

CHATTERTON, Commander Piers Sydney Nevill David, Director of Operations—Navy, Department of Defence

CHAIR—Welcome, Commander Chatterton. We extend the courtesy for people appearing before us to make an opening statement, if they wish, or some preliminary comments.

Cmdr Chatterton—I would like to make comments on two matters that may be of interest to the committee in relation to this matter.

CHAIR—This is not a prepared statement; this is a matter of comment?

Cmdr Chatterton—Just a matter of comment, yes.

CHAIR—Please proceed.

Cmdr Chatterton—My comments deal with two matters: firstly, the email that contained the two pictures of the rescue of personnel from the water, what I did with that email and how it passed through my office; and, secondly, what I did when I found out that the two pictures were being used to relate to a different event following the release of those pictures to the media.

Firstly, the email of the two pictures was sent to me from Strategic Command Division on 9 October at 11.29. The reason for me getting these pictures is that I am the point of contact for Strategic Command Division inside Navy headquarters at the staff level, and the officer sending me those pictures would know that I would be the person to pass them on to the appropriate person within Navy headquarters. I looked at this email and saw that it was a good news story of RAN sailors doing a courageous and brave act and that this was a public relations matter. I talked to Mr John Clarke, the public affairs adviser to the Chief of Navy, and he agreed that this was essentially a good news item. He then took it for action.

Some time the same day, 9 October before 2.30, he came back to me and told me that a copy of this email that had gone to Maritime Headquarters in Sydney had something wrong with it—they could not open the pictures—and he asked if I had a copy that I could send to him. At the time the copy I had was on the Defence secret network. I knew that Mr Clarke was not on the secret network, so I could not simply forward it to him. So I took a closer look at the email to check that it had nothing of a classified nature—for example, capability of ships or the Defence Force in any way, shape or form—or positional data to give away where ships were at a previous time. I determined that it was an unclassified good news story. It was liable to go into the media. I copied it from the Defence secret network over to the Defence restricted network and then forwarded it to Mr Clarke. As he had the pictures and the emails and the captions, he was then going to use them as he required to send on to his organisation. That was basically my involvement in the receiving and forwarding of the original email with the two pictures.

Secondly, I want to speak about what I did when I found out that these two pictures had been used in media reports to portray a different event. On 10 October I saw on the TV the then Minister for Defence, Minister Reith, using pictures in a radio interview, and the voiceover of the interview was that children had been thrown over the side of a vessel and that here was the

evidence. But the pictures I recognised were the ones that had been originally sent as a good news story.

On 10 October, when at work I contacted Mr Clarke to let him know that I believed there had been a mistake made, that these pictures were being used to relate to a different event. Also, on 11 October I passed this information on to Steffan King. He is the Australian Defence Force Liaison Officer in the Department of the Prime Minister and Cabinet. As he has a liaison role, I used to see him every day. I passed the information on to those two people—one on the PA side and the Australian Defence Force Liaison Officer. Because that had gone up the chain of command, I then left that issue and moved on to other matters within my field of works.

CHAIR—Thank you very much, Commander Chatterton, for that reasonably full and direct summary of those two events. We will rest the throat muscles of Senator Faulkner for a moment. Please proceed, Senator Bartlett.

Senator BARTLETT—Can you just clarify for me your broader role? You say that you are the contact point for Maritime Command; is that right?

Cmdr Chatterton—My role is the Director of Operations. I brief the Chief of Navy on the day-to-day operations of all ADF units, so I have quite extensive liaison with Maritime Headquarters, the Strategic Command Division and any other authority that I might get operational or tactical level information about, which I then might disseminate to the Chief of Navy so that he can carry out his role as the strategic head of the Navy.

Senator BARTLETT—So would you get information about all the range of incidents on the SIEVs and the various interceptions that occurred?

Cmdr Chatterton—Yes, I would.

Senator BARTLETT—And you would then make an assessment of what is worth passing on to the Chief of Navy?

Cmdr Chatterton—That is correct.

Senator BARTLETT—I presume you are aware of some of the other allegations and incidents of threatening conduct and the like on some of the other vessels, apart from SIEV4, that have come out during this inquiry. Were you made aware of some of those, as other threats to children et cetera that we have been focusing on?

