

GALLAGHER, Colonel Patrick John, Commander, Australian Theatre Joint Intelligence Centre

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

Col. Gallagher—Yes, I do.

CHAIR—Please proceed.

Col. Gallagher—I would like to begin by thanking the committee for its invitation to appear before it. I am the current Commander of the Australian Theatre Joint Intelligence Centre, commonly referred to as the ASTJIC, which is collocated with the Headquarters Australian Theatre in Sydney. I assumed my position as Commander ASTJIC on 14 January 2002. I am aware that the committee has received a letter from the Minister for Defence concerning my appearance today. Further to that letter, I hope to assist you by describing the arrangements for receiving and distributing intelligence within the Australian Theatre, thereby providing you with some context for the chronology that has been provided to the committee in relation to the vessel that has become known as SIEVX.

Without wishing to hinder the work of the committee, I ask you to note that, whilst I am happy to respond to any questions posed, I am always mindful of security considerations. If required to answer a question that pertains to classified matters, I may request the committee to move to an in-camera session. I thank the committee in advance for its understanding in this regard.

To begin with, it may assist the committee if I provide some background about my organisation by describing its role and its place within the Australian Theatre and the wider defence intelligence system. The role of the ASTJIC is to provide Commander Australian Theatre, COMAST, and his operational and tactical level commanders with fused, near real-time, all source intelligence to support the planning for and day to day conduct of Australian Defence Force operations. To achieve this level of support, the ASTJIC operates 24 hours each day, every day of the year. During October 2001, in addition to providing intelligence in support of Operation Relex, the ASTJIC provided high levels of support to actual or potential ADF operations in the Middle East, Central Asia, the Arabian Gulf, East Timor, Bougainville, the Solomon Islands and the Southern Ocean. During the same period, the ASTJIC was also monitoring the security of ADF deployments to Bosnia and Kosovo, Israel and Lebanon, the Sinai, Sierra Leone, Eritrea and Ethiopia, and Mozambique. It was clearly a busy time for the ASTJIC and the Australian Theatre as a whole.

My organisation works directly for COMAST and provides intelligence to his headquarters and to ADF forces conducting operations under his command. As an all source operational level intelligence agency, the ASTJIC does not collect intelligence; instead, it receives information and intelligence from Defence and other Australian government agencies. Once information or intelligence is received, the ASTJIC, within its capacity, analyses and tailors it to develop a theatre-wide intelligence picture. In developing that daily picture, the ASTJIC considers each of

the many operations being planned or conducted across the theatre. The picture is continuously updated and disseminated throughout each 24-hour period.

In the normal course of events for military operations, ASTJIC receives the bulk of its information and intelligence from Canberra based Defence intelligence agencies and from deployed ADF forces. However, you will note from the chronology on SIEVX that has been provided to you that, in the case of Operation Relex, almost all of the relevant information and intelligence was received from DIMIA, then known as DIMA, and from Coastwatch.

Once it was received, ASTJIC routinely correlated the DIMA and Coastwatch intelligence reports and presented a consolidated forecast of anticipated SIEV activity to COMAST and to subordinate ADF headquarters and units. The forecast was disseminated by daily briefings, formal messages and Defence intranet webpage updates. In summary, the ASTJIC is an advisory agency responsible for providing intelligence that contributes to the situational awareness and decision making processes of COMAST and his subordinate ADF commanders. As Commander ASTJIC, I am not part of the operational decision making process, and I am therefore only able to offer authoritative comment on intelligence related matters. Thank you for the opportunity to make this statement; I hope it is of some assistance to your inquiry.

CHAIR—Thank you, Colonel Gallagher. Before I ask the committee whether they have any questions of you, I seek some advice on a point of clarification. We sought from the Minister for Defence the appearance of Rear Admiral Gates, and he suggested to us that you were a more appropriate officer. Can you describe for me where in the hierarchy you sit in relation to Rear Admiral Gates?

Col. Gallagher—I am outside of his direct chain of command; I work for the Commander Australian Theatre.

CHAIR—But you supplied to Rear Admiral Gates some information in compiling the report, did you not?

Col. Gallagher—Indeed, Senator. That is because he was heading an inquiry into the distribution of information within Defence relating to these matters.

CHAIR—Were you the significant source for his report?

Col. Gallagher—No, I was not. A number of agencies within Defence would have contributed, I am sure. Certainly I can recall commenting on the papers that were forwarded to this committee, as I am aware Headquarters Northern Command also did.

CHAIR—Could you tell us which other agencies, apart from your own, contributed to that report?

Col. Gallagher—I do not know for certain; I would have to find out precisely. If you wish me to, I will take that on notice.

CHAIR—Indeed. As Senator Collins opened the batting, do you have any questions, Senator Mason?

Senator MASON—I have no questions at this stage.

Senator FAULKNER—Colonel Gallagher, can you indicate to the committee whether ASTJIC actually made a written contribution for inclusion in Admiral Gates's report on the SIEVX incident?

