Ms Sidhu—I felt uncomfortable on his behalf.

Senator BRANDIS—Chair, I raise a point of order. Senator Collins should let the witness finish the answer. Ms Sidhu, would you care to finish that answer, please.

CHAIR—Was that a point of order?

Senator JACINTA COLLINS—I think Senator Brandis thinks that he is in the chair.

Senator BRANDIS—I think it is fair to the witness not to cut her off in the middle of that particular answer. It is obviously an important question; therefore it is obviously an important answer.

Senator JACINTA COLLINS—If you applied the same codes to your own style of questioning, Senator Brandis, I would be very happy.

CHAIR—I think that all senators must be aware that we are here to seek information. Witnesses should be able to answer the questions. I am sure that that will be observed. If it is not then I reserve the right.

Ms Sidhu—He felt uncomfortable and the best I can say is that I felt uncomfortable as well on his behalf.

Senator JACINTA COLLINS—Your words earlier were that you ‘shared his discomfort’. Sharing discomfort implies that you also felt uncomfortable with what was transpiring. Is that not an accurate way of describing it?

Ms Sidhu—That is one way of describing it, yes. The reason I felt uncomfortable was that Commander King appeared uncomfortable to me. I shared his sense of discomfort at what was happening.

Senator JACINTA COLLINS—Did you yourself feel that the way in which Dr Hammer was conducting himself was inappropriate?

Ms Sidhu—I would not say inappropriate but, as I think I said before, I knew it would be something that Commander King would not feel comfortable or easy with.

Senator JACINTA COLLINS—Why was that?

Ms Sidhu—He is not a person who enjoys being in the spotlight, I suppose. He was being put on the spot in this case with Dr Hammer’s questions and I could see that he was not comfortable with the position he found himself in at that point.

Senator JACINTA COLLINS—Did you think it was appropriate that Dr Hammer was putting him on the spot?

Ms Sidhu—I cannot really comment. I did not think about it in those terms.

Senator JACINTA COLLINS—As I said, the words you used earlier were that you ‘shared his discomfort’—not that you sensed it but that you actually shared it. Now you cannot tell me whether you thought the way Dr Hammer was putting Commander King on the spot was inappropriate.

Ms Sidhu—All I am saying is that it was outside their normal social interaction, so it was just an uncomfortable moment. I would really rather not say whether or not I thought it was appropriate. I really did not think of it in those terms.

Senator JACINTA COLLINS—Were you aware of Commander King’s view that he did not want to get into specifics?

Ms Sidhu—Not before the meeting, no.

Senator JACINTA COLLINS—Was that raised during the meeting?

Ms Sidhu—No. It only became evident in Commander King's responses to Dr Hammer's questions.

Senator JACINTA COLLINS—Did he raise that in his responses or did he just not cooperate with attempts to pin him down?

Ms Sidhu—He declined very politely to answer any further questions.

Senator JACINTA COLLINS—But he did not say, 'I do not want to go into specific details at this time'?

Ms Sidhu—I cannot recall him saying that.

Senator JACINTA COLLINS—He just declined politely to answer questions?

Ms Sidhu—That is right.

Senator FAULKNER—Did this meeting meet your expectations?

Ms Sidhu—Not entirely. It did not cast as much light as I had hoped on the three-way meeting we had had in October. But regarding the discussion that I had with Commander King about the nature of our initial discussion, I came away from that meeting with a better understanding of how he had come by the information and why he had reacted the way he had.

Senator FAULKNER—Were you expecting the sort of discussion that occurred at the Kurrajong?

Ms Sidhu—No.

Senator FAULKNER—What were you expecting?

Ms Sidhu—I guess I was expecting to come away with a clearer idea of what had transpired at our three-way meeting on 11 October.

Senator FAULKNER—Why were you not expecting what did occur?

Ms Sidhu—Mostly because I was not expecting Commander King to hold back on information in the way he had.

Senator FAULKNER—To hold back?

Ms Sidhu—He was not willing to share the information or his recollections.

Senator FAULKNER—One of the problems is that obviously there were differing views.

Ms Sidhu—I do not think there were differing views; there were just differing recollections.

Senator FAULKNER—Differing recollections, differing views—he thought he was being heavied.

Senator BRANDIS—Senator Faulkner, that is quite improper. He never said that in his evidence and his evidence was directly to the contrary effect. You should not put that to the witness. You are misleading the witness.

Senator FAULKNER—Commander King was being put on the spot.

Ms Sidhu—For one question.

Senator FAULKNER—That was the name of the game.

Senator JACINTA COLLINS—Ms Sidhu, did you say with one question?

Ms Sidhu—Yes, with respect to that particular question.

Senator FAULKNER—So you do accept that Dr Hammer put him on the spot for one question?

Ms Sidhu—I have said that before; yes.

Senator JACINTA COLLINS—But we just went over the fact that that one question followed two earlier questions in the discussion.

Ms Sidhu—Yes, but I have also said that it was in response to that one question that he was very clearly uncomfortable.

Senator JACINTA COLLINS—So after a lead-up of one attempt, then another attempt, then the frown and the purported Senate committee question, Commander King finally gave up his polite attempt not to respond?

Ms Sidhu—That is true, yes.

Senator JACINTA COLLINS—So it was not after just one question?

Ms Sidhu—No.

Senator JACINTA COLLINS—There is one further issue that I want to pin down in relation to Ms Bryant. Can you tell me about all of your contacts with Ms Bryant in relation to these issues?

Ms Sidhu—Are you referring specifically to the photographs issue, because I have had other contact with Ms Bryant on related issues?

Senator JACINTA COLLINS—All contacts relevant to this inquiry. Was the first of those when Ms Bryant was conducting her report?

Ms Sidhu—Yes. That would have been in December when she telephoned me to try to clarify the date of my discussion with Ms Wildermuth.

Senator JACINTA COLLINS—How was Ms Bryant aware of that discussion?

Ms Sidhu—I presume it was through Ms Wildermuth. Ms Wildermuth reports directly to Ms Bryant. I was not, therefore, surprised to hear that Ms Bryant had heard of this, obviously. Subsequently—late January or perhaps February; I believe it was February—Ms Bryant called me to her office, where she asked if I would think about putting together a memory jogger or just writing down what I could recall of how I heard the information about the photographs and how I had passed it on and when I had done so.

Senator JACINTA COLLINS—Just before we move on to this February contact, let us go back to the December one. She contacted you with a request?

Ms Sidhu—Yes.

Senator JACINTA COLLINS—What happened with that request?

Ms Sidhu—It was a phone call, literally. She called me on the phone and asked me if I could recall when I had spoken to Ms Wildermuth. I put my diary out in front of me and started flicking through the pages to try to pin down the date. I may have placed it somewhere in the first week of November or late October, but I was not specific. She asked me if I could be more specific and if there was any other information I had that might help me pin the date down. At that point I said, ‘No, I did not have any further information,’ and we left it at that.

Senator JACINTA COLLINS—So in December you did not undertake to see if you could pin down the date?

Ms Sidhu—That is right. I did not undertake to do anything further.

Senator JACINTA COLLINS—Even though Ms Bryant was conducting this inquiry and, for instance, a discussion with Commander King at that point in time might have helped narrow down a date, you did nothing?

Ms Sidhu—That is right—simply because it was a quick telephone call and she did not indicate to me that she wished to pursue it any further either.

Senator JACINTA COLLINS—Okay. The next contact was this one that you were just talking about in late February for a memory jogger?

Ms Sidhu—That is right; in February. Ms Bryant informed me that work was under way in the department to put together a departmental submission to this committee.

She said that she thought it would be useful or helpful if I could write down what I could recall about my contacts and my information about this particular event. She specifically asked me if I could try to be specific about dates and people with whom I had spoken, and I undertook to do that.

Senator JACINTA COLLINS—Did she raise the issue of her report not covering this material?

Ms Sidhu—No.

Senator JACINTA COLLINS—So there was no discussion about that interaction not being reported on in her report?

Ms Sidhu—There was no discussion on that. It was purely a forward looking discussion.

Senator JACINTA COLLINS—In terms of preparing the submission?

Ms Sidhu—That is right.

Senator JACINTA COLLINS—Did she describe to you at that stage how she understood that submission, which never eventuated, would be compiled?

Ms Sidhu—No, she did not. I understood through our discussion that I would probably be asked for further information through her and that I would deal with her if I had any information to pass on about my role in all of this.

Senator JACINTA COLLINS—This happened in late February. Do you have any recollection of whether it was before or after Senate estimates?

Ms Sidhu—I do not know whether it was in late February; I think it might have been closer to the middle of February. I think it would have been before Senate estimates.

Senator JACINTA COLLINS—So before Ms Bryant appeared at the Senate estimates committee and indicated that it was an oversight or that she just did not think to incorporate this material, she was actually contacting you to get more information on that material?

Ms Sidhu—She suggested to me that I compile a memory jogger. She did not ask for that information nor did she suggest that it was related to Senate estimates. I believe that the suggestion was that it would be related to this committee's work.

Senator JACINTA COLLINS—Did you have any further contacts beyond this one?

Ms Sidhu—She did contact me again—and I again cannot recall when; it may have been sometime early in March—to ask whether I had indeed written down my

recollections of this issue. I responded that I had, she asked whether she could get a copy of what I had written and I gave her a copy of that.

Senator JACINTA COLLINS—Why had that not been a matter of course after her request in mid-February?

Ms Sidhu—My understanding was that she had asked me to do it purely for my own benefit. It was a suggestion that, before being asked any questions in the context of a departmental submission, it would be useful if I had gone away and in a quiet moment and written down my recollections, rather than trying to remember things on the spot.

Senator JACINTA COLLINS—I understood you earlier to be saying that, in mid-February, Ms Bryant indicated that she was compiling a departmental submission.

Ms Sidhu—No. She indicated that it was in the context of compiling a departmental submission, but she did not at that point suggest that I should contribute whatever I wrote to the departmental submission. My very clear recollection is that she said that it would be useful for me to be clear on the sequence of events and on my recollections should I be asked in the context of a departmental submission to provide that information or to contribute my recollections. So it was a suggestion to do that principally for my own benefit.

Senator JACINTA COLLINS—She was giving you collegial advanced warning?

Ms Sidhu—I did not see it that way. I think it was just a sensible approach. I think she felt that, if we did have to compile something, we would have to do it at fairly short notice, and I may not have the opportunity to gather my thoughts.

Senator JACINTA COLLINS—Then, come early March, she is seeking such?

Ms Sidhu—Yes.

Senator JACINTA COLLINS—You then sent her a copy of what you had done?

Ms Sidhu—Yes, that is right.

Senator JACINTA COLLINS—Senator Faulkner has asked you to provide that?

Ms Sidhu—I have undertaken to do that, yes.

Senator JACINTA COLLINS—So after early March?

Ms Sidhu—I had a couple of other contacts with her, but I cannot recall the specific context—

Senator JACINTA COLLINS—Perhaps it would help if I asked you to provide the committee with all details of your contacts with Ms Bryant. If you are having

problems definitively saying that there might have been a couple of others relevant to our inquires but you cannot pin them down right now, it might be best for you to take it on notice to provide an exhaustive description of the contacts that you had with Ms Bryant.

Ms Sidhu—Okay.

Senator JACINTA COLLINS—Take as given those you have already provided on the record but add further contacts, if there are others.

Ms Sidhu—Fine.

Senator JACINTA COLLINS—Thank you.

Senator MASON—I have a quick question of geography. The Department of the Prime Minister and Cabinet is housed in Barton, isn't it?

Ms Sidhu—National Circuit, yes.

Senator MASON—How far is it from the Hotel Kurrajong?

Ms Sidhu—It is across the road.

Senator MASON—Do officers from PM&C commonly go there and have coffee and have a drink?

Ms Sidhu—It is very common, yes. It is the closest coffee shop, I suppose, to PM&C.

CHAIR—There being no final questions, thank you, Ms Sidhu. That concludes your evidence. Thank you for your attendance and your patience.

Proceedings suspended from 11.25 a.m. to 11.39 a.m.

HAMMER, Dr Brendon, former Assistant Secretary, Defence, Intelligence and Security Branch, Department of the Prime Minister and Cabinet

CHAIR—We will resume the hearing. Welcome to the witness table, Dr Hammer. I think you have been present in this hearing, albeit in the back stalls, sufficiently long enough to be familiar with our procedure. I would invite you to make an oath or affirmation and, if you have an opening statement that you wish to make, proceed with that and then make yourself available for questions from the committee. Do you have a formal statement?

Dr Hammer—I have a couple of talking points.

CHAIR—Please proceed.

Dr Hammer—The first thing I would like to do is to give an assurance that I am an honest man and that I will answer the committee's questions as honestly and as fully as I possibly can—I do wish to assist the committee as fully as possible. Secondly, I would like to say on my own behalf that I have never sought to influence anyone's testimony to the committee and I think the *Hansard* so far bears that out. I would also like to say, simply, because I do think it is relevant to the proceedings, that I have never had any political affiliation. I have never been a member of a political party and I have never felt myself to come under political influence by any person that I have worked with in the discharge of my duties as a public servant. I would like the committee to note my letter to the Secretary of the Department of the Prime Minister and Cabinet of 6 May, in which I gave a chronology of relevant discussions and communications in relation to the matters before the committee, particularly in relation to a meeting that took place in my office on 11 October 2001 and another gathering that took place at the Hotel Kurrajong in March 2002.

Before taking your questions I think it is probably salient to point out that, given the amount of time that the committee has spent on those two meetings, the substantive elements of those meetings I calculate out to a sum total of 13 minutes in real time: three minutes for the meeting in my office and approximately 10, maybe 15, minutes at the Kurrajong on matters to do with material before this committee. In the wider balance of affairs, the amount of time spent on these issues in Ms Jane Halton's task force, within the Department of Defence and in other areas seems to me to be a massively larger period of time and have a massively greater focus than what took place over this very short period of time at the two meetings in which I was involved, which are, incidentally, the sum total of my substantive involvement in issues before this committee.

CHAIR—Thank you. I think we started with Ms Sidhu by giving the call to Senator Faulkner and under the rotation policy that I have been pursuing, therefore, the call is offered to you, Senator Brandis.

Senator BRANDIS—I do not have any questions for the time being.

CHAIR—Senator Mason?

Senator MASON—I have no questions.

CHAIR—Senator Bartlett?

Senator BARTLETT—I do not think I have any questions.

CHAIR—Senator Faulkner?

Senator FAULKNER—I am going to disappoint you by asking one or two questions, Chair.

CHAIR—I rather suspected that you might so you have not disappointed me in the slightest.

Senator FAULKNER—Dr Hammer, you have indicated that the first you knew about the matters that this committee is investigating was when Ms Sidhu and Commander King met you in your office on 11 October last year. Could you confirm whether that was the case?

Dr Hammer—In regard to the terms of reference of this committee, I may have had contact with people or involvement in relation to broader issues to do with illegal immigration and people smuggling, but in terms of what the committee has been largely focused on in questioning Commander King and Ms Sidhu, yes, that is correct.

Senator FAULKNER—Fair enough. So you had a broad understanding of Operation Relex?

Dr Hammer—I had a degree of understanding of Operation Relex. Part of my responsibilities as the assistant secretary for defence, intelligence and security was to keep an eye on the disposition of the Australian Defence Force. I was particularly focused on preparations involved in Operation Slipper, so it was of some interest to me to know what assets might be involved in Operation Relex because the Defence Force is finite and if you are using assets in one place you cannot use them in another.

Senator FAULKNER—Were you aware a couple of days before the meeting in your office, which occurred with three people—you, Ms Sidhu and Commander King—that there had been a very significant amount of publicity about what was occurring with SIEV4 and allegations that asylum seekers had thrown their children overboard? Did you have that background before 11 October?

Dr Hammer—I would like to put that in context. I did make an effort to cover most of the media. Usually I listen to the radio in the mornings because it is efficient for me to do that. But, on 11 October, we were one month out from what I would consider to be, after 50 years, a major change in the international security environment through the September 11 attacks on the United States. The Australian government's response to that was directly within my area of responsibility. People-

smuggling—illegal immigration—was never within my area of responsibility. I was highly focused on the Australian government's response, including the preparation of Australian troops to go overseas and fight, potentially in Afghanistan. I must admit that, through late nights and meetings in the early hours of the morning—I had at least one meeting in the early hours of the morning—I may have developed a bit of tunnel vision about what was going on in the world around me. I would say that I had limited awareness. I was aware that there was a whole lot of stuff in the newspapers and so forth about this—

Senator FAULKNER—Yes, it was dominating the news media.

Dr Hammer—Yes, but I was not thinking about it or analysing it.

Senator FAULKNER—I am just asking whether you were aware of it. I would not expect that you would be wasting too much of your time analysing it. For some of us involved in politics it was pretty much to the front and centre of our minds, but I appreciate that it was not your primary responsibility. Anyway, prior to your meeting with Ms Sidhu and Commander King, were you aware of the claims that children had been thrown overboard from an asylum seeker vessel?

Dr Hammer—I certainly would have heard something about it, yes.

Senator FAULKNER—It would absolutely beggar belief if you did not, because it was front-page news and dominating the media. You would be living in a bubble if you did not know about it.

Dr Hammer—When I say 'heard', I mean heard from the radio, which I listen to in the morning.

Senator FAULKNER—So you did know about it?

Dr Hammer—Yes.

Senator FAULKNER—You did know about statements that children had been thrown overboard?

Dr Hammer—Yes. To me, it was just more news on issues of which I did not have carriage. When you work in the kind of job that I was doing in the Prime Minister's department, you have very little discretionary time. Certainly the information would have been coming to me, but the part of my mind that was filtering and analysing things was not engaging on it, partly because I knew that there were a whole lot of other people highly focused on it. As to the issue of whether something was being made as a claim or as a statement of fact, I did not get to the point of thinking about that.

Senator FAULKNER—But you were aware of the issue about children being thrown overboard? You were either aware of it or you were not.