Cmdr Chatterton—Yes, I have seen that. Throughout all SIEVs I have noted the increasing level of violence and the other threats made in relation to our sailors and people on board the SIEVs as well.

Senator BARTLETT—So would you have passed on reports of those sorts of incidents to the Chief of Navy?

Cmdr Chatterton—I would have passed on in the early times of the SIEVs the significant changes in the increase in the level of violence, particularly if it involved any possible threat to RAN sailors or units.

Senator BARTLETT—How does the flow of information work? We heard earlier from Admiral Smith on the oversight of Operation Relex that the information would flow to him. How does information pass to you? What channels does it go through?

Cmdr Chatterton—It mainly comes through emails, signals and cablegrams from various sources—usually through Strategic Command Division or through Maritime Headquarters—to me, where I sift through all the information to find out if there is anything noteworthy to inform the Chief of Navy of.

Senator BARTLETT—So it would usually come to you after it had gone to people like Admiral Smith, rather than the other way round?

Cmdr Chatterton—Usually, yes. There would be a time delay in getting information from ships through the communications centres, Maritime Headquarters to Canberra. In Canberra, we work a basic eight to five day, so there may be information that comes in overnight that I would not see until the following morning. Maritime Headquarters runs on a 24-hour basis.

Senator BARTLETT—Would you only get information in relation to activities of the Navy? I am thinking of some of the Orion aircraft, for example, that were doing surveillance work that was part of Operation Relex but, as I understand it, they were not Navy personnel. Would you be informed about anything they were doing as well?

Cmdr Chatterton—I would get the broad results of their surveillance effort.

Senator BARTLETT—Would you be made aware then if there was anticipation of boats departing Indonesia to come to Australia?

Cmdr Chatterton—In addition to the emails and signals, I am also a user of intelligence that comes from various intelligence agencies, and that might contain information of a classified nature that would indicate possible departures of vessels.

Senator BARTLETT—Were you notified of instances like that?

Cmdr Chatterton—I would find out that information from the information that I had available to me, yes.

Senator BARTLETT—Were you notified in any way about the fate of the vessel that did not get a number because it sank before it was intercepted? You would be aware of that one which had significant loss of life.

Cmdr Chatterton—I only found out about that vessel after the Indonesian fishermen had picked up the few people that had survived and had returned to an Indonesian port. I did not hear that there was a vessel that had specifically sailed from a specific port at a specific time.

Senator BARTLETT—Where did that information come from?

Cmdr Chatterton—That the people had been picked up?

Senator BARTLETT—Yes.

Cmdr Chatterton—I think that the first time I saw that was in the media.

Senator BARTLETT—So you would not normally get information from Search and Rescue or Coastwatch?

Cmdr Chatterton—Not directly to me, no. There would be no reason for me to have that. I am in the strategic level and Search and Rescue matters would go more properly to the operational part of the organisation so that they can deal with it directly—on a 24-hour basis.

Senator BARTLETT—Are you aware of any reports that were done, after the event, into the particular incident of the vessel that sank?

Cmdr Chatterton—I remember that, after it, I was asked where the nearest Navy ship was and I knew that there was one ship in the vicinity of Christmas Island. I found out from Maritime Headquarters that—I cannot remember the exact figure—it was something along the lines of 164 miles at least from the position. Looking at the chart and the way the seabed is there, a grossly overloaded vessel would have gone out into the Sunda Strait and, as it reached the main water mass, as the water comes up from the Indian Ocean, it probably would have sunk around that area—being overloaded. That was well inside the Indonesian area, so I would not have expected one of our ships to be in that area anyway, and I knew that our ship was actually patrolling around the Christmas Island area. So it was just a matter of working out how far away it was.

Senator BARTLETT—And you are not aware of any specific report or investigation that was done by any Australian authorities into the circumstances surrounding that incident?

Cmdr Chatterton—No, there is no specific item that I know of.

Senator FAULKNER—Commander, in your opening statement you mentioned that there were two primary involvements that you had in the matters being examined by this committee. Is that right?

Cmdr Chatterton—That is correct.