Col. Gallagher—The written contribution that we made, as far as I am aware, was that we had no comment. We reviewed it to see that it was consistent with our understanding of the chain of reporting available to Defence at the time, and I was happy that it was an accurate reflection of the information available to Defence at the time.

Senator FAULKNER—Did ASTJIC provide material, apart from any written material—I am drawing a distinction here between anything created by ASTJIC for inclusion in Admiral Gates's report and any primary sources, if you like, that might have been passed from ASTJIC to Admiral Gates? I want it to be clear that I am drawing that distinction; it may not be a valid one but I want to be clear on that point.

Col. Gallagher—I recollect that some of our primary source material was passed to the people doing the investigation.

Senator FAULKNER—Thank you. In relation to the primary source material, and without getting into detail, can you indicate broadly what the nature of the primary source material would be?

Col. Gallagher—Yes, it would have been copies of daily briefings that we would have presented, copies of material that would have been posted to our defence secure intranet webpages and I am sure also copies of formal message traffic that would have left the ASTJIC regarding these matters.

Senator FAULKNER—Thanks for that. In each of those three broad categories, it sounds like that is material that is generated within ASTJIC as opposed to material that comes into ASTJIC. Would that be correct? In other words, the daily briefings you are talking about, the material posted on the intranet, the formal message traffic—is this all material that is created effectively within ASTJIC?

Col. Gallagher—No, not in terms of the original source documentation. As I mentioned in my opening statement, the vast majority—and I do mean the vast bulk—of the intelligence that was being provided into the defence intelligence system was coming from other agencies, in particular DIMA, Coastwatch and I am aware that, to an extent, their reporting was based on material coming from other agencies within the Australian government.

Senator FAULKNER—Sure, but what you are saying is that some of that material, also in its raw form, if you like, would have been passed through to Rear Admiral Gates effectively from ASTJIC?

Col. Gallagher—I am not sure that we would have passed the original source documentation because we would then have had to go through the process of seeking a release from the originator to start sending it to people who were not on the original distribution list. I would

assume, and I am always aware of making assumptions, that some of that material was made available to that review.

Senator FAULKNER—Anyway, what happens to it as far as you are aware? I appreciate you may not know all the detail of this. In the preparation of Admiral Gates's report, material that is generated from within your intelligence centre and possibly some other material is passed directly to Admiral Gates for his consideration in the preparation of his material.

Col. Gallagher—I really cannot answer that question. That is a question you would have to put to Admiral Gates or his team.

Senator FAULKNER—That is a very fair answer for you to give to me. You have been offered up, as I understand it, to the committee along with another officer from Defence because the minister has not approved Admiral Gates's appearance before the committee. I do not know if you are aware of that background. I am not able to ask Admiral Gates these questions. You are here effectively we are told as a proxy for Admiral Gates.

Col. Gallagher—I am unaware of the decision making process that was undertaken.

CHAIR—Senator Faulkner, can I interrupt for a moment? Is it possible to get a copy of your opening statement? Is it in a condition that can be photocopied?

Col. Gallagher—Indeed.

CHAIR—One of the attendants will make a copy.

Senator FAULKNER—Did you have a talk with Admiral Gates about how you might handle your appearance here today? It would be perfectly reasonable if you did.

Col. Gallagher—I did meet with Admiral Gates yesterday. He explained his understanding of why I was appearing in front of the committee which was consistent with what the minister wrote in his letter to the committee about my appearance.

Senator FAULKNER—What is your understanding of why you are appearing before the committee?

Col. Gallagher—My understanding is that I am here to explain how information gets into the defence intelligence system and what happens to it once it is in the system and how it is distributed to the people who need it to conduct operations.

Senator FAULKNER—But why you?

Col. Gallagher—The ASTJIC is the primary intelligence production agency that supports the conduct of ADF operations. I am talking about all ADF operations. As I mentioned in my opening statement, you can see that we provide intelligence support to people who are deployed and to the operational decision makers across a large number of operations as a matter of course. That is why we exist. I report directly to COMAST.

Senator FAULKNER—Did Admiral Gates or some other officer inform you that it was appropriate that you attend? You said that the committee invited you—and that is absolutely fair enough—but the committee might suggest that the minister offered you up and that the minister suggested you attend.

Col. Gallagher—That is my understanding. I really cannot explain the process that they went through to make the decision to present me to the committee.

Senator FAULKNER—You have not had any discussions with the minister or the minister's office about this?

Col. Gallagher—I have had absolutely no discussions with anybody else. In fact, I have had no discussions with anybody about anything I might or might not say; indeed, the only discussions I have had with people have been about the sorts of questions I might expect from you.

Senator FAULKNER—That is fair enough and it is extremely wise, Colonel. I think we would all be impressed with that approach.

CHAIR—Perhaps we should ask you what questions we were going to ask and save us a whole lot of time.