Dr Hammer—I was aware—

Senator FAULKNER—Thank you.

Dr Hammer—but, as an issue, I do not know. It was something that was in the media.

Senator BRANDIS—Dr Hammer, how would you describe your level of awareness at the time?

Dr Hammer—Probably about the same as my level of awareness at the moment—as somebody who has very little interest in sport at all—of what is going on in the World Cup soccer. I know a couple of key things about it—such as that the French and the Argentinians are out and that is a big deal—but, to me, it means nothing. It is just something I know because I picked it up peripherally in my scanning of the media.

Senator FAULKNER—You know the World Cup soccer is on.

Dr Hammer—I do.

Senator FAULKNER—We have established that. Did you know that there were suggestions about children being thrown overboard at the time?

Dr Hammer—I would have known that, yes.

Senator FAULKNER—Did you know, beyond that, that there had been massive publicity in relation to photographs that were supporting that case—that they had been published, there had been questions about the accuracy of the claims and there were front page stories in the newspapers saying that there were photographs that actually represented this incident?

Dr Hammer—I was aware that there were photographs on the front pages of newspapers, because I could see them as I walked past them. I was aware broadly that there were issues but I was not thinking about them.

Senator FAULKNER—Fair enough. On this day that you have your meeting, you have colour photographs on the front pages of newspapers. Let me give you some examples—you may not read any of these newspapers.

Dr Hammer—I read press clippings, which often have photos excised out of them or do not show photos very clearly—

Senator FAULKNER—Sure, but they would have the articles, wouldn't they—like the *Daily Telegraph* story 'Election 2001: the cruel sea: proof that boat people threw children overboard'? I will not mention the journalists that wrote any of these stories—and I might quickly add that I do not blame them for writing them. There was a *Herald Sun* story 'Water torture: Navy photos show children overboard', there

was a *Sydney Morning Herald* story entitled ‘Pictures tell the story, says Reith’, there was the *Age* story ‘Photos prove our point on asylum seekers, says Reith’ and so on. So this was absolutely top of the pops as far as the media was concerned at the time—on this day, on 11 October.

Dr Hammer—The way I handled media—and it is important to note that in the branch I was running maybe 90 to 95 per cent of what I handled was classified reading material—was that media stories would come to me. I would listen to the radio but they also came in rather fat bundles of press clippings. I tried to get to the press clippings every day. When I did, I would flick through them to the stories which were relevant to me. Sure I noticed that there were a large number of stories at the top of the press clippings on this matter, but I did not read them.

Senator FAULKNER—We know that you do not turn on SBS to watch the World Cup soccer—and fair enough. Do you turn on the television at the end of the day to watch any of the news services, either the late news services or the evening news services?

Dr Hammer—Usually my working day at PM&C finished well after programs like the *7.30 Report*, and when I got home I would rather spend the time down than up. I would say that for 90 to 95 per cent of my work the information is not in the public domain; it is all highly classified information. I had a lot of that to read and that was a big reading load for me—and if I did not do it, others would not.

Senator FAULKNER—We have established that you knew about the claims that children were being thrown overboard. That is right, isn’t it?

Dr Hammer—Yes. I did not know about them as claims, though; I just—

Senator FAULKNER—Sure; that is my terminology. Let us call it the publicity about children being thrown overboard by asylum seekers; were you aware of that?

Dr Hammer—Yes.

Senator FAULKNER—My next question is: were you aware that there had been the publication and massive publicity about photographs that were presented as representing that event?

Dr Hammer—I knew that there were photographs in the press depicting the event.

Senator FAULKNER—Were you aware of both of those facts when Ms Sidhu and Commander King came to speak to you on 11 October?

Dr Hammer—The only recollection I have in relation to that is that as I had walked into my office in the morning I had seen the papers lying out, as they usually do in the division, on a table and I had seen that there were lots of big colour photographs on the front pages.

Senator FAULKNER—Do your social isolates down there in PM&C have TVs in your offices?

Dr Hammer—Yes, I do.

Senator FAULKNER—But you had not turned it on.

Senator JACINTA COLLINS—Dr Hammer, I think, had a thought at that stage. You do turn it on?

Dr Hammer—I was just thinking about how rarely I had an opportunity to turn it on.

Senator FAULKNER—Fair enough. There was that level of knowledge, anyway, when you had your meeting on the 11th with Ms Sidhu and Commander King. I appreciate your saying to us it was certainly not front and centre in your mind but you had that as background information. Is that a fair way of summing it up?

Dr Hammer—I think so, yes.

Senator FAULKNER—What did Ms Sidhu and Commander King say to you in the meeting at your office on 11 October 2001?

Dr Hammer—The meeting that took place was part of what one might call a regular series of meetings. Commander King often used to come on his own, but he was with Ms Sidhu on this occasion—but that is not unusual either. It was part of a regular series of meetings where Commander King, who we had asked to attend so-called Operation Slipper briefings at Strategic Command in Defence, would come in and tell me what he had learned about the disposition of Australian forces in relation to operations in the war against terrorism. I was highly interested in that issue, so I wanted to see him at some point quite soon after he had been to any one of those Operation Slipper briefings. My understanding was that that was what this meeting was to be about. Commander King and Ms Sidhu came into my office. They sat down and Commander King proceeded to brief me in relation to Operation Slipper matters. It is probably an indication of how my mind works that I recall hardly any of the detail at all of what Commander King told me on that day in relation to Operation Slipper, even though that was a very important thing to me at the time. But that is because events have moved on, Operation Slipper has moved on and so on.

At the end of the briefing I recall someone, Commander King or Ms Sidhu, saying, ‘There is something else,’ and me—probably on that day a little not agitated but just very busy and pressured—thinking, ‘What is this?’ Commander King then proceeded to say, ‘I have heard there is a rumour circulating over in Defence that there is something wrong to do with the timing of the photographs in relation to children being thrown overboard.’ He might have used a little more shorthand than that. I recall thinking, ‘Another rumour from Defence—I wonder what this is about.’ There was no reason at that time to expect that there was anything unreasonable, false or what have you about the photographs. I did not have any indication from anywhere that there was a difficulty with the photographs, and I was a bit intrigued that I was

even being bothered, frankly, with a rumour—through an entirely inappropriate channel, incidentally—about something that I did not have within my area of responsibility.

I knew that Ms Jane Halton had a government-wide task force operating on illegal immigration and people-smuggling and that there were senior Defence representatives on that task force. I felt, ‘Why am I being apprised of this rumour?’ and I felt also that if it was important two things would happen: one, it would go through to Jane Halton through the proper, appropriate and predetermined channels for liaison between Defence and PM&C on people-smuggling and illegal immigration; and, two, if the information had any credibility or was anything other than a bit of scuttlebutt that Commander King had picked up over in Defence at a meeting that was not supposed to be about people-smuggling and illegal immigration, someone would contact me or someone else in the Department of the Prime Minister and Cabinet in pretty short order and say, ‘Hey, guess what?’—that at some level someone would do that. In the job that I had it was almost unheard of that an important piece of information could be mentioned to you only once in the form of a rumour; you would keep hearing about it. Somebody would ring you up. The information would come to you. So, I guess the point I am making is that I listened to what Commander King had to say and I thought: ‘I do not need to action this any further. This is not a significant input in that it is a rumour and that it is coming through a junior officer and through the wrong channel.’

Senator FAULKNER—Why did you think it was a rumour? Why do you describe it as a rumour?

Dr Hammer—It was presented to me as a rumour.

Senator FAULKNER—Who said it was a rumour—Ms Sidhu or Commander King?

Dr Hammer—Ms Sidhu did not really say much; she sat there and sort of nodded when Stefan said, ‘There is something else I would like to raise.’ My recollection—which is not crystal clear, frankly—and my sense of what Commander King said is, ‘There is a rumour circulating within Defence that there is something wrong with the timing in relation to the photographs in the papers today.’

Senator FAULKNER—Did anyone—you or Ms Sidhu—think to ask Commander King who passed this information on to him from Defence?

Dr Hammer—No. There really was not very much further discussion. I was snowed under; I had a great many things to do; and I just said, ‘Okay, that’s interesting. Thank you.’

Senator FAULKNER—What was the Defence Liaison Officer’s—or, in this case, Commander King’s—role?

Dr Hammer—I must admit that, in the proceedings of this committee, I was a little intrigued at the beginning when Commander King was presented as having some sort

of official liaison role with PM&C and that his title was Defence Liaison Officer. That may be a title, for posting purposes within the Defence organisation, for Commander King's position, but certainly he is not known as the Defence Liaison Officer in PM&C. In fact, this is an arrangement whereby we rotate around the services. We have an officer of Commander King's level come in to the Defence, Intelligence and Security Branch in PM&C, and essentially it is designed as a means of showing capable, middle level officers in the defence forces how the central agency in government operates. So it is a little bit of an outreach program from PM&C. We have also been trying to establish the same thing with ASIO, incidentally.

Senator FAULKNER—Was he an effective worker in PM&C?

Dr Hammer—I have to be frank: the defence liaison officers—that is the way that Defence describes them, anyway; we call them the Defence secondees—are only there for a year, so they never really get up to speed in the same way that a line policy officer in PM&C would get up to speed. Also, they come from a uniformed defence forces background. I cannot comment on how that qualifies them in their own area of expertise, but they are not made as bureaucrats and they do not, broadly, operate like a bureaucrat would. So they are a special case within the branch, but a very welcome one. I enjoy having people from the defence forces in the branch.

Senator FAULKNER—I do not know whether that answers my question, which was about how effective he was. Was it his habit to come and spread rumours to you?

Dr Hammer—I cannot clearly recall.

Senator FAULKNER—You said that this was characterised as a rumour. What we have heard from Ms Sidhu—and from Commander King, but particularly from Ms Sidhu—was that she thought that this was important enough to arrange a meeting so that this could be communicated to you at the earliest possible opportunity. You know that background.

Dr Hammer—My understanding was that they were coming to brief me on Operation Slipper.

Senator FAULKNER—So you did not know what the meeting was actually about?

Dr Hammer—I knew that it was about Operation Slipper, but they had something else to raise. It was not communicated to me as a matter of any particular urgency, except to the extent that they dwelt on Operation Slipper matters for 10 minutes or so before raising this other matter. So they did not rush into my office and say, 'Look, there's this business to do with photographs. Forget about Operation Slipper; this is important.' They gave me what I wanted on Operation Slipper and then they raised this other matter, which I did not—

Senator FAULKNER—For a person who hardly remembers the meeting at all, you seem to have a very strong recollection about the status of this information being a rumour.

Dr Hammer—I have had a lot of time to reflect and rack my brains on the contents of the discussion.

Senator FAULKNER—But you thought it would have been better that someone should have passed it on to Jane Halton and the People Smuggling Task Force.

Dr Hammer—No, I did not think that at all.

Senator FAULKNER—Because you certainly did not pass it on, did you?

Dr Hammer—No, because it was presented to me as a rumour from a relatively junior officer who was not, to my knowledge, involved in any way in illegal immigration and people-smuggling issues and who had not been over in the Department of Defence to discuss that matter in any formal way with anyone over there.

Senator FAULKNER—But you have stressed to me—and I accept it—that you are a very busy person. I do not know how you would have time to allow such urgent briefings that are merely based on a rumour.

Dr Hammer—I was expecting a briefing in relation to what Commander King had collected in Defence on Operation Slipper.

Senator FAULKNER—It does not seem to add up to me. We have got Commander King and Commander Chatterton describing this as formal advice. We have got Ms Sidhu saying this is serious enough to interrupt what I accept is your very busy work schedule for this to occur. Why do all that for a rumour?

Dr Hammer—I think it was their judgment that it was important to convey the information to me. They did not communicate that judgment to me. They came to brief me on Operation Slipper. That was my understanding of why they wanted a meeting with me.

Senator FAULKNER—But you are aware that Ms Sidhu has told this committee that her intention was to brief you immediately about this matter because it was drawn to her attention by Commander King. That is what she should do, isn't it? You are her superior.

Dr Hammer—I was not privy to the discussions that Commander King and Ms Sidhu had before they came to my office to talk to me.

Senator FAULKNER—I know, but they decided that it is important enough to go and talk to you about it. Of course, you were not privy to it because King tells Sidhu and King and Sidhu decide to brief you. In fact, they try and brief you even more urgently than they do. They try to get the meeting established as quickly as possible. That was the priority—and I do not think this is a decision of Commander King. I think this is a decision of Ms Sidhu, and I think she made the right decision.

Dr Hammer—They would have briefed me on issues which they felt needed my attention maybe over 50 times a week on a whole range of things. To come to my office and to brief me on an issue is not so unusual. All that has happened here is that they have selected to brief me on one particular issue out of maybe 50 other issues they may have selected to brief me on in any given week. The other point that I would make in relation to their sense of the importance of this information—

Senator FAULKNER—Hang on—

ACTING CHAIR—Just a moment, Senator Faulkner. Let the witness finish his answer. Go on, Dr Hammer.

Dr Hammer—The other point that I would make is that Commander King and Ms Sidhu's understanding or grasp of the significance of the contents of the rumour could have been quite different from mine because their focus—and Commander King particularly having contacts with the Navy as a Defence officer—was purely on Defence matters. My branch, although it has been repeatedly cast in this committee as the Defence branch actually does more work on issues which are not Defence related than it does on Defence issues. In fact, over in that other basket was all of the post-September 11 counterterrorist and national security issues, and there were many other things over in that other basket. So it is quite possible, I would have thought, that Commander King and Ms Sidhu made a judgment about the importance of the rumour quite different to the judgment that I would have made about its importance in terms of my role, which is quite a different and larger one.

Senator FAULKNER—So they might brief you on 50 issues a week? That is what you said earlier.

Dr Hammer—A large number of issues. Yes, we would discuss—

Senator FAULKNER—So how many times a week would Commander King and Ms Sidhu come to your office to brief you? Fifty times?

Dr Hammer—It might take place in my office. It might take place in Ms Sidhu's office. It might take place in the open work area in the international division. But we were talking to and fro constantly about the issues which concerned the work of her section. I was her supervisor.

Senator FAULKNER—But this is a sit down organised briefing on a specific issue in your office. How often would that happen?

Dr Hammer—Every time Commander King came back from an Operation Slipper briefing, we would have some kind of meeting—sometimes in my office, sometimes in Ms Sidhu's office and sometimes, if not much was going on, I might raise it with Commander King and say, 'Yes, today,' out in the open area of the division. In terms of the formality and the informality of meetings and arrangements within the international division, and Prime Minister and Cabinet more broadly, the sociology of the way that we work is highly dynamic. It is not a bureaucratised stiff type of arrangement. People are dealing with one another right across the range, from jokes

and total informalities all the way through to very serious issues, sometimes in the same conversation, and sometimes going backwards and forwards. Dynamic, clever people working together do things that way. To cast one meeting as particularly more formal or rigorous than another does not gel with the way things really work in that workplace.

Senator FAULKNER—Commander King said to this committee on 2 May this year about the briefing in the office:

... I advised him that a fellow Navy officer, attending the Strategic Command brief that morning, had told me the pictures in the media showing people in the water did not relate to the claims made by the Minister for Defence that unauthorised arrivals were throwing their children overboard but, in fact, related to an event the following day when those same people were being rescued by the Navy from their sinking vessel. I also said that it seemed that the captions accompanying the pictures appeared to have been removed, however I did not do so with the same gravity, noting the degree of conjecture I attributed to that information at that time.

Can you confirm that Commander King presented this information to you in that way?

Dr Hammer—No, I cannot. It is quite the contrary, Senator. My recollection is that the information he presented was less complete and was presented to me as a rumour. In fact, I had no knowledge of the existence of Commander Chatterton until, I believe, he appeared before this committee. I had never been given any information about the source of Commander King's knowledge other than that he said to me in my office on that day that there was a rumour circulating in Defence to the effect that there was a difficulty with the timing of the photographs. He might have said a bit more than that about the photographs themselves but, if he did, I do not recall it.

Senator FAULKNER—But you were surprised when you heard what he said, weren't you?

Dr Hammer—I did not know what to make of it. It was not within the context of anything that I was working on. I just thought: why am I being told this? That was essentially my reaction.

Senator FAULKNER—Were you surprised when you heard what he had to say?

Dr Hammer—On 11 October in my office?

Senator FAULKNER—Yes.

Dr Hammer—No. I just did not know what to make of it. I was neither surprised nor unsurprised.

Senator FAULKNER—The only reason I asked you that is because Ms Sidhu said that, in the morning, you reacted with surprise when you were told about the photos. Was she wrong too?

Dr Hammer—Different people have different subjective impressions of what another person's reaction is.

Senator FAULKNER—They do.

Dr Hammer—She may have thought I reacted with surprise. I might have been reacting with surprise that I was being told something; I might have been wondering: why am I being told this?

Senator FAULKNER—It seems that Commander King believes that you understood that the information was sensitive. If you cannot confirm Ms Sidhu's recollection that you reacted with surprise, can you confirm whether you understood or acknowledged that the information was sensitive?

Dr Hammer—I do not really recall having felt that the information was sensitive. All I recall is—and this is a psychological mode—trying to understand the relevance of the information to me in my role, and trying to understand what I ought to do next about it, not calculating its sensitivity. I could not have judged its sensitivity at the time, I do not think, Senator.

Senator MASON—Dr Hammer, do you remember the word 'rumour' being used by Commander King in this context? Did he use the word 'rumour'?

Dr Hammer—Yes, I do.

Senator FAULKNER—There seem to be a lot of things that you do not recall at the meeting, but you do recall that.

Dr Hammer—It was a two- to three-minute exchange.

Senator FAULKNER—Do you recall acknowledging that the information was sensitive? That is what Commander King says.

Dr Hammer—No, I do not.

Senator FAULKNER—But you do recall him describing it as a rumour?

Dr Hammer—Yes, I do.

Senator FAULKNER—Do you think it is unusual that Ms Sidhu thinks this is a serious enough matter to bring to your attention in the way that she does, that Commander King believes that you thought it was a sensitive issue but that, basically, you have little or no reaction to it and nothing happens?