Senator FAULKNER—The second of those was contact with an officer, I assume, seconded to the Department of Prime Minister and Cabinet. Could you just indicate to me what the background is there? I assume that there are Defence officers in the International Division of Prime Minister and Cabinet. I do not know whether you have this background, but could you indicate the nature of the contact you had with that officer and why you thought it appropriate to make contact with that officer on the matters that had come to your attention?

Cmdr Chatterton—The officer involved at the time was Commander Steffan King. I am not sure exactly of which part of Prime Minister and Cabinet he is placed within. He is the ADF liaison officer, and there is one commander level—

Senator FAULKNER—I think, traditionally, the ADF liaison people—I have heard this over many years—have been in the International Division. That is an assumption on my part, and I do not know, but it probably does not matter. Someone no doubt will tell us if I am wrong.

Cmdr Chatterton—As for my relationship with Commander King, he attended a meeting—it is one that we have at that time every day—which involved Operation Slipper, the war against terrorism. Because he is not in the mainstream of Defence whilst he is over at Prime Minister and Cabinet, if I had an item that I believed he should know about as perhaps being of importance, I would relate that to him either before or after the meeting. In this case, on 11 October—he was away on the 10th; the meeting occurred every day and it was unusual for us not to attend that meeting—I informed him, as we were going to the meeting, that the two pictures I had seen the previous day in the media portraying that children had been thrown overboard were not of that event but were of the sinking event that happened on the 8th. I believed that he should be made aware of that information, as it involved Defence and high profile activity which was occurring that involved the political level at which he was liaison officer. That is why I gave him that information.

Senator FAULKNER—Going back a step, you indicated that you were aware that the photographs were not of the depicted event; that is, they were of the sinking of the SIEV, as opposed to children being thrown overboard. Was that awareness basically as a result of the captions that were with the photographs?

Cmdr Chatterton—Exactly. The email that I received was very plainly a good news story. The talk of Able Seaman Boatswain's Mate Whittle and Leading Seaman Cook Barker clearly indicated that they were doing something out of the ordinary. This was a good news story and it clearly related to the sinking of the vessel. It was quite obvious, when I saw them being used otherwise, that they were being used incorrectly.

Senator FAULKNER—It is quite interesting because, with the captions available to you, you have said that it was quite obvious. It does not require an enormous sort of deductive effort. If you have the captions available with the photos, coming to a conclusion that the photos cannot depict children thrown overboard is not that difficult, is it? You have had this experience and so you are someone I think I can ask this of—being, hopefully, a pretty objective observer placed in that position.

Cmdr Chatterton—Absolutely. I received the email, read the words on it and opened the two photographs, and it was obvious that these were two sailors involved in a rescue situation.

Senator FAULKNER—You passed this information on to Commander King, who is seconded to the Department of the Prime Minister and Cabinet. Again, going back one step, is there anyone else that you passed that on to?

Cmdr Chatterton—I passed it on to Mr John Clarke, who is the public affairs adviser to the Chief of Navy.

Senator FAULKNER—Only to Mr Clarke and Mr King?

Cmdr Chatterton—I passed it on to Mr Clarke who was, as the public affairs adviser, deeply involved in this because it was a public affairs matter. He informed me essentially that the situation was known about, or that it had certainly been communicated up the chain of command. So to my mind, having worked within the chain of command, action would be taken as required by senior people, as they saw fit.

Senator FAULKNER—In your professional role, your Defence role as Director of Operations—Navy, would you see it as being standard operating procedure for you to pass such information on to Steffan King? I am not suggesting it is not but I think it is probably important for the record. We have heard from you about your regular contact with Commander King as you go about your daily duties. You make an assessment of what information you might pass on to that officer. Is that a role for Director of Operations—Navy?

Cmdr Chatterton—Yes, it is. A lot of my role is liaising with the likes of Commander King and many other people to get an interaction going so that I can find out what is happening out in other departments and in other operational commands—not only in Navy but also in Army and Air Force—so I can build a whole picture of what is happening and put any strategic concerns that I have to the Chief of Navy so he can build the whole picture. I believe that, as the Defence Liaison Officer, he would be an appropriate person for me to talk to and to liaise that sort of information to.