Senator JACINTA COLLINS—None of those discussions occurred at the Kurrajong Hotel, did they?

Col. Gallagher—No. In fact, the only people I have had a cup of coffee with this morning are Senator Cook and Senator Faulkner.

CHAIR—I am a witness to that.

Senator FAULKNER—You just misled the committee, Colonel, because I had a cup of tea.

Col. Gallagher—My apologies.

Senator FAULKNER—You had a cup of coffee. On a serious basis, the point is that I am unable to ask Admiral Gates these questions at this stage, though I hope that we will have an opportunity to do that at some stage. I think that would be not only in the committee's interests but also in the interests of the ADF if Admiral Gates were able to appear before the committee and present the broad picture about SIEVX and the report that he has undertaken. But that is a comment for me to make and I do not expect you to respond. Given what you have been able to advise us in your opening statement, and I think that that background was helpful to us, who would you be able to say is the coordinator of intelligence in relation to Operation Relex? What agency would you identify as the intelligence coordinator?

Col. Gallagher—The principal agency responsible for providing intelligence support to Operation Relex from the time Defence took the lead in early September through until 31 October was the ASTJIC. From 1 November onwards, because of the tempo of activity that was

occurring in the ASTJIC trying to support all of those other operations, the responsibility was shifted to Headquarters Northern Command for a number of reasons but, principally, because of operational tempo and their familiarity with the problem.

Senator FAULKNER—Do the raw intelligence reports that you receive necessarily all go through another agency? I am particularly interested in understanding what the role of DIMIA's Border Protection Branch might be and whether that intelligence is all passed through some central assessment agency.

Col. Gallagher—Information that came into Defence went to DIO, the ASTJIC and Headquarters Northern Command almost simultaneously, but DIO was not directly part of the operational intelligence support arrangements. We tended to receive processed material—that is, not the raw reports—from DIMIA and Coastwatch and only rarely were we presented with information that could clearly be sourced to another agency, for example, the Australian Federal Police.

Senator FAULKNER—As far as ASTJIC is concerned, the same material that comes in to you goes to DIO and NORCOM as well?

Col. Gallagher—Yes, that is correct—and almost simultaneously. If it came in electronically it did go simultaneously. If it came in in hard copy, as most of the DIMIA material did, it had to be faxed across secure facsimile connections. So there was obviously some time lag—but not a significant time lag—between the distributions.

Senator FAULKNER—So most of the raw intelligence comes from DIMIA, does it?

Col. Gallagher—I am not sure about the raw intelligence. All I can say is that most of the processed intelligence—the formal intelligence product—came from DIMIA.

Senator FAULKNER—Has that intelligence product, or raw intelligence, that comes from other agencies all gone to DIMIA as well, as far as you understand? You may not be able to answer that, but your understanding might assist us.

Col. Gallagher—My expectation would be that all of that material was made available to DIMIA. As I have mentioned before, I am confident that all of the information that was made available to Defence was shared within Defence.

Senator FAULKNER—So the majority of this comes from DIMIA. Then, of course, there are other sources. You identified the Australian Federal Police—is that right?

Col. Gallagher—Yes. The Australian Federal Police were cited as the source in a number of reports.

Senator FAULKNER—You identified Coastwatch earlier.

Col. Gallagher—Indeed.

Senator FAULKNER—Would you be able to identify other agencies for us, please?

Col. Gallagher—I am not sure about other Commonwealth government agencies, but certainly there is occasional—I make the point, very occasional—material from the Defence Signals Directorate.

Senator FAULKNER—Are you able to identify any other agencies?

Col. Gallagher—I prefer not to. I prefer not to delve into areas where I really cannot comment regarding what DIMIA was receiving from whom. I can only make judgments based on the fact that we very occasionally saw some of our own reporting relating to this and I know that that went to DIMIA.

Senator FAULKNER—What I am asking is the process question of which agencies are inputting to ASTJIC, that is all—I am not asking you about anything beyond that.

Col. Gallagher—Directly to ASTJIC there is DIMIA, Coastwatch, the Defence Signals Directorate and DIO—who, like us, are not collectors but are an all-source analysis agency. There are also our own operational forces. We were getting reports back from the ships at sea, the aeroplanes that were flying and Headquarters Northern Command.

Senator FAULKNER—And AFP?

Col. Gallagher—No, we were not receiving reports directly from AFP.

Senator FAULKNER—Are there any others that you can identify?

Col. Gallagher—No, we were not receiving reports directly from other agencies, apart from those within Defence.

Senator JACINTA COLLINS—I am sorry, did you say you were not getting reports directly from AFP?

Col. Gallagher—As far as I am aware. Certainly the ASTJIC was not. I cannot speak for other parts of Defence.

Senator FAULKNER—What was the working relationship between ASTJIC and DIMIA's Border Protection Branch? How did that work on a day to day basis?