Dr Hammer—Neither Commander King nor Ms Sidhu said at any stage, 'Brendon, you really need to pay attention to this. This seems to us to be very important.' That was never put to me.

Senator FAULKNER—Would Commander King have ever done that in his life?

Dr Hammer—The other point that I would make—as I mentioned before—is that maybe 90 per cent of my capacity at that time was not even on issues of defence; it was on issues to do with September 11 and organising material to do with that.

Senator FAULKNER—We have had Commander King before the committee. You make the point, and probably rightly, that Defence is hierarchical. Did Commander King, at any stage with any issue, say, ‘I think you, in your role, need to take this particularly seriously’? Did he reinforce any of the briefings that he gave you with that sort of additional claim or information?

Dr Hammer—Commander King did not give me briefings that often. He gave me briefings on Operation Relex, and he had been asked to do that; otherwise, he was a member of the team, working largely with Ms Sidhu and others on producing briefings for the secretary or the Prime Minister on various issues. At times, yes, when we were talking about a draft briefing note, we may have had a bit of a to and fro—more likely with Ms Sidhu than with Commander King because she was his supervisor—about whether or not it was important to make a particular point in a briefing note. I think people in the working environment were quite free to make that type of—

Senator FAULKNER—Commander King did not do it on this occasion—I accept that. Did he do it on any occasion?

Dr Hammer—There were not very many occasions like this one for him to have done it.

Senator FAULKNER—Is that another way of saying: ‘No, he never did it’?

Dr Hammer—Yes.

Senator FAULKNER—Right. He never did it. That is what I was trying to get to. Thank you. Did you give any consideration at all to the significance of this information in the context of, on the one hand, the publicity that we were speaking about canvassing a few moments ago and, on the other hand, the fact that this was occurring during the period of a federal election campaign?

Dr Hammer—As I said before, the information was presented to me as a rumour. It was coming through a very unorthodox and, I would have thought on the subject matter of people-smuggling and illegal immigration, potentially unreliable conduit. There was a whole task force within the Department of Prime Minister and Cabinet focusing on these matters—

Senator FAULKNER—You do not pass it on to them.

ACTING CHAIR—Let him finish his answers, Senator Faulkner.

Dr Hammer—with senior Defence representation on it. The major balance of my judgment at that time was that, if this is significant, Jane will be briefed on it by Al

Titheridge, the Head Strategic Command in Defence, or someone else from Defence, whose role it was formally to keep PM&C briefed on developments in relation to Defence's involvement in Operation Relex.

Senator FAULKNER—This hardly seems to fit with someone who has very little recollection at all of this discussion.

Dr Hammer—I am not talking about the recollection of the specific facts of the discussion. I am recalling the way that I assimilated the information and made judgments about what to do with it. That is something that I remember very well. Specific facts are not my forte.

Senator FAULKNER—That may well be the case. We will find out about that a little later on. But given that we know that these photographs were being misrepresented in the media—I would say that they were being wrongly used by the government, but certainly they were misrepresented in the media—and this information was provided to you by two subordinate officers in the Department of the Prime Minister and Cabinet, and they thought they were doing it in a formal way, whether you did or did not: do you accept, now, responsibility for taking no action in response to the information that was provided to you in the briefing?

Dr Hammer—At that time, I had no context within which to judge the significance of the information. It was presented to me as a rumour—which I do not characterise as formal advice, in anybody's language. I do stand by my judgment that, at that time, I had insufficient reason to bother anybody else with that piece of information.

Senator FAULKNER—So you passed this information on to no-one?

Dr Hammer—I do not remember raising it with anyone subsequently.

Senator FAULKNER—I accept that you properly say there is a task force dealing with these issues, and Ms Halton is the chair of that task force. You are right; that of course is the case. What about passing it on to them? If you were not going to do it yourself, what about suggesting that your subordinate officers do it?

Dr Hammer—I did not think it was worth bothering them with. It was a rumour about something where I had very little context. Subsequently, sure, there has been a brouhaha about whether or not the photographs were valid or whether they had been tampered with or what have you, but at that time there was no suggestion that this was a mainstream issue. Ms Halton and her people were up to their ears in a lot of serious policy work. They were going to be briefed on anything that mattered in relation to Operation Relex properly and formally by Defence. I just assumed that if what I had been told had any legs, it would come to their attention. I did not feel that I was in a position to judge the reliability of the information, and I felt that it would perhaps even be a disservice to propagate what I believed to be a rumour.

Senator FAULKNER—That assumption does not stand the test of time, does it? It is wrong, isn't it?

Dr Hammer—I still do not know what Commander King was actually told. I was told of a rumour about the timing of some photographs. That is what I was told. I felt that this was not within my area of responsibility and that if this was important information and turned out to be an important issue, the Defence organisation would brief, in the normal way, up their chain of command and across into the Department of the Prime Minister and Cabinet into Jane Halton's task force. I did not need to make that judgment, because it was not within my area of responsibility.

Senator BRANDIS—And of course you had slightly more important things on your mind at the time, I suppose, like the global war on terrorism and Australia's national security.

Dr Hammer—Yes, that is correct, Senator Brandis. I did have areas which were very much within my responsibility. I was highly accountable on a range of things; not on this issue, because it was not within my area of responsibility, and I was fatigued at the time and highly focused on other matters.

CHAIR—But you can walk and chew gum at the same time, can't you, Dr Hammer?

Dr Hammer—I could describe to the committee what the full range of responsibilities within the Defence Intelligence and Security Branch are, and you might get an idea of the context.

Senator BRANDIS—It might help me, Dr Hammer, if you would tell us just how important you understood your role to be at the time in developing policy concerning the international war on terrorism and Australia's national security.

Senator FAULKNER—If I asked a question like that, Mr Chairman, it would be ruled out of order because of a point of order from Senator Brandis about the terms of reference, but I think it is perfectly reasonable to have that information before the committee, so I will not take the technical point of order. I will not follow Senator Brandis's precedent.

Senator BRANDIS—Can we have the answer, Dr Hammer?

CHAIR—Before we go to that answer—I have got no objection to the question being put—the direction of the questioning was that, in essence, if I can express it in my naive layman's terms, you were too busy to pay attention to this issue, Dr Hammer. You had other matters of state weighing on your mind. I do not dispute that you had other matters of state—

Senator FAULKNER—Just following orders.

CHAIR—but you are a senior officer in the key central department of government with a range of range of responsibilities, and my question—

Senator BRANDIS—Of which this was not one.

CHAIR—That then begs the question: why the Hotel Kurrajong?

Senator FAULKNER—We have not even got to the Kurrajong. We are a month before the Hotel Kurrajong.

Senator BRANDIS—Can we come back to my question? I understand the question is not being objected to.

Senator FAULKNER—It is not.

Senator BRANDIS—It sounds to me, Dr Hammer, from your evidence, that you are at pains to tell us that you had more important things on your mind. I think it might assist us all—the committee and people listening to your evidence—if you were to explain exactly what was your centrality in developing policy at this time concerning Australia’s participation in the global war against terrorism, a few weeks after the September 11 attacks, and Australia’s national security.

CHAIR—As I said, I have got no objection to this question—

Senator BRANDIS—Let him answer it then!

CHAIR—Yes, but I actually had a question which I do not think has been answered. This is the ‘wrap yourself in the flag’ defence—that ‘I was too busy about higher duties to pay attention to the—

Senator BRANDIS—Senator Cook, the question has now been put twice. Senator Faulkner has expressly said he does not object to it and you have said that you are not going to rule it out, so could he be given the opportunity to answer it before we move to the next question, please?

CHAIR—You may have noticed that I did actually have a question in the sequence, and I would not mind an answer to that question. My question is simply this, Dr Hammer: you do have, because of your important position in PM&C—or what was your important position; you have now changed departments—a range of quite weighty responsibilities. That is admitted, and we are certainly going to hear about them in a moment. But it seems to me, though, that you have a responsibility for all and not just some of those issues, and the reason why you occupied the position you did is because of your ability to attend to all of them and not just some of them. That is true, isn’t it?

Dr Hammer—It is not strictly correct in terms of areas of responsibility. Whilst I did have responsibility broadly for issues within the Defence portfolio, there were a number of instances where—and I am simply an assistant secretary; that is not a particularly senior person in the greater scheme of things—issues were considered to be of such significance and importance to the government that they would be, if you like, taken away from me and given to another group. So whilst I had responsibility for defence and security issues, some of these issues would be taken away. For example, there was a task force set up on East Timor and, in this case, there was a task force set up on illegal immigration and people-smuggling. That essentially took this

out of my area of responsibility. So that was an important factor in my judgement. Also, I chose not to propagate what I believed to be a rumour. If people wish to cast me as having been negligent in having not passed on information, my way of characterising it would be that I did not pass on a rumour, or what I understood to be a rumour.

CHAIR—All right, I will mark the spot and when my turn comes for questions I will pursue this matter further.

Senator BRANDIS—Can I have my question answered now? I have put it twice; I do not think I need to put it a third time, do I, Dr Hammer?

Dr Hammer—No. The branch essentially had responsibility for briefing the Prime Minister and the secretary of the department across all issues, with the exception of those I have just described, within the Defence portfolio. So that includes the Defence organisation, ADF, DSTO and Veterans' Affairs. We also had all of the intelligence agencies, those within Defence and outside Defence, and, in a sense, all domestic and international security matters. So we had, for example, a role in security for the Olympics and CHOGM—although we were not central on that—the police forces and areas of the Attorney-General's Department, including the Protective Security Coordination Centre in that department. I even chaired a group called the Commonwealth Counter-Disaster Task Force. I had an involvement in emergency management and response to natural disasters.

So our task was to inform and keep briefed both the secretary and the Prime Minister across that full range of issues. We also had another specific role, and that was to develop agendas and briefing for the secretary and the Prime Minister in relation to meetings of the Secretaries Committee on National Security, which met roughly once a month, and also for the National Security Committee of Cabinet, which met on a number of occasions following the September 11 terrorist attacks. That is, if you like, the line set of responsibilities.

When I mentioned security, in relation to post-September 11 we specifically had the international relations dimension of international security. Within our bailiwick was understanding and keeping abreast of how the United States and other countries were reacting to what had happened. There was also a major government exercise going on under fairly intense pressure to ensure that this country was safe against what at that time still looked an intensely uncertain security environment. No-one knew what would happen next. We had letters with anthrax floating around the United States. Everyone had been terribly shocked by all of this.

The Attorney-General's Department, in particular, was working day and night to develop a series of rolling submissions to the Secretaries Committee on National Security and the National Security Committee of Cabinet with proposals for how to strengthen security here, there and right across the borders of Australia. From a policy development side, rather than from a briefing side, I played quite a strong role in that process. In fact, I had a considerable number of conversations, for example, over the telephone with the Secretary of the Attorney-General's Department about the way the

policy development process was evolving. It was a very intense period in that respect, Senator Brandis.

Senator FAULKNER—Caretaker conventions were applying at this time, so there were some limitations on your role, I assume.

Dr Hammer—Not really on mine. The government, the bureaucracy, continued to develop ideas. The actual decision making and so on at the higher end into the political dimension was in abeyance largely.

Proceedings suspended from 12.33 p.m. to 1.34 p.m.

CHAIR—We will continue with questions.

Senator FAULKNER—Dr Hammer, were you saying before the break that you did not consider this information to be of such significance that it was worth passing on to anyone else at the departmental level? I am referring to the information that was provided to you by Ms Sidhu and Commander King.

Dr Hammer—I understood that it was a rumour. To give you a direct answer, yes, I judged that, given the status of the information, it was not worth passing on to anyone.

Senator FAULKNER—You must have quite a bit of information come across your desk from time to time, not all of which is substantiated. Wouldn't that be the case?

Dr Hammer—Yes, a vast amount of information.

Senator FAULKNER—Do you pass any of that on?

Dr Hammer—It would depend. If it were a piece of information which seemed important in relation to an area for which I had responsibility, let's say some information in relation to how a defence project was evolving or what have you, and if it came in the form of a rumour—and I recall hearing some rumours in relation to defence projects—then I might or might not have decided to follow up, depending on the context and the type of information. There was always a massive information flow through my office and much of that information, including information which was not cast as rumour but was, in fact, likely to be correct, I judged not to be of any major significance. I did not action information of that type either.

Senator FAULKNER—But even around 7 or 8 November, you did not think it advisable or warranted to pass any of the information that you heard in the Sidhu-King briefing on to any of your associates or superiors in PM&C?

Dr Hammer—I had virtually forgotten that that 11 October meeting had taken place. I had put the information to one side. Nobody had ever raised it with me subsequently. I had no visibility that there was any issue in relation to what had been conveyed to me. To be honest with you, by that time I had virtually forgotten that a meeting had taken place and that that information had been conveyed to me.

Senator FAULKNER—For something that you had forgotten by that stage, you are remembering some of the detail now.

Dr Hammer—One of the reasons is that I had a meeting with Ms Sidhu and Commander King subsequently, on 11 March, for the purpose of trying to get an idea of what we each had known.

Senator FAULKNER—Did you feel pressured to arrange that meeting with Ms Sidhu and Commander King?

Dr Hammer—This is now the 11 March meeting?

Senator FAULKNER—Yes.

Dr Hammer—No, I did not in any usual way, although my supervisor, Mr Michael Potts, the head of the International Division, had, possibly sometime in late February, suggested to me that it might be a good idea to get together with Commander King and Ms Sidhu to talk about events in relation to information which Ms Sidhu had then passed on to Catherine Wildermuth. I had been trying to fit in a meeting with Ms Sidhu and Commander King to talk about that. It was a little difficult because it required having Commander King attend. He was no longer working in PM&C and had to travel all the way over here to have such a meeting. I was away early in March for CHOGM. I was in Brisbane. I came back in the week of 4 March. On Tuesday, 12 March, I understand from my desk calendar, that there was to be a meeting of the National Security Committee of Cabinet, which I mentioned earlier, which involved a heavy workload for me briefing the Prime Minister on issues for that meeting and so on and so forth.

Fitting the meeting in—getting the meeting—was striking me as difficult, so I did not feel any pressure to hold the meeting other than that, if I did not push a little to get the meeting, I was concerned the meeting might not take place. I was also concerned that my boss, Michael Potts, had suggested such a meeting. I think he suggested it to me twice. If the person I am working for asks me to do something, I like to do it. That was the only sense in which I felt any pressure. I did not actually think that the meeting which had taken place in my office, which at that time in March I barely recalled, was of any great significance.

Senator FAULKNER—When you say that you were trying to fit it in, did you contact Ms Sidhu or Commander King about it?

Dr Hammer—Yes. My recollection is having spoken to Ms Sidhu more than once about seeing whether we could get together—she, Commander King and I. She recalls, I gather from her testimony, one occasion, which was on the Friday, but my recollection is that I might have asked her more than once. I am not 100 per cent clear on that; I might have intended to ask her earlier and not followed through. I must say that the meeting itself, apart from the fact that Mr Potts had asked me to get together and share recollections, did not seem to me to be a particularly or unusually important thing.

Senator FAULKNER—It struck you as being straightforward?

Dr Hammer—I knew that there was a lot of activity going on in the department in relation to, let's call it, the maritime incident. I knew that Ms Sidhu had subsequently provided some information to Ms Wildermuth and that there were issues of interest to Mr Potts, as head of the division, about how the division had been engaged in the issues which were associated with the task force. My understanding was that he just wanted me to get the two principal officers together to share recollections. A part of that, I thought a rather minor part, was the short discussion which had taken place in my office on 11 October.

Senator FAULKNER—Did you ask him whether it was appropriate to have such a meeting?

Dr Hammer—I may have. I have the distinct impression that he had said to me that it was okay for people to share their recollections on such matters. But he really said very little about it. He just said, ‘Look, I just think it would be a good idea if you guys got together and shared your recollections.’ He did not really disclose why.

Senator FAULKNER—I was asking whether you asked him about whether it was appropriate or not.

Dr Hammer—I may have. I am not 100 per cent clear on it. I think I may have asked him and been assured that, yeah, it was reasonable for people to share recollections—jog one another’s memories, as it were—in relation to things which may be of interest to Senate committees and what have you.

Senator FAULKNER—I am surprised at that, because in your letter to Mr Moore-Wilton of 6 May you say categorically:

When asked whether such a meeting was appropriate, Mr Potts advised me that it was normal for people to talk to one another to refresh their recollections.

Dr Hammer—That is okay. That is consistent with what I have said. I just haven’t—

Senator FAULKNER—So you do recall being asked by—

Dr Hammer—I had the sense—that is what I was conveying—that I had asked whether or not it was appropriate to have such a meeting and then I had been assured that—

Senator FAULKNER—But why does he chase you up so many times about it? Did you ask him why he was insistent upon such a thing occurring?

Dr Hammer—I do not know that he was insistent, but I recall him asking me twice. I am not sure. You see the point is that his involvement with the task force—and Harinder’s involvement in illegal immigration and people-smuggling—was greater than mine so the context within which he was operating may have been wider than I had any knowledge of. The way that it worked in the international division in this respect is that there was what you might call a one-three arrangement: the division head and Ms Sidhu had some involvement in illegal immigration and people-smuggling issues but I did not, even though Ms Sidhu was in my branch. At one point, I think another branch may have been involved in the issue so I was never in direct contact with the day-to-day of this type of thing.

Senator FAULKNER—You can’t say why Mr Potts seemed so keen for this to go ahead?

Dr Hammer—I cannot say, and I cannot say that he seemed any more keen for it to go ahead than he seemed keen when he gave an instruction to one of his branch heads for any other thing to go ahead. When a supervisor at that level who is that busy asks me to do something, I do not tend to question it. I go ahead and do what I am asked.

Senator FAULKNER—Have you been involved in any other attempts to prepare for Senate committees?

Dr Hammer—No. I have been involved in the compilation of material for appearances by others but not for appearances by me.

Senator FAULKNER—So you are not aware of that sort of activity taking place prior to a Senate committee hearing?