Senator FAULKNER—So you have got the authority to pass such a matter on and you have to make, if you like, a professional judgment call on a case-by-case basis on what matters you would pass on to whatever other officers might be in a position to be able to benefit from that advice. Is that how it works?

Cmdr Chatterton—Yes, that is correct.

Senator FAULKNER—Okay. What actually prompted you to pass this information on to Commander King? Why did you think, in this instance, it was important he knew about the information that was available to you?

Cmdr Chatterton—Because, essentially, a mistake or an error had been made and the way I have always worked at sea is that, if there is something broke, you fix it. In this case an error had been made, or something had gone wrong where information was not being correctly used, so somebody needed to be informed so they could take appropriate action to either correct it or do whatever they are required to do at that level.

Senator FAULKNER—Was this the standard way of you passing on such information to Commander King? I imagine these issues come up from time to time—perhaps not as publicly or politically sensitive as this one, but there would no doubt be any number of matters you might have to raise with Commander King. The way you passed this information on to Commander King—would that be just standard operating procedure, the normal process?

Cmdr Chatterton—Yes, it would. At that time we were having daily meetings to discuss other matters. During those meetings we would discuss what was generally happening within

the Navy and if I felt that there was anything that he needed to know. So it would be standard practice. If I had not been attending the meetings then I would have liaised with him probably by email but, as it was, I would meet him at that time on a daily basis.

Senator FAULKNER—How long does your communication with the commander take?

Cmdr Chatterton—It will vary.

Senator FAULKNER—Sorry, I mean in this instance.

Cmdr Chatterton—Probably one or two minutes.

Senator FAULKNER—So what do you make clear to him?

Cmdr Chatterton—That the pictures I saw on media reports that showed children being thrown over the side were not of that event, that the pictures were of the rescue the following day, and that somewhere some wires had been crossed and these pictures were being used incorrectly. That would have been the general thrust of the conversation. He acknowledged that—he went, ‘Ah, okay.’

Senator FAULKNER—That is what I was going to ask you. Did you get any response that indicated to you that Commander King had taken this on board?

Cmdr Chatterton—Yes. This was some time ago. From what I recall, he asked me a couple of questions and it certainly confirmed in my mind that he knew that the pictures that were being used in the media quite extensively at that time—I think one of them was on the front page; they were all over the place—were the wrong pictures.

Senator FAULKNER—This may be difficult for you to answer, given the effluxion of time, but did you get any impression as to whether Commander King had had any prior knowledge of this matter, or was this basically new information for him?

Cmdr Chatterton—I gathered that this was the first time he had heard that. Yes, it was the first time he had heard that.

Senator FAULKNER—In passing that on to Commander King, did you have any expectation about what he might do with the benefit of that information?

Cmdr Chatterton—I had no idea as to how his role fit in with his then department. I would expect Commander King to have made his own decision on what to do with that information and to either pass it on or act on it as he saw fit.

Senator FAULKNER—Do you ever follow up with Commander King whether he had been able to pass this information on in his role as Defence liaison? ‘Defence liaison’ may not be the correct description. Do you know if he is called the Defence Liaison Officer?

Cmdr Chatterton—As far as I know he was the Defence Liaison Officer.

Senator FAULKNER—Did you ever get any feedback from the commander as to whether he had followed through with that information?

Cmdr Chatterton—I believe he may have done. I would have to refer to Commander King on that one.

Senator FAULKNER—But you did not have any further discussions with him about it?

Cmdr Chatterton—Not about that specific matter. We would have then moved on to other things as appropriate.

Senator FAULKNER—In any future conversation after that date, did you canvass that issue with Commander King?

Cmdr Chatterton—No.

Senator FAULKNER—I think it is fair to say that, as far as you are concerned, there was no follow-up. But what you cannot say to us is what Commander King may or may not have done with that information once it had been made available to him.

Cmdr Chatterton—That is correct.

Senator FAULKNER—Did you have any expectations in relation to the outcome? Having provided this information, did you have any expectation as to what might have occurred, given Commander King's Defence liaison role in PM&C?