Col. Gallagher—I might say up front that it was a very good relationship. Certainly, our relationship with Coastwatch was equally close. Each day formal reporting would come from DIMIA, usually in the early afternoon. It should be borne in mind that I was not at ASTJIC at the time—I have deduced this from examining the products and talking to people who were there at the time. The analysts at ASTJIC would clarify any areas that were seen as doubtful in order to try and fine down the ASTJIC product, to tailor it to what was required to support the development of situational awareness in the commander's mind about what was going on at the

theatre level—and I assume this was so that the commander could make decisions about the apportionment of resources to conduct Operation Relex.

Senator FAULKNER—Did you receive the DIMIA intelligence notes?

Col. Gallagher—Yes.

Senator FAULKNER—What was the turnaround time in relation to those?

Col. Gallagher—When you say turnaround time—

Senator FAULKNER—Did you get them pretty quickly? It all came through pretty quickly, did it?

Col. Gallagher—Once they were published, yes. We usually got them between midday and three o'clock in the afternoon.

Senator FAULKNER—I appreciate that you can only comment as far as ASTJIC is concerned but what happens after you receive this advice? Can you explain to us what happens once you receive these advices from these agencies?

Col. Gallagher—We would take the various products and the previous reporting and attempt to establish links to earlier reports with a view to determining what had changed and what, on the balance of probabilities, was likely to occur in the future. In the short term we were focused very much like Coastwatch on the seven-day, 14-day period. A lot of the DIMIA product tended to be looking out much further than that and, as you would understand, was therefore less definitive. None of the intelligence that we were receiving regarding any of the SIEVs was definitive. I had a discussion recently with one of my colleagues at Headquarters Northern Command. We came to the view that about 40 per cent of what we received related actually to vessels that turned up or materialised. In the broad scheme of things this is a very imprecise area.

Senator FAULKNER—Did you make an assessment of the weight you might put on intelligence reports that you were receiving? Is that the sort of role you undertook?

Col. Gallagher—We were unable to do that because we did not have access to the original source reports. You can only start making conclusions about the credibility and reliability of different streams of reporting if you have access to the original reporting. In most cases we did not have access to the original reporting. Where we did, it was a very small proportion of the reporting and insufficient to make a judgment on.

Senator FAULKNER—To your knowledge does any part of Defence have access to the original reporting?

Col. Gallagher—Not to my knowledge.

Senator FAULKNER—After you undertake your work what do you do with this intelligence? Once these reports are dealt with in ASTJIC what then is your responsibility in terms of passing such intelligence on to other elements of the Defence command?

Col. Gallagher—If there was anything of sufficient moment, we would phone people who were involved in conducting the operation, and we would follow that with formal message traffic in what we call an intelligence report—a very short, unevaluated message that simply would describe whatever facts were known at the time—and that would be followed by more closely analysed reporting, either in the form of a formal intelligence summary or in a report in the daily theatre intelligence brief.

Senator FAULKNER—Your intelligence reporting is third-hand at least, isn't it? You do not get primary sources, you get intelligence reports that are developed from primary sources, and then effectively you pass on material that has been further analysed. Is that a fair way of summing it up?

Col. Gallagher—That is a fair way of explaining what we were doing, and we recognise this as, from our perspective, a limitation but we were working within the confines of other agencies' preparedness to distribute material directly to us.

Senator FAULKNER—Whatever you are passing on, by the time you pass it on it is at best third-hand, isn't it?

Col. Gallagher—In most cases but it is fair to say that we were comparing the veracity of reporting coming out of DIMIA and Coastwatch. In other words, we were able to make judgments based on what they had said previously, so we were doing our own form of evaluation so that we could put some sort of balance of probability on it for Commander Australian Theatre.

Senator FAULKNER—I have described your assessments as at best third-hand; perhaps a better description would be in most cases third-hand. It would be fair, wouldn't it, if I said that in most cases they were third-hand?

Col. Gallagher—That would be a fair description.

Senator FAULKNER—Where does that go? We start with primary sources. It comes in as intelligence reporting from primary sources. It comes in second-hand to ASTJIC. In most cases it goes out third-hand. What I am interested in understanding is: where does it go to out of your intelligence centre?

Col. Gallagher—It goes to all people involved in conducting the operation, which would have been the ships at sea; the aircraft, or the squadrons that the aircraft belonged to; Headquarters Northern Command; and all four component commands—that is, naval, land, air and special operations. Information copies would have been forwarded to DIO, DSD and DIGO.

Senator FAULKNER—Understanding that, does it mean that in terms of the surveillance operation for Operation Relex that is where the Defence intelligence input comes? Is that right?

Col. Gallagher—It originates from the ASTJIC or—

Senator FAULKNER—Is the surveillance side of the operation, which I appreciate you are not directly involved in, dependent on intelligence reports coming out of your intelligence centre?

Col. Gallagher—To a large extent, yes.

Senator FAULKNER—I hear you say, ‘To a large extent,’ and that is logical but are you able to say how large that extent is?