Dr Hammer—No. I had understood that people colloquially would share recollections to assist one another to recall things, but I cannot think of any specific instance where I was made aware of that.

Senator FAULKNER—You understood it, but you had no first-hand experience of it?

Dr Hammer—No, I had none.

Senator FAULKNER—None at all?

Dr Hammer—None at all.

Senator FAULKNER—You have appeared before Senate committees before, haven't you?

Dr Hammer—No. I have never answered questions before a Senate committee before. I think I may have—

Senator FAULKNER—You have been ready to give evidence if called?

Dr Hammer—I have been ready in an estimates context to answer questions, yes.

Senator FAULKNER—But you have never been called to the table to do so?

Dr Hammer—No.

Senator FAULKNER—So you asked Ms Sidhu to organise the meeting?

Dr Hammer—I did.

Senator FAULKNER—And you did that on Friday afternoon, 8 March?

Dr Hammer—My recollection of the logistics of setting the meeting up are not very strong, but I have no reason to doubt that that was the timing.

Senator FAULKNER—Do you think that that was the first time you raised this issue with Ms Sidhu?

Dr Hammer—No, I think I might have raised it earlier, but I could not be specific about whether it was before or after I went to Brisbane for a few days for the purpose of CHOGM security. All I recall is a degree of frustration that I had been asked to get together with Ms Sidhu and Commander King as it seemed to me that it might be difficult to have that happen because of timing considerations.

Senator FAULKNER—It seems to have become a very urgent matter by 8 March; is that right?

Dr Hammer—No, not urgent in any sense other than I wanted to get a little bit executive on it and have the meeting take place. It is one of those things where you know that, if you keep putting it off, you may never get to it so I thought, ‘Let’s do this thing. I’ve been asked to do it; I’ll do it’.

Senator FAULKNER—Why didn’t you want the meeting inside your office at the department?

Dr Hammer—It could easily have been convened inside my office, but I spend an awful lot of time in that office. I think I mentioned before that nearly everything that I work on has to go into a class B container overnight, as it is highly classified. I do not take classified material or discuss classified matters outside secure facilities. This was not something where that was a problem. I felt that it would be pleasant and easier on me if I could have Ms Sidhu and Commander King come to my house, give them a cup of coffee and fit it into my schedule that way.

I did have in my diary that there was a National Security Committee meeting on Tuesday, 12 March. Preparation within my branch for those meetings is very intense in the couple of days leading up to them because we have to prepare a big briefing pack for the Prime Minister, briefing him on a range of issues coming before the meeting, and sometimes the submissions would come in late. The days immediately before a NSC meeting were usually completely blocked out with attempting to finalise the briefing pack, so it does not surprise me that I might have thought: ‘Gee, we can knock this one off on the weekend. I don’t have to go into the office. We can do it at my place. At the same time, we can have a little bit of a social occasion. It will be relaxing.’ I did have members of my branch, as a group, over to my place for social functions roughly once a year—maybe a little more often—just as a friendly social thing, and I felt that this type of activity was consistent with that sort of approach. I like to try to demonstrate to the extent that I can my humanity as a manager and what have you, so that was part of that broad pattern of conceptualisation that I had that this was something that could be done that way.

Senator FAULKNER—So no-one contacted you prior to your contacting Ms Sidhu on the afternoon of 8 March suggesting that you get on with the job in relation to sorting out—

Dr Hammer—No, and I must say that on no occasion did Mr Potts say, ‘Brendon, why don’t you have that meeting,’ or ‘Get on with it.’ But I was conscious that he had asked, so I wanted to proceed.

Senator FAULKNER—That is fair enough. But you did not have any discussions with anyone about that?

Dr Hammer—No.

Senator FAULKNER—Either ministerial staff or anyone in the Public Service?

Dr Hammer—No.

Senator FAULKNER—So it was your initiative entirely to ask Ms Sidhu to organise that meeting on 8 March?

Dr Hammer—Yes, entirely.

Senator FAULKNER—What did you say to her when you contacted her on that afternoon?

Dr Hammer—On 8 March?

Senator FAULKNER—Yes.

Dr Hammer—I cannot remember. I do not even specifically remember putting the proposition to her on that date that we have a meeting. I am at the limits of my capacity to remember things. I must be frank here: this is a relatively minor thing, I would have thought. It amazes me that it has blown out to the amount of attention that has been paid to it here. I do not question that at this stage, but at the time—

Senator FAULKNER—You have never pondered on what might have happened if you had passed on to the People Smuggling Task Force on 11 October the information that had come to you via Commander Chatterton and Commander King?

Dr Hammer—I assumed that, if there was anything in what had been put to me over a couple of minutes of conversation as a rumour circulating in Defence, it would have gone to the task force through the proper Defence liaison channels and something then would have happened. I had no reason to believe that it was anything other than a rumour until right down—

Senator FAULKNER—Regardless of that, going back to your comment, you have not ever considered that, in the context that we are speaking of here—that is, during the period of a federal election campaign—if you had passed on that information

provided to you by Ms Sidhu and Commander King, a misrepresentation that was allowed to continue right through and until after polling day may not have occurred? Don't you feel some level of responsibility?

Dr Hammer—No, because all I understood right up until virtually polling day, or whenever it was, was that I had been provided with a rumour, and I had no reason to believe that it was anything other than a rumour.

Senator FAULKNER—But you have said before that you act on other rumours—if it was a rumour. King and Chatterton say that it is a formal briefing.

Dr Hammer—I had never heard of Commander Chatterton until he appeared before this committee.

Senator FAULKNER—Let us accept for a moment that it is a rumour. You pass on other rumours, don't you?

Dr Hammer—No, I act on information that comes to me, rumour or otherwise, when it is within my direct area of responsibility and when it is something which I judge to be significant. There are many pieces of information, rumours or otherwise, which I do not judge to be significant and which I dismiss.

Senator FAULKNER—But you did not even take a decision to say to either of your more junior officers, Commander King or Ms Sidhu, that they should pass that information on to the more relevant parts of the department, such as the People Smuggling Task Force or perhaps the Social Policy Division—given that they were servicing the task force—or Ms Halton, Ms Bryant and all those others who were involved in the PST. It would have taken about 10 seconds to ask them to do that.

Dr Hammer—I certainly do not recall asking them to do that.

Senator FAULKNER—I am absolutely certain you did not do it. The issue is whether you should have done it and, given that you did not do it, why you did not do it.

Dr Hammer—I did not do it because there were very senior Defence people in Ms Halton's task force who were responsible on a daily basis for briefing that task force on salient matters to do with Operation Relex and so on, and I had every reason to believe that anything that had any credibility or that was important for Defence's activities or what was going on in Defence would be passed through that appropriate, high-level, regular channel to Ms Halton. Commander King was a junior officer within my branch and he had heard a rumour. That was the way I perceived the information.

Senator FAULKNER—But you could have delegated him or Ms Sidhu to deal with it, couldn't you?

Dr Hammer—I did not see any need to.

Senator FAULKNER—You are a delegator from way back, from what I have heard today. I am not critical of that; that is fair enough. You do a lot of delegation, do you not?

Dr Hammer—Yes, but at the same time I had to be very conscious of the workload within my branch and stay focused on my areas of responsibility. I did not feel that this was within my area of responsibility and I did not think the information was necessarily reliable or important.

Senator FAULKNER—You were incredibly busy, you tell us, on Tuesday, 12 March. There was a National Security Committee meeting on Tuesday, 12 March; is that right?

Dr Hammer—That is what my desk calendar says, yes.

Senator FAULKNER—And you were very busy in the lead-up to that?

Dr Hammer—Quite probably, yes.

Senator FAULKNER—But you still had time to go to the Hotel Kurrajong with King and Sidhu.

Dr Hammer—Wait a second. I got confused between the two meetings.

Senator FAULKNER—So there was no NSC meeting on on the—

Dr Hammer—Yes, there was. That was in March.

Senator FAULKNER—Yes.

Dr Hammer—I thought we were discussing—

Senator FAULKNER—We were.

Dr Hammer—why I did not pass on the information which I had received at the 11 October meeting.

Senator FAULKNER—We were, but now I am talking about something else.

Dr Hammer—I must have missed that.

Senator FAULKNER—We were talking about that; now we are talking about what occurred at the Hotel Kurrajong. You were saying that you were busy and that is why you talked to Ms Sidhu on the evening of Friday, 8 March. You had a lot on your plate. You were worried about going to CHOGM—

Dr Hammer—No, CHOGM had taken place.

Senator FAULKNER—You had the National Security Committee meeting on the Tuesday.

Dr Hammer—It was just a matter of fitting that meeting in.

Senator FAULKNER—If you were so busy, how could you possibly give priority to Ms Sidhu's, and particularly Commander King's, evidence before a Senate committee? It does not ring true.

Dr Hammer—I had been asked to do it by my boss, Mr Michael Potts, and when I am asked by a supervisor to do things, I try to do them. The other point I would like to make is that it was not at all clear to me at that time that there would be appearances by any of us before a Senate committee. In fact, I had a very strong impression, which was obviously a misjudgment in hindsight, that my role in this whole matter was a very minor one. As I pointed out in my opening remarks, we are talking about a sum total of 13 to 15 minutes worth of meeting—a three-minute exchange in my office on 11 October and maybe 10 to 15 minutes of substance on this at the Kurrajong subsequently, and that 15 minutes only arose because my supervisor had asked that that meeting take place.

Senator FAULKNER—Yes, but you are telling me, Dr Hammer, that you were terribly busy during this period and you were worried about fitting all your responsibilities in. You had a National Security Committee meeting on Tuesday. You told me how much effort goes into briefing the Prime Minister for these things. I accept that. I know that you have a responsible job and a heavy workload. What I do not understand is why the evening before the National Security Committee you made it a priority to talk to King about either his evidence to a Senate committee or submissions to a Department of the Prime Minister and Cabinet submission to this committee.

Dr Hammer—Well, Senator—

Senator FAULKNER—It does not ring true. It just does not make sense.

Senator BRANDIS—Let him finish! What is the answer?

Dr Hammer—I think the proposition was that we could have a meeting on the Sunday, which would have been fine. Then the default was: 'No, I cannot do it. Is it possible to do it on the Monday?' My reaction was probably to groan and say, 'Okay, let us do it.' I think the whole thing went for about 20 minutes. You do have to prioritise and pattern out the way that you work, and I may well have thought that around that time during the day I could do with a bit of a break so let us do it that way.

Senator FAULKNER—Why then have the meeting at home on the weekend? Why have the meeting away from the office at all?

Dr Hammer—I think I have already answered that question about the meeting.

Senator FAULKNER—Not satisfactorily, with respect.

Senator BRANDIS—Perhaps not to you, Senator Faulkner.

Dr Hammer—I feel it is a satisfactory answer.

Senator FAULKNER—Not to me, nor to any reasonable person, I would have thought—

Senator BRANDIS—Senator Faulkner, you are just being political about this.

Senator FAULKNER—and I am a reasonable person. What was the idea of having the meeting on the weekend at home away from the office, if this was not a priority for you?

Dr Hammer—It did have priority because my supervisor asked me to have it. I was in a situation where I thought if I did not actually pin it down and do it, it was just going to keep drifting. I also thought it would be quite pleasant to have Commander King and Ms Sidhu to my home on the weekend. I thought it was an opportunity to mix a bit of work and pleasure. When it did not work out, and the counterproposal was made to do it on the Monday, I thought, ‘Okay, we will do it on the Monday.’

Senator FAULKNER—Commander King thought the proposed locations for these meetings were unusual.

Dr Hammer—If he did, he never put it to me. If he had said, ‘Look, I would like to have any meeting that you wish to have in your office,’ I would have said that was fine.

Senator FAULKNER—Here we get to the point that has been made on many occasions not just in relation to this evidence but right through this hearing. You know how the hierarchy works in Defence. You have pointed out to me on a number of occasions today what a comparatively junior officer Commander King is compared to you. There is no doubt about the power relationship or the seniority here.

Dr Hammer—I would not characterise myself as a particularly senior officer.

Senator FAULKNER—You are a long way up the pecking order from him, aren’t you?

Dr Hammer—No, two levels.

Senator FAULKNER—Yes, and you know what that hierarchy means, don’t you?

Dr Hammer—I am not sure I do, frankly. I do not come from a Defence culture; I have never been a soldier or an officer in the defence forces. In my career in the public sector I have tended to work in very flat, non-hierarchical teams where people focus on the policy work and so on and not on the chain of command. We had a very

free-flowing environment in the International Division in the Prime Minister's department. That is the way modern workplaces tend to operate.

Senator FAULKNER—So let us get this clear: you do not think it is unusual for you to ask Ms Sidhu on a Friday afternoon to contact Commander King for a meeting, about evidence before a Senate committee, to take place some time over the subsequent weekend, at some time over the subsequent two days?

Dr Hammer—I think empirically it is unusual because it was not something that we did—that is the first time it would have happened—but from a personal point of view I do not think it is that unusual.

Senator FAULKNER—Do you think it is unusual to have a meeting either at your home or at the Hotel Kurrajong and not at the offices of the Department of the Prime Minister and Cabinet, where both you and Ms Sidhu worked and where Commander King did work for the period of time that was relevant to the matters you were discussing?

Dr Hammer—I think empirically it is far less unusual to have a meeting of some kind at the Hotel Kurrajong—it is right over the road, that was a rather lovely Canberra autumn day and I thought it was an occasion to get out of the office. Once again, the material we were going to talk about was not classified. I repeat again: we did not know that this committee would call us. It was not an attempt to practice or rehearse anything for the purpose of a submission or appearance before a committee; it was simply a meeting for the purpose of sharing our recollections.

Senator BRANDIS—And, of course, Dr Hammer, a meeting can mean many things and can have different degrees of formality. As I understand your evidence and that of the other officers, this was a meeting at the lower level of formality almost in the nature of an informal conversation.

Dr Hammer—Yes, very much so.

Senator FAULKNER—But it was a meeting, was it?

Dr Hammer—Yes, I think you should characterise it as a meeting.

CHAIR—And its purpose was to go over the evidence.

Dr Hammer—No, it was to share recollections. The idea of evidence, in a sense, had not really emerged at that stage.

CHAIR—How foolish of me; it was 'to share recollections'. I am sorry. It took 13 minutes.

Dr Hammer—No. Let us leave that 13 minutes aside. We probably sat down over coffee for 20 to 25 minutes.

CHAIR—There were only 9½ minutes missing from the Watergate tapes, and that led to a resignation of a president. I do not know why the emphasis on the amount of time taken is particularly significant, that is all I am saying.

Dr Hammer—I do not think it is that significant. I just think it is a little unusual—

CHAIR—You introduced it, that is all.

Senator BRANDIS—Presumably there was some small talk and you had to order your coffee, and various other inconsequential matters were discussed. You have passed this 13 minutes down out of the entire occasion, I take it.

Dr Hammer—The 13 minutes comes from a three-minute conversation about the rumour on 11 October, plus roughly 10 to 15 minutes of substantive conversation at the Kurrajong. I just noted at the outset that the amount of time spent on that 13 minutes, with all due respect, in this committee and by a great many people seems quite remarkable. That was where the 13 minutes came from.

Senator JACINTA COLLINS—Do you think the amount of time that has been spent on the Houston telephone conversation with the minister is remarkable? That was probably less than 13 minutes.

Senator FAULKNER—Are you aware that Commander King, in evidence before this committee on 2 May this year, when asked about his concerns about the meeting, said:

The concerns were, firstly, that it was slightly unusual to have a meeting about a sensitive issue in an area outside a public office, largely for the reason that other people may construe that in a particular way.

Do you have any response to that?

Dr Hammer—Firstly, if Commander King had ever, at any time, expressed to me concerns about either having the meeting or about having it at the Hotel Kurrajong, I would have taken that on board. I would not have had the meeting at the Hotel Kurrajong. I wanted it to be a relaxed, pleasant affair. I did not have on my mind the idea of making anyone feel at all uncomfortable. If Commander King had said, ‘Brendon, I really don’t want to meet and discuss this stuff’, I would almost certainly have gone to Mr Potts and said, ‘Stefan King doesn’t want to have a meeting on this. Is it okay with you if we do not have a meeting?’

Senator FAULKNER—It was not a relaxed and pleasant affair, and that goes to the second part of what Commander King said in response to that question. He says:

The second concern was just a sense that you often felt overwhelmed by Dr Hammer’s own version of events because he is a very influential man and in an influential position and he is paid to be right and sometimes it is hard to be heard.

They are his words. It was not relaxed and pleasant at all for him.

Dr Hammer—My impression of the meeting was that it was relaxed and relatively pleasant. I think Ms Sidhu, when listening to her testimony, felt that, except for a moment of discomfort that she experienced because she felt Commander King was experiencing a moment of discomfort, it was a reasonably pleasant meeting.

Senator FAULKNER—Let us not talk about her recollections; let us talk about yours.

Dr Hammer—Mine are that the whole thing was fine and done quite comfortably.

Senator FAULKNER—You were not able to pick up at all that Commander King was uncomfortable?

Dr Hammer—No, Senator. You have just conveyed Commander King's characterisation of my persona.

Senator FAULKNER—I have read his evidence, yes.

Dr Hammer—Often it is difficult for people to know how they project themselves.

Senator BRANDIS—All Senator Faulkner is really putting to you, I suspect, is that you were thought to be something of an overbearing personality—which is, I must say, a bit rich coming from Senator Faulkner.

Senator FAULKNER—I admit I am overbearing, and I am not critical if Dr Hammer is overbearing. None of us around this table should worry about overbearing characters.

Senator MASON—But always reasonable!

Senator FAULKNER—Having established that we are all overbearing, let us get to the nitty-gritty.

Senator MASON—I do not think that is a matter of admission at all—only about you.

Senator FAULKNER—Were you able to pick up at all whether Commander King was uncomfortable at the Hotel Kurrajong?

Dr Hammer—The answer is, no, I do not recall Commander King being uncomfortable.