Cmdr Chatterton—I think the main part of that would be that I would have expected—through Mr Clarke, as the Public Affairs Adviser; through that public affairs chain—the story to be corrected or the photographs to be used for their correct purpose. That did not occur. I knew that it had gone to the various people I had told and that action was going to be taken by members higher up in the command chain; so I left it at that.

Senator FAULKNER—It was Commander King who had some discussions that have been variously described as tearoom gossip and other descriptions—I do not know whether that is fair or unfair and I am making no comment about that. I have canvassed it with at least one other witness at this committee in some detail. Were you aware that that so-called tearoom gossip that has received some notoriety emanated from Command King?

Cmdr Chatterton—I have heard of that.

Senator FAULKNER—It is in the public arena. You have only heard of it?

Cmdr Chatterton—I have heard of it. I would have to talk to Commander King to get his side of the story.

Senator FAULKNER—Sure. I make no judgment about that because we have not had an opportunity to speak to Commander King either. Were you aware of the fact that some officials,

that this information had been passed on to, described it as tearoom gossip? You were aware of that background?

Cmdr Chatterton—I heard of the tearoom gossip comment. However, I would not know any more than that.

Senator FAULKNER—But you know that Commander King was one of the principals involved in the tearoom gossip; were you aware of that?

Cmdr Chatterton—Yes, Senator.

Senator FAULKNER—You passed this information on to Commander King because you think it is important that he knows. Is that right?

Cmdr Chatterton—That is correct.

Senator FAULKNER—In passing it on to Commander King you would do so with the expectation he would act on it and act on it appropriately?

Cmdr Chatterton—As he saw fit, yes.

Senator FAULKNER—But not necessarily as a gossip item in the margins of the morning tearoom; would that be right?

Cmdr Chatterton—No, I would not have imagined that, to be quite honest. Commander King is a very professional officer who, I would imagine, would not get involved in that. I would imagine he would have done something.

Senator FAULKNER—I do not doubt that. As I said, we have not had the advantage of speaking to Commander King and following that through. I hope at some point we might be able to do that. Did you have any expectation, beyond what you have told us, about the outcome of the information being provided to Commander King? Were you satisfied that passing it on to the Defence Liaison Officer was standard operating procedure which was appropriate and, beyond that, you turned your attention to other matters?

Cmdr Chatterton—That is correct. At the time there were a lot of other things happening within the Navy and the ADF so I was happy that, having passed that up the command chain within the Navy Headquarters and to the Defence Liaison Officer, appropriate action would be taken so I had to leave that at that time.

Senator FAULKNER—I think you are right not to speculate too much about what Commander King—or for that matter anyone else—may or may not have done with information made available to them but what you can talk about is what you do. Are you able to say to this committee that you believe that you acted correctly and reasonably in passing that information on to Commander King when you did and in the manner that you did?

Cmdr Chatterton—I would confirm that. You already talked about gossip. It was not passed on as a form of gossip; it was passed on because he was the Defence Liaison Officer. I passed it to him as official information, that something was wrong, and that if he needed this information that he should have it to deal with it as he required within his working environment.

Senator FAULKNER—Just to be clear: I do not think anyone has suggested that your communication with Commander King has been characterised as gossip. I do not know of anyone suggesting that, but I think there have certainly been numerous exchanges where the Prime Minister, the Secretary to the Department of the Prime Minister and Cabinet and other senior officers in the Department of the Prime Minister and Cabinet have described possible exchanges between Commander King and other officers of PM&C as tearroom gossip. I think it important to draw that distinction, and you understand why I draw it. It is a proper distinction to draw, isn't it? I am not suggesting that Commander King was involved with gossip at any level. I am not making that judgment. I do not think one should rush to judgment on any of these sorts of issues. No-one has suggested, that I am aware, that your conversation with him has been so characterised, but you certainly would not characterise it as such?

Cmdr Chatterton—Certainly not, no.

Senator FAULKNER—That is the point. It is very hard for me, given that you have not received feedback on this, to ask you about Commander King and what occurred—we can ask him or others about that. All I can ask you about is those issues in which you were directly involved, and I think I have done that to my satisfaction.

ACTING CHAIR (Senator Brandis)—Thank you, Commander Chatterton.