Col. Gallagher—Yes. I could not quantify it but I guess I could try to describe it. DIO was providing advice principally at the strategic level to, obviously, its customers in Canberra. The ASTJIC’s principal customers are Commander Australian Theatre and his component commanders. In this case I assume that the component commanders you are most interested in are the maritime and air commanders.

Senator FAULKNER—Yes. I appreciate that.

Col. Gallagher—And also to Headquarters NORCOM. But Headquarters NORCOM were also receiving the same material.

Senator FAULKNER—That is right. And receiving it from you, if they did not receive it from direct sources.

Col. Gallagher—Absolutely.

Senator FAULKNER—But to a large extent, the surveillance operation is dependent on what is coming out of your intelligence centre. That is what I assumed would be the case and you have been able to confirm that for us. That is right, isn’t it?

Col. Gallagher—Yes.

Senator FAULKNER—So, if we have a suspected illegal entry vessel—and we had a number during the latter half of last year and the period of Operation Relex—those conducting surveillance, to a large measure, would be dependent on the reporting out of your intelligence centre?

Col. Gallagher—Yes.

Senator FAULKNER—Given that this is third-hand, does that give an unfair picture about the time delay? Or is there a timelag in relation to getting any crucial information that comes from your intelligence sources to those responsible for surveillance?

Col. Gallagher—There were a number of timelags involved. But within the defence system, which is all I can really speak to, the time delays were never more than about 24 hours. That was simply a case of a number of the reports related to vessels that may or may not be expected

to sail from any number of ports during the next number of days. Given the transit times involved, it was not imperative to be waking people in the middle of the night to tell them that a vessel was expected to leave in three days time, because the transit times, as previous witnesses have testified, are quite lengthy, ranging up to 72 hours.

Senator FAULKNER—Your intelligence assessments and reporting to other parts of defence is obviously quite crucial in terms of surveillance activity, isn't it? There is absolutely a direct link.

Col. Gallagher—There is a nexus between intelligence and surveillance. They are interactive to a large extent. My recollection is that Admiral Ritchie testified about the relationship between intelligence and surveillance in his mind. I would agree with what he said at the time, which was that the intelligence relating to these vessels was of insufficient fidelity to allow precise targeting of surveillance assets. My understanding of the approach that was being taken was by a process of logic to work out the tracks that these vessels were likely to take, and to concentrate appropriate resources along those tracks.

Senator FAULKNER—Are you aware of any problems caused by the timelag that we have been talking of? Can you give the committee examples of any tangible problems?

Col. Gallagher—Yes, I can. Different agencies did not work on weekends, which meant that there was often 48 hours or more timelag in material arriving on a Monday, or even on a Tuesday, that had come into the system at some point either late on Friday or over the weekend. I hasten to add that it was not a factor within Defence, because the ASTJIC runs 24 hours a day. As soon as we got information or intelligence, it was processed and, if it was of sufficient moment, it was immediately advised to people. Otherwise, we waited until the next day to include it in the morning briefing for the commander and his component commanders.

Senator FAULKNER—As you are aware, the issue of SIEVX has been canvassed. In the examination that has been done internally within Defence about SIEVX, are you aware of any concerns about timelags or delays relating to that particular illegal entry vessel?

Col. Gallagher—I cannot speak to the timing of the receipt of original source reports, because they are outside Defence. I can say that, on each occasion that we were advised of anything to do with SIEVX during the period from about 14 October onwards, it was passed on to the people who needed to see it or know about it as quickly as was required under the circumstances. For example, earlier that week, briefings waited until the next day because there were these reports: 'It's coming,' 'It's going,' 'It's leaving from this port,' or 'It's leaving from that port.' It was very obscure as to exactly what was occurring. Once we were advised by Coastwatch on 20 October that the vessel was reported to have departed at a time and from a place, as you have heard in previous testimony, we reported it immediately to all the people who received the normal distribution of intelligence. It is most unfortunate that, at the time we were reporting it had departed, the vessel had already foundered.

Senator FAULKNER—One of the issues is to try and establish an understanding of why that was the case, because there was obviously a lot of raw or primary intelligence about this particular vessel. Is that a fair comment to make?

Col. Gallagher—I really cannot comment on how much raw intelligence there was involving this vessel. I simply do not know and I would suggest it would be difficult for me to find out in a short period of time. That is possibly a question that might be better directed at other witnesses.

Senator FAULKNER—What you can say, though, is what intelligence reports came in to ASTJIC. You can say that—not primary sources but intelligence reports. Are you able to advise us of any delay or any process issues that arose in relation to that reporting, assessment at ASTJIC and then passing this information on to those who were directly involved in the surveillance activity? This is one of the issues that have been raised, and I think it is important that the committee and, for that matter, the public have an understanding of whether that was an issue in relation to SIEVX.