Senator FAULKNER—Were you able to pick up that moment of discomfort, as you describe it—and I think that is a fair description of what Ms Sidhu said to us earlier; you have described that in a fair way to us—at the meeting?

Dr Hammer—No. My memory does not operate in such a way that I could recall the toing-and-froing in the conversations in that meeting. But my recollection is not of

having felt that Commander King was in any way uncomfortable at that meeting or that Ms Sidhu was uncomfortable at that meeting. Possibly, that does make me insensitive.

Senator FAULKNER—As I say, I am not going to criticise people who are insensitive at all.

Senator JACINTA COLLINS—Shall we do that right now?

Senator MASON—You would not want to!

Senator FAULKNER—Unlike others, I admit it. I am insensitive. Let us get on with it. Hold the front page: ‘Senator admits a level of insensitivity’! Equally, I was not at the Hotel Kurrajong having meetings with witnesses before this committee.

Dr Hammer—I would submit that I in no way conceived or made any attempt at any stage to influence the testimony of any witness coming before this committee. I did not do that. I had no intention of doing that. Nobody instructed me to attempt anything of that kind. I did not make such an attempt.

Senator FAULKNER—Ms Sidhu has said that you further pressed Commander King for recollections of the 11 October meeting and that you appeared concerned about King’s narration. This does not ring a bell?

Dr Hammer—When I went into the 11 March meeting I had the impression, because of the form of my own recollections, that most of what we would be talking about was Commander King’s communication with Ms Sidhu and the issue of—for want of a better phrase—tearoom gossip. I had not actually expected to discover a lot about a meeting which I could barely recall which had taken place in my office on 11 October. Commander King’s recall of that was quite elaborate relative to mine. I had barely remembered that that meeting on 11 October had taken place. I can remember being a little surprised, I think, in relation maybe to what he had said about that meeting, but I do not, frankly, recall the detail of it. I just do not.

Senator FAULKNER—Do you recall effectively mooting a question that might be asked by a senator at a committee hearing like this?

Dr Hammer—I have racked my brains about that and I do not actually recall having put a question along the lines of, ‘Pretend I am a senator asking you a question,’ or what have you. I may have asked some questions like, ‘What do you recall was said in the meeting on 11 October?’ once that meeting was raised, but I do not recall the exact questions I asked. I do not, in a sense, recall anything particularly significant—maybe some differences over detail, but I do not recall what those details were. This may sound unsatisfactory to you—

Senator FAULKNER—It does.

Dr Hammer—but I do not go to great levels of detail in the way that I recall things. I tend to recall the sense or the substance of something rather than the detail of it.

Senator BRANDIS—Is there anything particularly sinister, Dr Hammer, in a conversation which is designed to assist people's recollection of a past event putting a proposition in the form of a question to determine the nature of somebody's recollection?

Dr Hammer—I must say that does not strike me as particularly sinister.

CHAIR—That is a question for us to judge, isn't it?

Senator BRANDIS—Not really, because Senator Faulkner's questions on this topic to the witness are really designed to suggest that there was something untoward in his approach or that his approach was suggestive of an untoward motive.

CHAIR—But you are putting the conceptual proposition to the witness, seeking affirmation from the witness, as to—

Senator BRANDIS—I am just inviting him to comment on the proposition I put to him.

CHAIR—whether the ordinary person in the street would regard this as something sinister.

Senator BRANDIS—No. I am asking whether he does and I am asking him to comment on the proposition I put to him.

Dr Hammer—Perhaps there is a way of solving both. What I attempted to do in that meeting, as I had been asked, in a sense was to share recollections. The first part of that was to attempt to draw forth recollections, and I think I probably may have tried a few different ways to do that. As I mentioned earlier, I have not had any real experience in appearing before Senate committees. I may have said, 'This issue may or may not come to the attention of the Senate through one means or another.' I may have said, 'Let's ask one another some questions about our recollection,' or what have you. That is all that I can offer you on this.

Senator FAULKNER—In the absence of you being able to recall these things, is the committee going to be in any better position other than to depend on what Commander King and Ms Sidhu can tell us—if your recollection is not so solid of these events?

Dr Hammer—The bit of the meeting that I remember—because it intrigued me a little bit—was the mismatch between Commander King's assertion that he had been briefed directly in Defence and Ms Sidhu's surprise in saying, 'But that was presented to us as a rumour and, in fact, it was presented to me as a conversation that you had overheard over tea or what have you.' I do not recall having had that put to me,

incidentally, in my meeting on 11 October. I do not recall Stefan King saying, 'This was a conversation I overheard other people having while they were having coffee.' He just said, 'There is a rumour going around Defence.' So this was a little intriguing to me as a spectator, frankly, and I do recall—

Senator FAULKNER—You are not a spectator; you are the convenor of the meeting.

Dr Hammer—Yes, but they were talking about transactions between the two of them, not involving me. I do recall Commander King saying, 'I did that to protect my source.' That did intrigue me and that is the sort of detail—

Senator FAULKNER—So you do remember that bit.

Dr Hammer—That is a significant detail to me.

Senator FAULKNER—Do you remember whether there was any discussion of a departmental submission from the Department of the Prime Minister and Cabinet to this committee? Was that discussed?

Dr Hammer—No.

Senator FAULKNER—You do not remember that?

Dr Hammer—No; I recall that it was not discussed. I had a kind of peripheral role and knowledge of what was going on in relation to these issues because I have never had any line responsibility for them. This meeting took place because Mr Potts asked me to get Harinder Sidhu and Commander King together to talk about their recollections of how this information, which eventually was given to Catherine Wildermuth, had come through the division.

Senator FAULKNER—So you are saying to this committee that there was not discussion about a possible submission from the Department of the Prime Minister and Cabinet to this committee at your meeting at the Hotel Kurrajong?

Dr Hammer—It may have come up but nobody ever said, 'What are we going to say in the submission?' or 'What are we going to do here or do there?' The meeting was about: 'What do we recall as having happened? The Senate may have an interest in this.'

Senator FAULKNER—Firstly you said that there was not; now you are saying that it may have come up. Are you saying to us that the only thing you can remember with clarity about this meeting is the issue of the discrepancy in the description of Commander King's information—that is, whether it was rumour or more formal information?

Dr Hammer—Yes. I heard what Ms Sidhu and Commander King said before this committee, and I do not think I can add to that. I recall that we did have a fair bit of small talk.

Senator FAULKNER—But you cannot recall whether you gave him a bit of a practice run by asking him a few questions?

Dr Hammer—I certainly had no intention of giving him a practice run.

Senator FAULKNER—No intention, but did you do it?

Dr Hammer—Not to my recollection, no. I may have asked a question.

Senator FAULKNER—But that was not a practice run?

Dr Hammer—Certainly not.

Senator FAULKNER—What was it?

Dr Hammer—It was an attempt to elicit his recollections. It went something like: ‘Stefan, what are your recollections of what you had to say to Harinder on such and such?’

Senator BRANDIS—Dr Hammer, I will remind you of something that Ms Sidhu said this morning. She was asked by Senator Faulkner what her expectations of the meeting at the Hotel Kurrajong were. She said, ‘I was expecting to come away with a clear idea of what had transpired at the three-way meeting on 11 October.’ Was that also your expectation?

Dr Hammer—Strictly speaking, no. I had expected to come away with a better idea of what had taken place at that meeting and also to hear about the transactions between Commander King and Ms Sidhu which had taken place around that meeting in my office. I had thought that Mr Potts’s objective in asking for the meeting to take place was to get a sense of the involvement of all of us, bilaterally or as a trio, in this matter.

Senator BRANDIS—So you had two purposes. One of your purposes was to clarify your recollection of the three-way meeting.

Dr Hammer—Yes.

Senator BRANDIS—The other purpose was to inform yourself about matters of which you were at that time unaware—that is, what had gone on between King and Sidhu. Is that right?

Dr Hammer—Yes, to get an idea of that, as well—which, together, would make up the totality of what my expectations were.

Senator FAULKNER—Senator Brandis quotes Ms Sidhu. In her letter to Mr Moore-Wilton dated 6 May, Ms Sidhu said that:

Dr Hammer was trying to coax CMDR King to be more forthcoming about his recollections of the 11 October meeting.

Can you confirm that?

Dr Hammer—To coax him.

Senator BRANDIS—To coax him to be more forthcoming about his recollections?

Senator FAULKNER—I quoted it directly. I will say it again:

... trying to coax CMDR King to be more forthcoming about his recollections of the 11 October meeting.

I am asking Dr Hammer whether he accepts that Ms Sidhu's version of events is an accurate description of what happened.

Dr Hammer—I certainly would have been encouraging Commander King and Ms Sidhu to recall, yes.

Senator FAULKNER—Did you want to see Commander King get a bit of practise about what he might say before a committee like this?

Dr Hammer—Certainly not, no.

Senator FAULKNER—But you did want him to provide some more detail about what might be said.

Dr Hammer—I wanted both Commander King and Ms Sidhu to help me remember what had happened in my office. That was part of it. It was about remembering, not about rehearsing.

Senator FAULKNER—So if this information that had come to you from Commander King and Ms Sidhu on 11 October had been more formal in its nature, in your mind—not a rumour, but a more formal advice or briefing—what would you have done in those circumstances, if anything?

Dr Hammer—It is a hypothetical question.

Senator FAULKNER—It is.

Dr Hammer—If Commander King had presented me with a letter from someone in Defence to the effect that there was a problem within Defence about the timing of the photographs, certainly I would have had to action that, and I would have. If he had said that he had received formal advice in another form and that he had been asked to pass that information on to PM&C, I would have asked him to pass that on to the task force. That is the judgment I believe I would have made, but it is hypothetical.

Senator FAULKNER—At the additional Senate estimates on 18 February this year, Mr Moore-Wilton used the term ‘categorically’ and he also took offence at the conclusion that I had reached. He said to me:

... none of the information available within the Department of Defence which casts doubt on the photographs or the basic report was released outside the Department of Defence. It was not released to the Department of the Prime Minister and Cabinet.

Then he talked a little about Mr Jordana’s request for sit reps. He went on:

And this constant effort to consistently say that the department was aware that the photographs were not of 7 October is not true.

You can at least say that this information was in your hands on 11 October, can you not?

Dr Hammer—No, I had a report of a rumour within Defence.

Senator FAULKNER—We can now also say that Ms Sidhu knew about this on 11 October.

Dr Hammer—Yes, she believed that she had heard something. I gather it had been overheard by somebody else who was having coffee in the periphery of a meeting of people who were not involved with people-smuggling and so forth. This was very low grade, low quality information.

Senator FAULKNER—Not to mention Group Captain Walker’s briefing; not to mention the chronology and the footnote and so forth, as well. When this issue did blow up—and you have said to me that you were surprised it did, or at least you were surprised that your role in it became an issue—what did you do then? You became aware that Commander King had concerns about the possibility that his evidence before this committee was being suborned. That is right, is it not?

Dr Hammer—Yes, that was very late in the piece.

Senator FAULKNER—Can you just say when that occurred?

Dr Hammer—I think that was right before his appearance on 2 May. I was asked to come to a meeting at Prime Minister and Cabinet by Ms Barbara Belcher. It was on 30 April.

Senator FAULKNER—On 30 April, Ms Belcher asked you to come to a meeting?

Dr Hammer—Yes, that is right.

Senator FAULKNER—That was in her office?

Dr Hammer—Yes.

Senator FAULKNER—Who was there?

Dr Hammer—It was only her and me for a period and then Mr Potts came as well.

Senator FAULKNER—What were you told by Ms Belcher at that meeting?

Dr Hammer—She asked me to sit down and she asked me if I would like a glass of water, which made me start to worry. Then she showed me—

Senator FAULKNER—What if she had asked you to have a double whisky?

Dr Hammer—I do not think Ms Belcher keeps whisky! Anyway, she showed me a minute from Rear Admiral Gates—I think everyone has seen that minute—and suggested that I read it. I read it and I said, ‘There is no-one named in this minute. What is this about?’ She said, ‘I understand that this minute refers to you and to Commander King.’ I was absolutely stunned; that is not too strong a way of putting it. I was amazed by that revelation.

Senator FAULKNER—What happened then?

Dr Hammer—I told Ms Belcher that I was shocked, that I could not believe that such an allegation was being made, that I had never done anything or said anything to try to suborn Commander King’s evidence and that I thought the minute was absolutely remarkable. I think I sat there and had a sip of water after that.

Senator FAULKNER—What was the outcome of that meeting?

Dr Hammer—The outcome essentially was that Ms Belcher, who is a very pleasant person, sort of talked around the issue a little bit and said, ‘There are some things that you might want to think about, one of which is perhaps sending a letter to Commander King, who is due to appear before the committee on 2 May, making it clear to him that you did not have and never have had—if he thinks you have had—any intention of trying to influence him.’

Senator FAULKNER—And you did that?

Dr Hammer—I did so.

Senator FAULKNER—Were there any other outcomes?

Dr Hammer—Not that I can recall immediately, no.

Senator FAULKNER—Were there any other outcomes beyond the immediate sense?

Senator BRANDIS—Apart from the fact that you are here today!

Senator FAULKNER—Did you talk to anyone else about it? Did you raise the issue with anyone?

Dr Hammer—I am just trying to recall. I may have asked my new supervisor for some time to compose the letter to Commander King, because I was in a new work environment. I had moved to the Department of Foreign Affairs and Trade. I do not recall having a substantial conversation about it with anyone else.

Senator FAULKNER—Mr Potts, for example, is no longer your immediate superior?

Dr Hammer—No. I must admit that at that point you become conscious that all sorts of things can happen to you if you have a conversation with somebody. I, frankly, have been afraid to talk to a wide range of people ever since this whole thing blew up, because I just do not know what is going to happen next in relation to it.

Senator FAULKNER—So you did not talk to anyone at that time?

Dr Hammer—No.

Senator FAULKNER—And you have not talked to Mr Moore-Wilton about it?

Dr Hammer—No.

Senator FAULKNER—You did write the letter to Commander King?

Dr Hammer—Yes.

Senator FAULKNER—Did you show a draft of that letter to anyone?

Dr Hammer—No, I did not.

Senator FAULKNER—You just sent it directly to Commander King?

Dr Hammer—I did, yes.

Senator FAULKNER—And you sent a copy to—

Dr Hammer—The Secretary of the Department of the Prime Minister and Cabinet.

Senator FAULKNER—Did you get any response to that letter?

Dr Hammer—No, I did not. There was a response in a sense when I came up here on 2 May. In the witness room Commander King sort of said that he had been amazed at having received the letter. Aside from that, I guess there was the overarching response of the Secretary of the Department of the Prime Minister and Cabinet to conduct an inquiry into the operations of his own department in relation to this matter. But, apart from that, no.

Senator BRANDIS—Just to make sure that I understand your evidence perfectly well, Dr Hammer, the writing of the letter was Barbara Belcher's idea?

Dr Hammer—It was something she suggested. She certainly did not say, ‘You really ought to do this,’ or anything. She said, ‘It mightn’t be a bad idea; you should think about it and see if you would like to.’

Senator BRANDIS—But the idea came from her, not from you?

Dr Hammer—Yes, it did.

CHAIR—The decision to proceed with it came from you?

Dr Hammer—Correct.

Senator BRANDIS—Do you think, in retrospect, that it was an error of judgment to write the letter?

Dr Hammer—No, I do not at all. I was quite amazed at the minute that I had been shown. I was not allowed to keep a copy of that minute. It did not name me or Commander King, but I understood that it was out there. I still have no idea what the basis for that minute is but, after thinking about what Ms Belcher had proposed, I felt that it was important to communicate to Commander King that he should be as truthful and complete as possible in his testimony before this committee, to tell him that that was what I planned to do and, in a sense, to go on the record with my position, which is that I have never had any intention to act, and never have acted, to suborn a witness.

Senator BRANDIS—Dr Hammer, to have written the letter was a very honest thing for you to have done. In the second paragraph you say:

I am writing to let you know that I have never in any way purposefully sought to influence you to do anything other than tell the whole truth in appearing before the Senate Select Committee.

In view of what has been said in this room in the last few weeks, you can understand how people who want to play politics with this issue can try to turn that around into an innuendo against you that this is some sort of guilty denial, can’t you? That is what Senator Faulkner has been trying to do. You can see now that you really exposed yourself to that sort of innuendo by writing those words.

CHAIR—That is your conclusion.

Senator BRANDIS—Do you understand what I am putting to you?

Dr Hammer—I do.

Senator FAULKNER—And of course you would reject the assertion.

Dr Hammer—I actually find the way that my behaviour in this has played out really quite distressing and disappointing, frankly.

CHAIR—I think Senator Brandis has never played politics.

Senator FAULKNER—Did anyone raise with you whether the question about Commander King's evidence to this committee would actually be raised with the committee? This was all going on within the hallowed halls of the Department of Prime Minister and Cabinet. You were aware of it.

Dr Hammer—Yes.

Senator FAULKNER—Ms Belcher was aware of it, Admiral Gates was aware of it, the Minister for Defence was aware of it, Mr Moore-Wilton was aware of it, Uncle Tom Copley was aware of it—but not this committee. Did you seek at any stage any information as to these matters being drawn to the attention of this committee?

Dr Hammer—No, I did not. But I do recall Ms Belcher saying at one stage that the minute that she had shown me from Rear Admiral Gates was out there and that there was a probability that the matter would come before the committee.

Senator FAULKNER—When you say 'out there', do you mean in the bureaucracy?

Dr Hammer—Yes. I do not know what its distribution was.

Senator FAULKNER—Fair enough. I think I can assure you—and I am sure my colleagues would agree—that it did not come to the attention of this committee until Commander King actually gave evidence. That is my recollection.

CHAIR—That is my recollection.

Senator BRANDIS—Dr Hammer, I suppose it gave you some comfort when you heard Commander King's evidence, when Senator Faulkner asked him if he felt that you were trying to suborn his evidence, that Commander King answered unequivocally, 'No.'

Dr Hammer—Yes, I was comforted by that. I read the testimony of 2 May very closely, as you can imagine, and I counted a number of times when Commander King said that he did not feel that an attempt had been made to adjust his evidence. I think he said that maybe four or five times in answers to different types of questions, and on at least three occasions he said that the evidence that he was giving to the committee was the whole truth as he recalled it.

Senator BRANDIS—There were three parties to this meeting—you, Sidhu and King—and the evidence of the three of you on the point is unanimous and unequivocal.

Dr Hammer—Yes, that is the case. If I can be permitted to make a comment, I am mystified by the minute from Rear Admiral Gates. I do not know what it is about and I do not know how this group of people in Defence could have generated such a minute.

Senator FAULKNER—We cannot help you on that, because the Minister for Defence is blocking the attendance of Rear Admiral Gates at this committee—by the way, that is just another person he is trying to block coming before the committee, as well as a departmental liaison officer this afternoon. You said you saw Commander King—I assume in the witness room for this committee—when you were both due to give evidence that day. Is that right?

Dr Hammer—Yes, that is correct. It was just a momentary contact. We shook hands and said hello.

Senator FAULKNER—The discussion you had with him was as fleeting as you have said to the committee before, was it?

Dr Hammer—Yes.

Senator FAULKNER—Is that all that took place?

Dr Hammer—Yes.

Senator FAULKNER—I do not think it is worth debating the different views about what Commander King did or did not say. I think the record stands for itself.

CHAIR—There is a privileges committee matter, as well.

Senator FAULKNER—Yes, I know. What King said is that he had not been influenced. He, of course—properly, I think—said that he could not answer for what others had tried to do or had in their mind and that some of the other witnesses, like Dr Hammer, could answer in relation to themselves. I think that is a reasonable point to make in the circumstances. So you do not have any other contact until Mr Moore-Wilton asks you for, effectively, a submission or contribution to his inquiry?

Dr Hammer—Yes, that is right. I received that letter, if my recollection serves me correctly, on 2 May.

Senator FAULKNER—You set about responding to that, of course, as you are obligated to do?

Dr Hammer—I did.

Senator FAULKNER—In relation to that, when had you concluded your response to Mr Moore-Wilton?

Dr Hammer—It was 6 May.

Senator FAULKNER—Did you show the draft to anyone?

Dr Hammer—No, I did not.

Senator FAULKNER—You did not discuss this matter with anyone?

Dr Hammer—I did not. At that point I had gone into complete hibernation with respect to discussing matters of substance on this with anybody—and I include Ms Sidhu, Commander King, Mr Potts, Ms Belcher and everyone else.

Senator FAULKNER—Fair enough. So you do not discuss that, or show that to anyone, until that is provided to Mr Moore-Wilton?

Dr Hammer—That is right.

Senator FAULKNER—What happens in relation to these matters after that is provided to Mr Moore-Wilton?

Dr Hammer—Nothing, really, of substance that I can think of. Waiting to appear before the committee—

Senator FAULKNER—Did you discuss your appearance before this committee with anyone?

Dr Hammer—Only in a conversational way, frankly, with my parents, and that sort of thing, but that is it.

Senator FAULKNER—Apart from personal family contacts—I am not the slightest bit interested in that; that is absolutely appropriate—I was wondering whether you discussed it with any other officers or anyone involved with this committee at all?

Dr Hammer—No. In the circumstances there is obviously a bit of prurience on the part of some people, which I have resisted. I said that I would rather not talk about it.

Senator FAULKNER—What is the outcome of the inquiry, beyond the report that has been provided to the Prime Minister? Any that you know of?

Dr Hammer—I do not know. Nothing that I know of or I have been informed of, although I do understand that I am now an officer in the Department of Foreign Affairs and Trade and that, in a sense, administrative responsibility for me now lies with the secretary to that department not the secretary to the Department of the Prime Minister and Cabinet.

Senator FAULKNER—Beyond the publication of that report, and that report has been made available to this committee, you have had no discussion with anyone about the outcomes?

Dr Hammer—No, I have not. I have had some invitations from people to social occasions and so on and so forth. I have actually told them if I thought they were in any way of interest to this committee that I do not want to have any contact with them until the matter is settled.

Senator FAULKNER—What I am asking you is: as far as you understand, is it settled or not in relation to Mr Moore-Wilton's report?

Dr Hammer—I do not know. I note that he concludes in his report that he does not believe that, at the time of the production of the report, anything untoward had taken place and that any disciplinary action would be required.

Senator FAULKNER—No, I have read his report and I have commented on the inappropriateness of Mr Moore-Wilton yet again investigating activities in his own department. But beyond that, I am merely trying to establish whether you had had any feedback beyond the knowledge of that report being made public—and I think you are saying no.

Dr Hammer—No.

Senator FAULKNER—I think you have had a substantial opportunity, but have you actually reflected on the status of this information that was provided to you that you considered to have the status of a rumour in terms of the internal processes of the department and provided any of your superiors with any thoughts about any possible improved procedures as a result of what has occurred?

Dr Hammer—I have not in so many words, but I may have commented about the surprising character of the Defence input into the PM&C task force in the light of the unfolding of things. There is a big question I think about the extent to which Defence was prepared to report out into the task force any doubts or difficulties or what have you that it was having internally in relation to the facts of the matter.

Senator FAULKNER—Have you given any consideration to the fact that this information that we have been speaking about that you heard about on 11 October is effectively precisely the same information that came to Ms Halton's attention on 7 November? It is from the same source, but Ms Halton of course acts very differently once it is brought to her attention. Have you thought at all about comparing the way Ms Halton responded—she said she was so shocked and appalled when she heard this information—and the way you reacted when you heard this same information nearly a month earlier?

Dr Hammer—I have not really reflected on it except that I was surprised. Ms Sidhu apparently mentioned to Catherine Wildermuth, who was the representative of the task force let us say for the purposes of discussion, that we had heard some time earlier a rumour that there might be something problematic with photographs that there was then this incredibly sort of rapid, if you like, magnification of that piece of information through Jane Halton and co. But, as I said before, I had been tracking along on the assumption that formal Defence liaison at a senior level with Jane Halton's task force would have been keeping them abreast of the issues. I was not actually paying attention to whether Defence liaison had fed this information into the task force or not. I had no knowledge of that either.

Senator FAULKNER—Maybe you misunderstand me. I understand that is your view, but—when this does get passed on on 7 November via Ms Wildermuth and Ms

Bryant it then goes to Ms Halton and then to Mr Moore-Wilton via the infamous telephone message, and we know what Prime Minister and Mr Moore-Wilton think about having a message left on Mr Moore-Wilton's voicemail—isn't there, from your point of view, a comparison that is pretty irksome? When this rumour—same rumour, same source—described then as tearroom gossip, is passed on on 7 November, at least it ends up on Mr Moore-Wilton's message machine; in your case, it does not.

Dr Hammer—What must have happened, I can only surmise, is that the task force had thought that there was nothing wrong with these photographs, that everything was square and what have you, and—I assume, and I have picked this up around the place—there was then an attempt made at some quite late stage to verify what everyone had assumed was the case. It was when that interrogation or search was taking place for documentary material or for anything that demonstrated the advice that the photographs were genuine that people started to suddenly focus more and more on bits and pieces around the place until finally the first thing they hit was the tearroom gossip element. It became very significant at that point, but at the time that I heard it I do not think it had any significance.

Senator FAULKNER—With all due respect, Defence did tell PM&C; PM&C just chose to ignore the information that came to them. But, importantly, they also say that the information flow from Chatterton to King to Ms Sidhu to you was also an important part of the information flow. There is paper, there is a chronology with a footnote, there is Group Captain Walker's operational report and so on. That is considered by at least some in Defence also as a clear indication from a very early date about the inaccuracy of these claims.

Dr Hammer—I still do not know what status Commander Chatterton has or had in all of this. Ms Sidhu and I had no idea that there was a Commander Chatterton who had face-to-face briefed Commander King on this until Commander Chatterton testified to this committee. That is my understanding.

Senator FAULKNER—What contact, if any, have you had with staffers in the Prime Minister's office?

Dr Hammer—You will have to give me a bit more context than that. I had a lot of contact over three years in PM&C.

Senator FAULKNER—In relation to the matters that are included in the terms of reference of this committee.

Dr Hammer—No contact.

Senator FAULKNER—None at all?

Dr Hammer—No. It was not within my responsibility, so people were not ringing me up about it or what have you.

Senator FAULKNER—So you can say to us that you have never discussed matters relating to the ‘children overboard’ incident in the broad with any staff members from the Prime Minister’s office?

Dr Hammer—Not that I can recall, and certainly nothing substantive.

Senator JACINTA COLLINS—Dr Hammer, you said in your statement to Mr Moore-Wilton that you had no further contact in relation to what you understood to be the rumour until November, when Ms Sidhu told Ms Wildermuth. What contact did you have on the matter at that point?

Dr Hammer—Contact with the secretary?

Senator JACINTA COLLINS—With whomever.

Dr Hammer—With anybody? None really, because the information travelled from Ms Sidhu to Ms Wildermuth through that conduit. In a sense, I would imagine I was a bit of a cul-de-sac off that.

Senator JACINTA COLLINS—You say in your statement:

... no-one ever raised the matter with me again until well after the time in early November 2001 when Ms Sidhu told Ms Wildermuth.

So I am asking, further to your statement, who raised this matter with you at that stage?

Dr Hammer—I do not think anyone did.

Senator JACINTA COLLINS—Then your statement does not make sense.

Dr Hammer—Are you asking whether somebody raised the matter with me at the time of Ms Sidhu’s passing the information to Ms Wildermuth or at some stage after that—and, if so, at what stage after that?

Senator JACINTA COLLINS—At that time or some stage thereafter.

Dr Hammer—Okay, not at that time, and some considerable stage after that. I guess it must have been when Mr Potts suggested that I have the meeting with Commander King and Ms Sidhu.

Senator JACINTA COLLINS—I am a bit confused about that meeting too, because you suggest that Mr Potts suggested you have this meeting, yet it was not until you reported back from that meeting that you say Mr Potts then became aware that you had had the October meeting.

Dr Hammer—I had never raised the October meeting, to my recollection, with Mr Potts—

Senator JACINTA COLLINS—Why was Mr Potts suggesting it?

Dr Hammer—He suggested that we get together to share our recollections—

Senator JACINTA COLLINS—Recollections of what, though?

Dr Hammer—about matters within the branch to do with the maritime incident. What matters?—I guess the tearoom gossip thing which had gone from Ms Sidhu to Ms Wildermuth.

Senator JACINTA COLLINS—Yes, but the basis of that tearoom gossip was the three-way meeting in October.

Dr Hammer—That was not the basis; the basis for that gossip was that Commander King had conveyed that information to Ms Sidhu and then subsequently that day there was a meeting in my office. Substantively, the information had travelled from Commander King to Ms Sidhu and from Ms Sidhu to, ultimately, Catherine Wildermuth.

Senator JACINTA COLLINS—If Mr Potts had not understood that there had been a meeting in your office in October, why would he have suggested you meet with the other two to share your recollections?

Dr Hammer—I do not know.

Senator JACINTA COLLINS—It simply does not make sense that he was not aware of the meeting in October.

Dr Hammer—He may have learnt of the meeting from Ms Sidhu or Commander King; that is possible—I do not know.

Senator JACINTA COLLINS—But you say in your statement that, to your understanding, when you reported back to him after that meeting, it was the first time he became aware that the meeting had occurred in October.

Dr Hammer—But he did not say, ‘Brendon, please get together with Ms Sidhu and Commander King and talk about the meeting that took place in your office.’ He said, ‘I think it would be a good idea if you got together with Commander King and Ms Sidhu to discuss issues of information flow—just share recollections of what happened,’ because it was clear at that time that Commander King and Ms Sidhu had played a role and they were within my branch. That was my take on it. Mr Potts did not elaborate on why he wanted us to get together; I just assumed that he wanted to get a clearer picture of what had happened. But he did not raise with me the 11 October meeting in my office—certainly not.

Senator JACINTA COLLINS—But he had some understanding you had some role in it.

Dr Hammer—At the time that he asked me to get Ms Sidhu and Commander King together, I had absolutely no reason to believe that he did know that there had been a meeting in my office on 11 October. If he did know, he did not tell me that; he just said, ‘Please get together with Commander King and Ms Sidhu and have a think about it.’ He may have mentioned something about dates, that Jenny Bryant or the task force were interested in the date at which Commander King had passed the rumour to Ms Sidhu. Dredging my memory, I think he may have mentioned something like that to me.

Senator FAULKNER—Given that you organised this meeting at the Hotel Kurrajong with literally just a couple of days notice and tried to organise it a little earlier on the weekend and you seem to have such a scanty recollection of what occurred at the meeting, I hope we can be confident in relation to all those matters that were discussed on the Tuesday at the National Security Committee, that they were absolutely uppermost in your mind and you have a much better recollection of those matters.

Dr Hammer—At the National Security Committee meeting of cabinet?

Senator FAULKNER—Yes, the National Security Committee that met on Tuesday the 11th, for which you said you were overwhelmed with work.

Dr Hammer—The 12th of March. The answer is: I cannot remember what the agenda was, let alone what was discussed. I did so many of those meetings, it is hard to know.

Senator FAULKNER—It is hard to understand why these extraordinary attempts were made on a Friday afternoon to have a meeting that weekend—if possible, on the Sunday afternoon—about Commander King’s recollection of the events of 11 October 2001 and his possible evidence to a Senate committee and, when he was unavailable to have that meeting at your home, to have a meeting in the Hotel Kurrajong on the Monday afternoon.

Dr Hammer—I think I have already explained in my testimony the dynamics of that, but I do not accept that I called for the meeting with any particular urgency or that I considered it to be a particularly serious or formal sort of meeting.

Senator FAULKNER—Why give it such priority?

Dr Hammer—I thought I testified earlier that it was a matter of doing something that I had been asked to do and it was drifting. I recall possibly asking Ms Sidhu at an earlier stage, maybe before I went away to Brisbane for the CHOGM security related activities that I was engaged in, about setting up a meeting with Commander King to refresh our recollections. It is one of those things that is perhaps a bit like cleaning your shoes—if you just keep letting it go, it never happens, so at some point you have to say, ‘Let’s do this; let’s do it.’

Senator FAULKNER—You drew an analogy between your knowledge of the ‘children overboard’ incident and your knowledge of the World Cup. Your latest

analogy is that the meeting with Commander King is a bit like cleaning shoes. I do not think they are good analogies at all. This was front and centre in the minds of very many people, including, I would have thought, senior bureaucrats, senior officers of the Department of the Prime Minister and Cabinet, right through from the period of 7 October 2001 to the end of the election campaign, when key events occur, particularly on 11 October and then subsequently on 7 and 8 November before the election on 10 November. Further, there was the establishment of this committee and possible submissions by the Department of the Prime Minister and Cabinet and preparation for the Senate estimates in February. Honestly, it just beggars belief. It is not like cleaning shoes at all.

Senator BRANDIS—That is your view, Senator Faulkner.

Senator FAULKNER—It is not like cleaning shoes, is it?

Senator BRANDIS—Dr Hammer has been a transparently honest witness about this.

CHAIR—Order! We will debate between ourselves later. We have a witness here. Let us question the witness.

Senator FAULKNER—I make the point that the analogy about cleaning shoes is nonsense.

Senator BRANDIS—Senator Faulkner has been making a speech, and that is not appropriate.

Senator FAULKNER—I think analogy is a very important form of argument anyway—

CHAIR—Order! Let us get on with questioning the witness. If we do not have any questions for the witness, let us—

Senator BRANDIS—Senator Faulkner obviously does not have any more questions for the witness; otherwise, he would not be engaged in a diatribe.

CHAIR—Thank you for your assistance. Do you have any further questions, Senator Faulkner?

Senator FAULKNER—If I ask even one more question, I will miss my plane. I would like to ask more questions, but I am going to give my plane flight priority.

CHAIR—I do not have the fortune of being able to do that, so I am stuck here. That is to your advantage and to my detriment, and I will live with it. Does that mean that you would like this witness to be stood aside and called at a later time?

Senator FAULKNER—No. Other committee members will complete their questioning today. As I think everyone appreciates, it is extremely difficult to get

flights today. I have managed to get one and I am going to take it, or you will have the pleasure of my company for another day, which I think would be—

Senator BRANDIS—Go!

Senator FAULKNER—Yes. I think it is in everyone's interests, including my own, that I leave.

CHAIR—Enjoy your 30-minute flight to Sydney. I will put up with my seven-hour flight to Perth later.

Senator JACINTA COLLINS—Dr Hammer, I have a question that remains from the discussion about your letter to Commander King: why did you cc it to the secretary?

Dr Hammer—It was actually suggested to me that, if I was to write a letter, it might be worth cc'ing it to the secretary. Ms Belcher suggested that to me.

Senator JACINTA COLLINS—It is perhaps to her that Senator Brandis might address his questions in relation to whether it was a judicious thing to do. Another possible question to her might be whether the impact of a letter that had been cc'ed to the secretary might be taken as far more significant than a personal note from yourself. In fact, one of the inconsistencies you might care to comment on about that letter was that it was written as a personal letter in the sense that it was not on letterhead or addressed in a formal way and yet it was cc'ed to the departmental secretary.

Dr Hammer—The explanation for that is very straightforward. I was working on a new computer in a new office in the Department of Foreign Affairs and Trade and I did not know how to get into the departmental letterhead template. So the choice as to whether there would be letterhead on it or not was obviated by the problem that I would have had in trying to find the letterhead. It was that simple. I did not see that the issue of the letterhead was significant.

Senator JACINTA COLLINS—The significant difference is whether it is taken as a personal note or whether it is taken as a formal communication from someone in a departmental capacity.

Dr Hammer—In a sense. In my capacity as a member of the Department of Foreign Affairs and Trade it seemed peculiar to me in some ways, but I did not have access to a letterhead and I did not give it hardly any thought. I felt I had to produce this letter and I was anxious to do so. I had something to say to Commander King and I went ahead and wrote it.