Col. Gallagher—During the period when ASTJIC was the lead theatre intelligence production agency for Operation Relex, the ASTJIC intelligence watch system was running 24 hours a day. My predecessor constituted a small analytical team to support Operation Relex. It consisted of between two and four people, it worked seven days a week and it worked on extended hours from 0500 in the morning until 2100 in the evening—occasionally later, but they were the core hours covered. That was because it had become apparent, certainly by the end of September, that all of the relevant reporting arrived at ASTJIC during the early morning and late afternoon-early evening.

Once material was received and people had done their analysis, prepared items for the following morning's briefing, issued any relevant intelligence reports, sent out intelligence summaries, or posted material to the web page, that was it. There was not much more we could do if material was not coming in overnight. Very rarely did material come in overnight. When it did, the theatre intelligence watch officer would call a member of the analytical team to determine the significance of whatever had come in.

Senator FAULKNER—In the assessments that have been done internally in Defence in relation to the events surrounding the sinking of SIEVX, has any issue or concern about the time delay been identified?

Col. Gallagher—Not to my knowledge. I can simply make the observation that, based on the ASTJIC's records, when material was received it was reported as soon as it was appropriate to report it. In other words, if it related to long-term issues it was reported over the next day or so; if it related to issues of immediate concern it was reported immediately. How that material was handled once it went to the recipients in terms of timeliness I cannot speak to.

Senator FAULKNER—Rear Admiral Bonser from Coastwatch talked to the committee about what Coastwatch did when they received intelligence advice about a vessel like the Abu Qussey vessel, and that is that they would pass it on to your intelligence centre and NORCOM, and would do so by secure phone. Rear Admiral Bonser has given evidence to this committee about that process but he has done so from, if you like, the Coastwatch perspective, which is what you would expect. For the benefit of the committee, could you give us an insight into what would occur at ASTJIC when such a call comes in?

Col. Gallagher—Probably the best example is what occurred on 20 October, when Coastwatch contacted the ASTJIC by secure phone at 0950 local time. That call was completed just after 10 o'clock local time, in Sydney. That was a Saturday. I am not sure whether the ASTJIC analytical team were at work on that day, but I am sure that they were contacted because at 1100 that day an intelligence report was issued from the ASTJIC which encompassed the issues that are identified as being in the NORCOM INTSUM, which is in the record of intelligence reporting that you have.

Senator FAULKNER—There is about an hour's turnaround in this case?

Col. Gallagher—Yes.

Senator FAULKNER—That would go to, amongst others, those who were responsible for surveillance?

Col. Gallagher—Yes, that is correct.

Senator FAULKNER—Have you or anyone else in ASTJIC examined what occurred in relation to the events surrounding SIEVX? Have you or anyone else been tasked to undertake that role?

Col. Gallagher—No. I have not been tasked with any sort of forensic examination of material. In order to prepare myself for appearing before you I have familiarised myself with the train of events and reporting, which was the basis of my comment before that what has been presented to the committee is consistent with my understanding of the information that was available to Defence at the time.

Senator FAULKNER—I am sure; that is absolutely fair enough. But what I am wondering, particularly in relation to the preparation of Admiral Gates's report but not exclusively, is what level of investigation there has been. You cannot comment outside ASTJIC, I appreciate; that is why I am limiting my question to your own intelligence centre. I am just wondering what, if any, examinations, inquiries, assessments have been made about events surrounding the SIEVX. It may not have happened, but that is the point of my question.

Col. Gallagher—We were requested to provide material to the people conducting the investigation or the review, and we did such. I am unaware of anybody coming to visit the ASTJIC, for example, to interview people who may or may not have been there at the time.

Senator FAULKNER—So the supply of documentation is the limit of it, as far as you know?

Col. Gallagher—Yes.

Senator FAULKNER—In relation to the SIEVX vessel specifically—which is the reason that you are here today—are you able to outline to the committee what reporting you received and what reports were sent from ASTJIC? Are you able to detail that for the benefit of the committee?

Col. Gallagher—I can explain it; I am not sure I can detail it to the level that you—

Senator FAULKNER—Perhaps I could ask you to explain it, Colonel.

Col. Gallagher—The initial reporting that is relevant, I think, to the period began with the receipt of Coastwatch Civil Maritime Surveillance Program operation summary on 14 October, which was the one that first identified that the Abu Qussey vessel was delayed, and that was based on an intelligence report of 11 October. I am unaware of who that report came from. That was a Sunday. What happened then was that the information was processed in the ASTJIC, it was included, given that the vessel was reported as—

Senator FAULKNER—Do you know how it came to you?

Col. Gallagher—Yes. It would have been come to us by—I am just trying to remember how the Coastwatch summaries were coming to us. It could have been either electronic or secure fax. Because of the fact that the vessel was delayed, that would have been reported the following day. It was reported that day, I think, in the updating of the web pages and it would have been reported the following day, which would have been Monday the 15th, in the daily Theatre intelligence brief. Then there was a formal message that went out following that intelligence brief encapsulating the key points from the brief. So people who attended the brief would have heard about the beginning of the chain of events and, as I say, a formal message also followed, summarising what was contained in the daily brief. So if they were not there they had access or would have been able to access that information.