Senator JACINTA COLLINS—In retrospect, would you have done it again that way?

Dr Hammer—I think I would have, yes.

Senator JACINTA COLLINS—I also want to go back to your discussion at the Kurrajong—

Dr Hammer—Could I add to that—in retrospect I would have done it again. The reason is that in the situation I was in—in Barbara Belcher’s office and being confronted with the minute from Rear Admiral Gates and further verbal information that suggested that I had done something improper in relation to Commander King’s testimony—it would not be in my nature for me to sit on my hands having had all that put to me. I felt that it was important to come forth to Commander King and say, ‘Look, mate, if you have been telling people something or you are concerned that there is an issue here, this is my serious view on it and this is my view on how you should proceed.’ As it happened, Commander King was completely stunned too, apparently, that this minute had been generated by Rear Admiral Gates.

Senator JACINTA COLLINS—I agree with you. We still have the completely unsatisfactory situation in understanding what has occurred between Commander King’s experience with you and the outcome of that minute. We know that Mr Moore-Wilton did not address that issue—perhaps a Senate privileges process will. Until we get to the bottom of what was the basis of that minute, you are left hanging, so to speak.

CHAIR—I am not sure that that is an appropriate phrase.

Dr Hammer—Hanging in one sense but, in the sense that Ms Sidhu, Commander King and I have all consistently testified that no attempt was made to interfere with Commander King’s testimony before this committee, I do not feel that I am left hanging. I rather wonder whether the rear admiral has not been left hanging, frankly.

Senator BRANDIS—The evidence is the evidence and it is unequivocally and unanimously in support of what you have said, Dr Hammer.

CHAIR—That is a conclusion that you have drawn, Senator Brandis. It is also unequivocal that Commander King regards it as an awkward occasion and he ended it by his own volition quickly for fear of it becoming more than what it appeared to be. We will debate these matters later.

Senator JACINTA COLLINS—The evidence by Commander King was that such matters did not influence him, not that matters did not occur.

Senator BRANDIS—The evidence also was that he was satisfied that there was no attempt to influence him.

Senator JACINTA COLLINS—When we get to the bottom of the Gates minute then we might have a more comprehensive explanation of the material before us.

Dr Hammer—Okay. If all three people who were present at the Hotel Kurrajong are testifying, under oath, that no attempt was made to suborn any witness, I would have thought that matter was getting pretty close to conclusion.

Senator JACINTA COLLINS—Given that there is also evidence before the committee in the form of the Gates minute—

Dr Hammer—It does not name anyone.

Senator JACINTA COLLINS—and there has been no explanation as to the basis of that minute, that is the context in which I would suggest to you the matter is still hanging.

Senator BRANDIS—That is not this man's fault.

Senator JACINTA COLLINS—I have already covered that earlier. I made that point earlier.

Senator BRANDIS—We are in heated agreement on that point. Let us move on.

Dr Hammer—I think the senator suggested that I was left hanging. That was what I commented on, not that the matter was not left hanging. I do agree entirely that the matter was left hanging.

Senator BRANDIS—Everybody who is a witness to the events supports you.

CHAIR—That is a matter for judgment.

Senator JACINTA COLLINS—Going back to the events where you were not sensitive to Commander King being uncomfortable, and given what we have heard this morning from Ms Sidhu about what transpired in that discussion, can you explain from your recollections why you did not continue to pursue getting more specific information from Commander King?

Dr Hammer—I am not sure; I guess he was not forthcoming. Someone not being forthcoming does not necessarily equate to them being uncomfortable.

Senator JACINTA COLLINS—I am asking your explanation for your behaviour.

Dr Hammer—He was not forthcoming, so I did not persist.

Senator JACINTA COLLINS—Did you have any understanding as to why he was not forthcoming?

Dr Hammer—No.

Senator JACINTA COLLINS—You did not seek to have an explanation from him about why he did not want to be forthcoming?

Dr Hammer—No, I did not. I do not think I did; I am reasonably sure that I did not.

Senator JACINTA COLLINS—So you sought on three occasions to have him be more specific. It is in your nature then to just give up?

Dr Hammer—I am not sure whether I sought that on three occasions. My recollection of that meeting is not as crystallised as the recollections of Ms Sidhu and Commander King.

Senator JACINTA COLLINS—What did you report back to Mr Potts?

Dr Hammer—I remember letting him know—because I felt this was the important aspect of what he had asked me to do—that I had had the meeting he had asked to take place and that I thought we had a better understanding of our recollections. I think that was probably about it. I think I did point out to him that there had been a meeting in my office on 11 October and I felt that would be new information to him. It is something that I frankly barely recalled before I went into the meeting at the Hotel Kurrajong with Commander King and Ms Sidhu.

Senator JACINTA COLLINS—Did you go into any further detail about the recollections of the three of you?

Dr Hammer—I cannot clearly recall. No, I think that is it. I am stretching the limits of my memory here and I do not want to—

Senator JACINTA COLLINS—You said earlier today that, unlike Ms Sidhu, who on an earlier occasion was not able to indicate the matters subject to a discrepancy, in your case you do recall one of the substantive issues being that there was a discrepancy between Ms Sidhu and Commander King over whether the information was formal information or a rumour.

Dr Hammer—Yes, that is right. That is what I was actually reaching for. I was trying hard to remember whether I had passed that on to Mr Potts or not. It is entirely possible that I did, but I do not specifically recall doing it. I have limits in what I can and cannot remember on a great many things.

Senator JACINTA COLLINS—Did that information then feed back to Ms Bryant, subject to her earlier request for information about this material?

Dr Hammer—I do not know.

Senator JACINTA COLLINS—You do not know?

Dr Hammer—I do not know. I did not talk to Ms Bryant about it.

Senator JACINTA COLLINS—So all you know is that you had a brief conversation with Mr Potts?

Dr Hammer—Yes, that is it.

Senator JACINTA COLLINS—You conveyed to him that you now had a recollection of a meeting on 11 October?

Dr Hammer—Yes, that there had been a meeting on 11 October.

Senator JACINTA COLLINS—That possibly there was a discrepancy between your recollections and those of Ms Sidhu and Commander King as to the status of the information?

Dr Hammer—Yes, I may have informed him of that. Let me put it this way: I would be a bit surprised if I had not.

Senator JACINTA COLLINS—Did you have any understanding of what he was then doing with that information?

Dr Hammer—No, I did not.

Senator JACINTA COLLINS—You mentioned earlier that you were something like an observer to the discussion between Ms Sidhu and Commander King over the status of the information. Did you convey to Commander King yourself that you understood its status to be that of a rumour?

Dr Hammer—Yes, I may have. I am not totally sure. That certainly was my understanding. Up to that point, my understanding was that what had been conveyed to me and Ms Sidhu was a rumour.

Senator JACINTA COLLINS—To some extent, it is a bit stronger than that, if I recall what you said to us earlier today, which was that, even though you have had difficulty remembering that a meeting had occurred in your office, the one thing you did remember about that meeting was that Commander King had indicated that the material was rumour.

Dr Hammer—Yes. It is possible to dredge up memories. I have had a lot of time to reflect, and I now have a reasonable understanding, including through the exchange that took place at the Kurrajong, of what happened in my office on 11 October. But I do recall that, in my office on 11 October, what was presented to me was presented as a rumour. I do know that I had never heard of Commander Chatterton until his appearance before this committee. Certainly what was presented to me was not presented to me as formal advice from Defence. This is the proposition that Commander King put to Ms Sidhu at the Hotel Kurrajong.

Senator JACINTA COLLINS—The concerning part of this picture, from the committee's end, is that, if you start with Commander Chatterton, you have formal advice—

Dr Hammer—I do not know what Commander Chatterton's status is. I do not know whether he was in a position to provide formal advice—I cannot judge that.

Senator JACINTA COLLINS—I am not asking you to.

Dr Hammer—I am sorry.

Senator JACINTA COLLINS—I am still halfway through explaining the situation as it has been presented to us now. We have Chatterton indicating that he provided formal information to Commander King, who indicated that he passed that information on to Ms Sidhu. Ms Sidhu indicated that she understood it to be rumour, although she was so concerned about his concern to ensure that it was raised with you on the day that she became aware of it. She understood Commander King to be quite concerned about the information and to be confident of its status. That then goes from Ms Sidhu and Commander King to you as being tearoom gossip. I think you said earlier, when you introduced the status of the information, that it was conveyed over coffee. That is the first I have understood the coffee to be a component of the evidence.

Dr Hammer—I do not know how Commander King presented the information to Ms Sidhu before they came to see me, but they came to see me, I thought, ostensibly to brief me on Operation Slipper matters, and then at the end of that discussion Commander King said, ‘I have something further to raise. There is a rumour in Defence that there is something wrong with the timing of the photographs in today’s papers.’ That was what I heard. I did not hear any of this sense of urgency—and the idea that this was important that Commander King and Ms Sidhu appeared to have shared was not conveyed to me in my office on 11 October.

Senator JACINTA COLLINS—What was the basis of your comment earlier today about at the side of a meeting over coffee?

Dr Hammer—When Commander King had said at the Hotel Kurrajong, ‘I provided you guys with formal advice,’ Ms Sidhu’s response was, ‘Why did you tell me that this was something you overheard a couple of other people talking about over coffee or tea or something in the margins of the Operation Slipper meeting?’ That is my recollection of her question. And Commander King responded, ‘I did that to protect my source.’ That is where that came from. Tea or coffee—

Senator JACINTA COLLINS—I ask that question because Ms Sidhu has not referred to the tea or coffee component of it in her description so far.

Senator BRANDIS—What about the Bonox component, Senator? How silly! Truly.

CHAIR—Order!

Senator JACINTA COLLINS—Senator Brandis, you will have your chance to ask questions.

CHAIR—Order! Let us proceed with the questions. We may be without a quorum shortly so we do not have a lot of time.

Senator JACINTA COLLINS—I am seeking to follow through what has happened to some information—

CHAIR—You do not have to explain, Senator Collins. Just ask the questions.

Senator JACINTA COLLINS—that then becomes characterised as tearoom gossip. Dr Hammer seems to be suggesting that the basis of the tearoom gossip characterisation is that Ms Sidhu reports her original discussion with Commander King as having been ‘at the sides of a meeting over coffee or tea’ yet Ms Sidhu has not presented that information to the committee so far. We have it indirectly—obviously, we can test that with Ms Sidhu if we choose to—but it is a long way for a piece of information to have been regarded as a formal report from Chatterton down to being tearoom gossip at the level of Dr Hammer.

Senator BRANDIS—Was it coffee or tea?

Senator JACINTA COLLINS—You might think that this is a joke, Senator Brandis, but—

Senator BRANDIS—I think the line of questioning is extraordinarily trivial.

Dr Hammer—It was conveyed to me on 11 October as a rumour not as tearoom gossip. The information was conveyed to me as: ‘There is a rumour in Defence that’ not ‘I overheard somebody talking to someone else over tea.’ I understand that Commander King characterised it to Ms Sidhu—this is Ms Sidhu’s recollection—as that is how he came across the rumour, but I was never told about that on 11 October. I was simply told there was a rumour.

Senator JACINTA COLLINS—Yes. It was then in the later meeting this year when you understood more about why she thought it was a rumour.

Dr Hammer—That is what I heard Ms Sidhu and Commander King say to one another.

Senator JACINTA COLLINS—I do not have anything further.

CHAIR—I have a couple of questions to wrap it up from my point of view. At the relevant time, Dr Hammer, you were an officer in the Department of the Prime Minister and Cabinet; that is true, it is what we are talking about. This is the central department in Canberra, isn’t it, that keeps the Prime Minister briefed of developments going on everywhere?

Dr Hammer—Yes, that is true.

CHAIR—At the relevant time an election had been called and we were moving into the phase of the caretaker period—a very sensitive period in the Public Service. You are nodding in the affirmative; I take that as a yes.

Dr Hammer—Yes.

CHAIR—The particular concern of the Prime Minister's department, however, is to keep the Prime Minister informed of all developments, because he is prone to be asked a question at any time by a journalist or a member of the public and he needs to know the answer, doesn't he?

Dr Hammer—I think there is a lot more to it than that. He needs to be informed. He is the head of the country.

CHAIR—Yes. And this department is set up to provide speedy information to him, among other things.

Dr Hammer—Yes.

CHAIR—It prides itself in being good at that. You are nodding in the affirmative again; I take that as a yes. If you were to fail in that task the Prime Minister is prone—and fair enough, I do not criticise him for it; in fact, it is a positive feature of his personality—to making it clear he is unhappy about not being properly supported, isn't he?

Dr Hammer—I think he is probably relatively happy with the performance of the department, or he was at the time I was there.

CHAIR—I know, but if we are in a position in which we have delegated responsibilities to people and if things happen that we need to know about and we are not told, we have to take the rap for it at the end of the day. The buck stops with the Prime Minister. He does expect you to tell him and if you do not then he is legitimately annoyed, isn't he?

Dr Hammer—I guess he would be.

CHAIR—I certainly would be. Commander King was working in the Department of the Prime Minister and Cabinet in a subordinate position to you as the liaison officer for the Department of Defence?

Dr Hammer—No. I gather from the testimony that has come before this committee that that is the designation of his position within the Department of Defence, but within the Department of the Prime Minister and Cabinet he is a secondee from the Defence organisation. He has no special formal role in liaison with Defence.

CHAIR—So the Department of Defence thinks he is the liaison officer but the Department of the Prime Minister and Cabinet sees him as having no special role?

Dr Hammer—I think that the Department of Defence labels that position 'defence liaison officer'. I would be surprised if it formally recognised Commander King as somebody who sits in Prime Minister and Cabinet dispensing special information from Defence to officers within the Department of the Prime Minister and Cabinet,

including myself. For the period of his secondment he was a line member of my branch, very much like any other member of the branch.

CHAIR—If Defence designate him as a liaison officer they would regard him as someone who would keep them informed of events that they needed to know of from the Prime Minister's department's point of view, wouldn't they?

Dr Hammer—I never had the impression that Defence regarded the ADF secondee into my branch as a special or formal conduit of information through to the Department of the Prime Minister and Cabinet. That was not his role. He was a secondee into PM&C. I treated him as a PM&C officer.

CHAIR—But he is a significant officer with a real and important job to do?

Dr Hammer—Yes.

CHAIR—The rank of Commander is an important rank?

Dr Hammer—Yes.

CHAIR—We acknowledge the seniority that comes with that, and this is an experienced officer?

Dr Hammer—An experienced ADF officer, not an experienced bureaucrat.

CHAIR—We may come back to that definition. Going to the first incident, photos were published in the newspaper with a legend underneath them which said that they were photos of children who were thrown overboard. We know that for a fact. We also know for a fact that they were not—it was not true. As a general proposition, that is a substantial or glaring error in reporting, isn't it?

Dr Hammer—In the newspaper reports?

CHAIR—The fact that photos can be published, saying, 'This is what happened,' when we know that those photographs were not true. That is a glaring error, is it not?

Dr Hammer—With 20/20 hindsight, some time out from the time those photographs were published, if there were a problem with the photographs one would have to ask how come it did not come to light sooner than it did, I agree, yes.

CHAIR—I am not suggesting that you are responsible for this at all, but if you were responsible for an error of that magnitude you would be embarrassed. You would regard this as, to use the colloquial phrase, a stuff-up of the first order, wouldn't you?

Dr Hammer—If I had had responsibility for that set of issues and I had had any advice, I guess, that—it is too hypothetical for me because I just was not familiar with the issues at the time. It was not my area.

CHAIR—I am not inviting you to incriminate yourself and say that you were responsible, because I do not think you were. I am not putting that proposition to you. All I am asking you to do is to agree with the unexceptional proposition that, if a newspaper publishes a photograph in the highly charged atmosphere of an election where there is an important issue about boat people and it is wrong, that is a glaring error. I think that reasonably we would all agree with that. You would agree with that, wouldn't you?

Dr Hammer—On whether it was an error, it was just incorrect reporting, yes.

CHAIR—It is wrong. To use my earlier phrase, it is a stuff-up. That is the technical phrase.

Dr Hammer—By the newspapers or whoever—who was supposed to verify whether or not the photographs were correct? How was that supposed to happen? I do not know. There may have been a stuff-up somewhere, yes.

CHAIR—It is something that should have been corrected, as well, isn't it? We can agree on that too, can't we? If an error has been made, it should be corrected. That is the normal thing, isn't it?

Dr Hammer—Yes.

CHAIR—Are you aware that the Prime Minister has a code of ministerial conduct that specifically says that an obligation on ministers is that, when an error has been made, they should immediately correct it?

Dr Hammer—It is a reasonable proposition, yes.

CHAIR—It is a reasonable proposition; you are absolutely right.

Dr Hammer—I assume it is in the code of conduct.

CHAIR—You are aware of this reasonable proposition?

Senator BRANDIS—It was not always observed during the government of which you were a member, I must say, Senator Cook.

Senator JACINTA COLLINS—It is actually in the code of conduct.

CHAIR—Senator Brandis, you point out to me where that is true. I can point out to you where it has not been observed by this government. But let us not get into red herrings here. That is a red herring and you are trying to derail me. I am trying to get through this quickly so I can send us all home. We now know—again, it may be 20/20 hindsight—that from this incident no child was thrown overboard. We know that it was told to the Australian public at this sensitive time that children were thrown into the sea, and we now know as a matter of fact that the record was not corrected until

after the election, which was over a month after the event. We know all that. That is another example of a glaring error that should have been corrected, isn't it?

Dr Hammer—Yes.

CHAIR—If someone is responsible for that type of error they would, at the minimum, be counselled for lack of attention or responsibility. Isn't that the normal Public Service approach? More things may be done to them, but at the very least they would be chatted to about it, wouldn't they?

Dr Hammer—I think it would be quite probable.

CHAIR—Are you aware of the phrase of 'plausible deniability'?

Dr Hammer—Only in pulp fiction.

CHAIR—Have you heard it before?—that is what I am asking. Have you heard the phrase 'plausible deniability'?

Dr Hammer—I have heard of it, yes.

CHAIR—What do you think it means?

Senator BRANDIS—I think you read too many airport—

Dr Hammer—It is difficult. I am trying to reach for a definition of it. I do not know.

CHAIR—You don't know?

Dr Hammer—I have a feeling for it. What is it—a believable lie or something like that? I do not know.

CHAIR—I am happy to accept your definition of plausible deniability as 'believable lie'. So we have this sophisticated organisation, your department at the time—Prime Minister and Cabinet—focused on keeping the Prime Minister informed, and the explanation we have is that he was not. Was that due to a failure of communication?

Dr Hammer—Yes. The high bandwidth communication system set up between the defence organisation and Jane Halton's task force never carried that message.

CHAIR—Is that plausible deniability?

Dr Hammer—I do not know; I cannot judge. I was not involved in the task force or, in any concrete sense, with the people in Defence that presumably should have communicated the information to the task force.

CHAIR—Commander King told you of this rumour, as it has been described, that the photographs of the children in the water were not true.

Dr Hammer—He said that there was something wrong with the timing to do with the photographs—that was the message.

CHAIR—Did you ask him what that was?

Dr Hammer—No.

CHAIR—Why not?

Dr Hammer—I was extremely busy. I had what was categorised as a rumour presented to me about something which I did not have any responsibility for and which I did not have any real sense of context for.

CHAIR—Commander King gives you a good rap. Commander King says that you are an excellent officer. He said that—looking at the *Hansard*—you do not ‘miss a trick’. Is that a fair description?

Dr Hammer—It is very kind of Commander King to say that, but one of the ways I try to maximise my efficiency for the purpose of being a public servant is to focus very hard and rather ruthlessly prioritise onto the material and the issues which I have responsibility for. I push aside and filter out the stuff that I do not think I need to action and I leave it. On this occasion, there were two reasons for leaving it. One, Jane Halton’s task force had all these senior defence people on it. If this thing had any substance to it, it would have been reported through to her. I had every reason to believe that that would happen. Two, it was presented to me as a rumour, and I was extremely busy on post September 11 matters.

Senator BRANDIS—Would you have been doing your job properly if you pursued every silly rumour you heard?

CHAIR—If I may, Senator Brandis. I am addressing you, Dr Hammer. You will talk to me—if Senator Brandis would not mind containing himself.

Senator BRANDIS—I was just trying to elaborate on your—

CHAIR—You will get a chance, do not worry. This is a democratic organisation. Everyone gets a go. This is my go, so I will take it if you do not mind.

Senator MASON—Senator Brandis was trying to help you.

CHAIR—No, I am not sure that he was.

Senator BRANDIS—I was, truly. No, honestly, I was.

CHAIR—I will take your word for it, but, if you do not mind, I do not need the assistance at the moment. We go back to the nature of what we talked about at PM&C. It ought to keep the Prime Minister advised; it did not. This is an error.

Dr Hammer—It could not, perhaps. Perhaps it was never provided with the information it needed in any form that was reasonable.

CHAIR—That is one of the very things we are talking about. We are talking about you being told, as a responsible officer, of a rumour pertinent to the fact that these photos had been published wrongly, mislabelled wrongly, in an election time when this was a hot button issue. We are talking about that. That is context.

Dr Hammer—But I was not told that. I was told that there was a rumour going around in Defence that there was something wrong with the timing of the photos in today's papers. I was not focused on this issue. This may have been a big political issue, but I am not political. I was working on a set of issues as a bureaucrat with the Department of the Prime Minister and Cabinet. My worry was making sure the Prime Minister and the secretary of the department were effectively briefed on the issues for which I had responsibility, and it was extremely demanding on me consistently to achieve that. So I prioritised and I filtered out stuff.

CHAIR—You have said that before; you have repeated it again. There is no point in me raking over all of that, and I will not. What is Ms Sidhu's rank again?

Dr Hammer—We call it an EL2.

CHAIR—Does she directly report to you?

Dr Hammer—Yes.

CHAIR—You have her in your office; you have Commander King—what was his rank?

Dr Hammer—He would have been an EL1 equivalent.

CHAIR—He reports to her. You have both these people.

Dr Hammer—Yes.

CHAIR—On their evidence, they found some time—because you are a busy officer—to actually see you. That is what they said. They are in your office, having found this time, and they say to you that there is this rumour.

Dr Hammer—I understood that they wished to—

CHAIR—Let me complete the question, if I may. You are a very busy officer. Why did you not then refer them to the part of the department that was responsible for this

issue? You could not deal with it. You were focused on the post September 11 events. One understands that. Why did you not delegate it?

Dr Hammer—Part of the way that PM&C has to work is that it has to filter out extraneous, unreliable material. You do not bother the Prime Minister or the secretary or a deputy secretary or whoever with material that just looks fishy.

CHAIR—I am not suggesting that you kick it upstairs. I am suggesting you put it horizontally off to the area of the department that was dealing with this.

Dr Hammer—The meeting that took place in my office on the 11th was, I thought, to discuss Operation Slipper matters. I did not get a sense of urgency out of Commander King and Ms Sidhu about the bit they added onto the end about the photographs. If they had that feeling about it, which apparently they did, they did not convey it to me at the time.

CHAIR—But if you are there talking about gold and someone comes in and says, ‘I want to talk about silver,’ why do you not just say, ‘Go to the silver department and talk about that’? Why did you not do that in this issue?

Dr Hammer—I have given the reasons a number of times, including in the submission that I gave to the secretary of PM&C. There was no reason to believe that this piece of information, characterised as a rumour, had anything special about it. I had every reason to believe that, if it did in the end have any significance, it would come through as part of the briefing of the senior defence people who had a formal liaison role with PM&C—the senior representatives on Jane Halton’s task force, which was meeting on a daily basis—and that they would convey that information forward. In other words, I judged that, if it was important, the most efficient way for the department to handle it would be for that information to come forward through the proper channels, through the senior defence liaison people to Ms Halton’s task force.

CHAIR—That would have been—

Dr Hammer—I did not want to instruct Commander King or Ms Sidhu to bother people with rumours that I could not apply any context to because I was not following the issues.

CHAIR—Did you ask Commander King whether he believed this rumour?

Dr Hammer—No, I did not.

CHAIR—Did you seek in any way to try to establish the weight one should give to this rumour?

Dr Hammer—I do not recall the specifics of the discussion well enough to know that. I may have; I cannot recall.

CHAIR—You may have?

Dr Hammer—I cannot recall, Senator.

CHAIR—Commander King said in evidence that you don't miss a trick, that you are a pretty sharp operator. Surely you can remember this.

Dr Hammer—I don't.

CHAIR—You don't?

Dr Hammer—It is a very—

CHAIR—But you have two officers in your department—one directly responsible to you and one a more junior officer, but a uniformed officer from the Department of Defence and a commander in the Australian Navy no less—saying to you that they have encountered this rumour. That is not an event of small moment.

Dr Hammer—Commander King often did not wear his uniform to work. What I am trying to say is that he was just a member of my branch. I did not treat him as anything special.

CHAIR—But you knew him to be a uniformed officer in the Royal Australian Navy.

Dr Hammer—Of course, yes.

CHAIR—You knew he had come on secondment from Defence and you knew that he was wired into the Russell Hill establishment. You knew all that.

Dr Hammer—I did not have any real idea of how wired in he was to the Russell Hill establishment at all. I do not know how the Russell Hill establishment works to be honest with you. I studied it very closely, but I never mastered it.

CHAIR—I do not know how it works either. That is why, when a commander who comes from that establishment tells me something, I would pay some regard to him, and I thought you might as well.

Dr Hammer—People were telling me lots of things all the time. I did discard lots of things and lots of pieces of information that I was told, because I judged that they would be swept up in some other process or that they just simply did not matter or what have you. Commander King may have characterised me as somebody who does not miss a trick, but it is true that you do miss some things.

CHAIR—Given we all agree that this was a stuff-up, for the sake of the discussion, are you responsible for if for not doing these things?

Dr Hammer—I do not feel that I am responsible. The output from defence in the period that you are talking about, the sensitive period, appears to have been so tenuous that we are spending hours in this committee talking about a three-minute

appraisal to me by a junior defence officer seconded to PM&C of a rumour about a possible problem with the photographs. Where was the defence organisation and all of the people within defence who were dealing with this at the time? Who were they talking to? What were the senior defence people at Jane Halton's task force meetings every day saying on this issue? Were they saying nothing? I do not know, I was not at those task force meetings, but I am very surprised that all of what one would consider to be the formal arrangements and the information conduits failed to deliver anything through to PM&C.

CHAIR—What if Commander King—I am not sure if it was King or Sidhu—told you that it was tearoom gossip because they wanted to protect their sources?

Dr Hammer—That is what Commander King told Harinder Sidhu at the meeting on 11 March.

CHAIR—No antennae; they want to protect their sources? This has a sense of other implications—if people are concerned about protecting their sources—doesn't it?

Dr Hammer—Occasionally you get information about a defence project or what have you, and it would be provided within the branch on an unattributed basis—you know, something wrong with some aspect of the Collins project or one defence project or another. That would happen from time to time and sometimes you would take up that information and sometimes you would not. That information, broadly speaking, was not presented as rumour, though. It was presented as this sort of thing: 'I do not want to tell you who has told me this, but—'. That would happen sometimes.

CHAIR—'But you should know'?

Dr Hammer—Yes, that is right.

CHAIR—Yes, you should know.

Dr Hammer—But that was not the way it was put to me.

CHAIR—You should know so that you can act.

Dr Hammer—This one was put to me as: 'There is a rumour circulating.'

Senator BRANDIS—I do not want to go ad nauseam over this, but can I put this to you in my way. You used the word 'filtering' a little earlier to describe a part of your task. By that I understand—correct me if I am wrong, or elaborate on this if you like—that one of the things you had to do as a senior Public Service officer was to make judgment calls on a regular basis about the status and reliability of information that may have come to your attention. Is that right?

Dr Hammer—That is absolutely correct.

Senator BRANDIS—Is that what you meant by ‘filtering’?

Dr Hammer—That is right.

Senator BRANDIS—And in making those judgments, one of your professional skills as a senior public servant was to make a decision about which pieces of information that came to your attention should be investigated further or actioned, which should be delegated to somebody else, and which could be disregarded by you—either entirely, or because they were in somebody else’s bailiwick. Is that right?

Dr Hammer—That is absolutely correct.

Senator BRANDIS—When I speak of the status of information, would you agree with me that there is an order of reliability of information, in which tearoom gossip or a rumour would be fairly low down the chain of status?

Dr Hammer—Very much so.

Senator BRANDIS—If you hear something that is described to you as merely a rumour, about an issue which is not particularly important to you and is not your responsibility anyway, do you think you would have been doing your job properly if you had not filtered it out?

Dr Hammer—No. I believe that at the time I did have a responsibility in that sense. It did not come to the front of my mind but, yes, I was doing that all the time. I was saying, ‘I am not going to bother someone with this,’ or what have you, because—exactly. Quite so.

Senator BRANDIS—And that was the judgment that you in fact made in this case, about this self-described rumour, which was not part of your responsibility anyway?

Dr Hammer—Yes.

Senator MASON—Running rumours to ground is not part of your core business.

Dr Hammer—Certainly not—especially not on issues which are not in my area of responsibility and that have been worked to death in other areas of the department.

CHAIR—So referring those rumours to the other areas of the department is the prudent and responsible thing to do, is it not?

Dr Hammer—No, I do not think so, because that other area of the department was hearing everything that was worth hearing from the Defence liaison people that were meeting in that task force every day. That was my judgment. If it was worth hearing, it would be presented to PM&C through that. If it had not been presented to me as a rumour, I might well have acted differently—but it was presented to me as a rumour.

CHAIR—But you do not know that they heard everything.

Dr Hammer—No, but nor did I need to make a judgment about that. I just assumed that a good department—as you said, Senator—would be hearing everything and that they would be chasing a few things down and maybe pressing Defence a little bit on some matters.

Senator BRANDIS—It is a fairly safe assumption that they would have heard relevant pieces of information—wouldn't they?—when you are dealing with a high-level task force which, as you say, meets every day and which includes senior officers from PM&C, Defence, DIMIA, the Attorney-General's Department, AFP, Coastwatch and the Customs Service. This is a right-across-government-at-senior-level, high-level task force which is specifically seized with this very matter. Would it be a fair assumption that that was the organ of government that should have been dealing with this, not you?

Dr Hammer—Absolutely, and might I say that I have a great deal of respect for Jane Halton. She has a mind like a steel trap and I am sure that that task force operated very effectively.

CHAIR—May I just draw on that cricketing analogy, where you back up to prevent overthrows. Someone is dealing with the issue but, in order to make sure the team succeeds, officers back one another, or players back one another. That would seem to me to be an appropriate analogy in these circumstances. If you heard something relevant to another section, you would flick them a note just to back them up.

Dr Hammer—That depends on your judgment, as Senator Brandis was saying, about the quality of the information. This was not high quality information.

Senator BRANDIS—Part of the professional skills that you professed in your role was to make those judgments about the quality of information on a daily basis across a whole range of different areas of government.

Dr Hammer—Very much so.

CHAIR—And we will now make some judgments about all of this. Are there any further questions?

Senator JACINTA COLLINS—I have one, Dr Hammer, that goes back to Senator Cook's questions about why this information was not passed on to the social policy unit at the time dealing with these sorts of issues. I have difficulty understanding—and this perhaps relates to your comments that Ms Sidhu and Commander King did not make clear to you at the time the urgency they felt related to this information. But if we go back to Ms Sidhu's evidence, she said, for instance, in relation to gossip, rumour and stories, 'We get stories all the time through where I work and some of them are significant or form part of a bigger story.' She said to us earlier today that one of the reasons for taking that information to you would be that you often have knowledge of a bigger story, which could help fit a piece into a jigsaw.

It is obvious from what you have said that, no, you were filtering out anything other than what you were working on at the time, and you had no notion of this other story.

For the life of me, though, I still cannot understand why you simply did not say to them, ‘Look, I have concerns with the status of the information’ or ‘You should feed this information to those who have a bigger picture on this area’?

Dr Hammer—It may have been that I was so preoccupied that I had started to think about the next issue that I was going to deal with. That sometimes happens and it is bad management practice, but I was psychologically probably moving on and I did not think to give them any instructions.

Senator JACINTA COLLINS—In an ideal world, that is what you think should have happened with that sort of information?

Dr Hammer—In an ideal world, the Department of the Prime Minister and Cabinet is peopled by an infinite number of people who can deal with every issue that comes across their desks, but we have to cut our cloth to suit the human resources available and, on this one, we just did not action it, for the reasons I have explained.

Senator BRANDIS—But, Dr Hammer, the point of my question before, of course, is that part of the whole concept of dealing with an issue includes making judgments about whether or not it ought to be pursued by you, or at all, because there just is not enough substance to it to warrant the dedication of resources to it. By making a judgment not to pursue it, you were, in fact, dealing with it.

Dr Hammer—Yes, I agree with that interpretation.

Senator JACINTA COLLINS—Senator Brandis, give us a break!

CHAIR—Senator Brandis does not miss an opportunity for you to improve your answer, Dr Hammer.

Senator JACINTA COLLINS—He doesn’t. Dr Hammer can confirm this if he likes, but I think he was indicating—to the question: why didn’t he indicate that he had concerns with the status of the information that was put to him?—that, in an ideal world, perhaps he would have.

Dr Hammer—Yes, that is perhaps true.

Senator JACINTA COLLINS—If the two people before you understood that to be the case, they would have said, ‘Well, it is urgent and we will follow up getting more information’ or else they would have been directed to the unit that was on top of the picture.

Dr Hammer—Yes. One of the things which did not happen was that nobody at all—including Ms Sidhu and Commander King, and all of the senior contacts which I had in the Defence organisation—ever came back to me with anything about this. If that had happened, I may then have—I did not actually choose not to do anything. I chose to put the piece of information aside and then nothing ever came of it. Nobody

ever came back to me, and nobody ever came again and said, ‘This is serious’ or ‘I’ve heard another rumour’ or what have you.

Senator JACINTA COLLINS—In fact, part of that problem was what we covered just a moment ago. It was the fact that there was nothing resolved amongst the three of you about what was to occur further to your discussion.

Dr Hammer—I had resolved to filter.

Senator JACINTA COLLINS—Yes, you resolved to filter but you did not translate to the other two that that was what you had resolved to do.

Dr Hammer—No.

Senator JACINTA COLLINS—And you did not indicate to the other two that you had concerns with the status of the information. For instance, in his evidence to us, Commander King said things like ‘the information was not to be trifled with’ and that it was ‘not an insubstantial rumour’.

Dr Hammer—That certainly was not conveyed to me in the way that they presented the information to me. Commander King did not, for example, say, ‘Dr Hammer, this information is not to be trifled with,’ or anything of that type.

Senator JACINTA COLLINS—So you did not act; you filtered, and they did not understand that that was what you were doing?

Dr Hammer—I am not sure. You would have to ask them whether they understood that.

Senator JACINTA COLLINS—My recollection, though it is dated, is that that was the case. Again, the final point on this issue is: why was that information not referred to the social policy unit—as indeed Ms Sidhu indicated when she finally passed that information on to Ms Wildermuth, saying, ‘Oh, didn’t you know?’ It appears she had assumed that it would have been referred to the relevant unit.

Dr Hammer—One may have assumed that the defence liaison to the task force had fed the information into the task force. We did not check to see whether that had happened, because it was not in our area of responsibility.

Senator JACINTA COLLINS—And it was not referred?

Dr Hammer—Not to my knowledge—not by me. The Defence organisation could at any time have sent Commander Chatterton to the task force to talk about it.

Senator JACINTA COLLINS—They could have. That concludes my questions.

CHAIR—Thank you, Dr Hammer.

Committee adjourned at 3.56 p.m.