Subsequently, the next reporting that is of interest are the reports from Coastwatch that the vessel was reported to be moving from one port to another. It is a common occurrence—as I am sure has been testified to before—that the people smugglers would move their vessels through a number of ports. That was reported by the ASTJIC in the Theatre intelligence briefing on the morning of Thursday, 18 October. On Thursday, 18 October, Coastwatch provided telephone advice initially and then followed that with formal advice, on the afternoon of 18 October, that the vessel was reported to have departed Java for Christmas Island. The date of departure was unclear and, to my mind, remains unclear. Nonetheless, on the basis of the transit times that we have been talking about, which are quite lengthy for these vessels, that was reported in the Theatre intelligence briefing on the morning of 19 October.

On the afternoon of 19 October, there was a Coastwatch summary issued that reported that the vessel would be a ‘possible’ arrival at Christmas Island. I am assuming, because I have not actually been able to get some of the original reports now because they have been archived or destroyed as part of the process of dealing with a lot of these reports, but I am sure the originator would be able to speak to the contents of the report in more detail than I can. That report repeated the suggestion that the vessel departed from somewhere in Java—and there were a number of ports along the southern coast of Java that were used by these people smugglers. They ranged from ports in about the centre of Java right to the eastern and western ends, and it really depended where they were heading as to where they were likely to have departed from. That information, as I said, was reported in a written briefing which was posted to the web page on 20 October. That would have been the Saturday morning when it would have been posted to the web page that the vessel was likely to be inbound. I understand that that has been testified to

before. Then we arrive at 20 October, and I have explained to you how the information came into the ASTJIC and how it was dealt with on 20 October.

Senator FAULKNER—In relation to those other Coastwatch contacts before the 20th—so we are talking about 14, 17, 18 and 19 October—was there any intelligence reporting going out of ASTJIC on any of that material?

Col. Gallagher—Only the reporting that I have just described to you—the daily intelligence briefing in the morning to the commander, the component commanders and the key staff officers, which was followed by a formal product which summarised the key points that came out of the Theatre intelligence briefing and was also posted to the web pages on the Defence intranet. The only time we ever issued specific immediate intelligence reports was, as I mentioned earlier, when we thought it was of sufficient moment that people needed to be aware of it.

Senator FAULKNER—And that was on the 20th?

Col. Gallagher—Yes.

CHAIR—This is a question I was going to ask earlier, but this looks like an appropriate juncture. Did the advice that you have just referred to go to the People Smuggling Task Force headed by Ms Halton?

Col. Gallagher—I do not know. Are you talking about the advice late in the week or the advice on the Saturday morning?

CHAIR—All of your advice really, but this particular advice especially.

Col. Gallagher—I am not sure. I could not answer that question because they are outside Defence. I know who the recipients of our material are within Defence. I really cannot say whether it was made available to them.

CHAIR—Did Air Vice Marshal Titheridge seek any information from you at any point?

Col. Gallagher—Not from the ASTJIC but in his position at that time, he would have dealt with Headquarters Australian Theatre, which is my superior headquarters. A question might have come from the headquarters to the ASTJIC but that is speculation and I cannot answer that.

CHAIR—On about 6 or 7 October—these are the dates for SIEV4—did you or anyone in your agency get a phone call from Air Vice Marshal Titheridge about an update so that he could brief the minister?

Col. Gallagher—I do not know.

CHAIR—Could you check that point for us?

Col. Gallagher—Noting that I was not in command at the time—

CHAIR—I understand that.

Col. Gallagher—and that I have limited my research to the issue of SIEVX in the 36 hours that I have had to prepare for my appearance, I will get an answer to that and try and provide it to you as quickly as possible.

Senator FAULKNER—You were only told 36 hours ago that you were going to appear here?

Col. Gallagher—It depends how you count the hours but I found out by reading the Defence news summary and seeing in the *Canberra Times* column that I was going to be appearing.

Senator FAULKNER—That would be right. When did the minister advise us—

Col. Gallagher—In a formal sense I have to be fair and say I did have a phone call the afternoon before that article appeared saying that I might be appearing.

CHAIR—I had a letter from the minister on 8 July suggesting this officer may be one that we should invite. We responded to that shortly afterwards. How did your agency, ASTJIC—

Senator FAULKNER—We all learn a lot of things from the *Canberra Times*, I can assure you.

CHAIR—relate to Air Vice Marshal Titheridge? Was he on your mailing list?

Col. Gallagher—In the normal course of events ADHQ or certainly the ADF Intelligence Centre, which is part of DIO that lodges within Strategic Command Division, would receive correspondence from us because they are part of DIO.

CHAIR—So he would be on your mailing list?

Col. Gallagher—Not directly.

CHAIR—Do you know how your intelligence information was presented to the task force— or was it presented at all?

Col. Gallagher—I honestly cannot speak to that. I do not know how the processes in Canberra were working at that time. I was not in Canberra and I was not in the ASTJIC at the time this was going on so I really cannot answer that question.

CHAIR—As you know, Commander Banks received a phone call from Air Vice Marshal Titheridge because a minister was appearing on television and needed a brief.

Senator JACINTA COLLINS—Silverstone.

CHAIR—Silverstone. Could you check your records to see whether your agency received a similar phone call at the time for the purposes of updating with state-of-the-art information in preparation for any briefing of ministers or government spokespersons?

Col. Gallagher—I will check that. Mr Chairman, I do have an answer to the question that you asked before regarding the report. My advice is that the original report was drafted by Strategic Command Division. It was cleared through DIO, DSD, DIGO, Headquarters Australian Theatre, Headquarters NORCOM, and the Naval Component Commander at the Australian Theatre. ASTJIC would have been consulted as part of the Headquarters Australian Theatre consultation process. The unclassified chronology provided to the committee was drafted within Rear Admiral Gates's CDF/Secretary task force based on the original, which was drafted by Strategic Command Division. That was then cleared through DIMIA, the Australian Federal Police, Coastwatch, Strategic Command Division, Headquarters Australian Theatre, Naval Component Command, Australian Theatre, and Headquarters Northern Command.

CHAIR—I am interested in how that information got to the task force. There was a high-level task force set up in the government coordinating all the people smuggling activities. Do you know how it then made the leap into that task force?

Col. Gallagher—That was the answer to the question that was asked earlier about the drafting of Admiral Gates's report. Are you now going back to the original—

CHAIR—Yes. If you do not have that information you might let me know.

Col. Gallagher—Yes, Senator.

Senator FAULKNER—On 17 October, ASTJIC was phoned by Coastwatch?

Col. Gallagher—I can't say one way or the other whether we were phoned on the 17th. We did receive a formal Coastwatch summary in the afternoon. I can say that it was normal practice for the analysts in ASTJIC to then discuss it with either Coastwatch or DIMIA in order to try and assign, as I said before, some sort of balance of probability to the potential arrivals.

Senator FAULKNER—I would appreciate it if you could take these matters on notice: if Coastwatch telephoned ASTJIC on the 17th, when did that occur? Also, was there any telephonic contact that you are aware of from Coastwatch on the 18th?

Col. Gallagher—Yes. As I have mentioned already, they phoned through the information that the vessel was reported to have departed from somewhere in Java. That was followed by formal reporting later that day.

Senator FAULKNER—Do you know what time that phone call was?

Col. Gallagher—No, I don't. I would have to check to try and find out what time that phone call was.

Senator JACINTA COLLINS—Can you explain to me the footnote relating to that phone conversation in the report?

Col. Gallagher—I am sorry, I cannot. I did not draft this report. Having looked at some other material, I think that there is great uncertainty about when that vessel departed anyway. I certainly cannot explain that footnote.

Senator FAULKNER—Who is the secretary of the task force?

Col. Gallagher—The task force that was set up, which was headed by Admiral Gates, was called the CDF/Secretary task force—meaning the secretary of the department. It was set up jointly by the CDF and the secretary, I understand.

Senator FAULKNER—So you do not actually have the original of that operational summary report that the footnote relates to?

Col. Gallagher—I would have to check but, in this case, it would be easier to ask the originator.

Senator FAULKNER—What about information that is coming from the defence and naval attaches in Jakarta? Does that material come through to your intelligence centre?

Col. Gallagher—Yes.

Senator FAULKNER—How does that work?

Col. Gallagher—It comes in usually via a DFAT cable, which we would receive electronically, soon after it was initiated at the other end. Occasionally, we would receive phone calls but more often than not we would receive advice regarding reporting from Jakarta via either Strategic Command Division or the ADF Intelligence Centre which lodges in with Strategic Command Division.

Senator FAULKNER—Are you able to explain what the role of the defence attache and the naval attache was in Jakarta in relation to Operation Relex?

Col. Gallagher—No. I am not in a position to explain what their roles were, principally, because I do not know.

Senator FAULKNER—That is another reason why it would be helpful to have Admiral Gates assist the committee. To what extent is it your understanding that Maritime Command is in the loop with what is occurring in ASTJIC? You report to Maritime Command, do you?

Col. Gallagher—We report to all of the commands within the Theatre as a matter of course. Where a command is involved in a particular operation and we have the role of being the principal source of intelligence to support that operation—source in the sense that we are the place where a lot of this material comes together—we report formally by message. We usually

advise people by telephone if an issue is of sufficient import but, certainly, formal messages are sent to the component commanders and other elements involved in the operation.

Senator FAULKNER—Are you aware of any defence intelligence reporting out of Indonesia during the period of Operation Relex apart from what is coming from the attaches at the embassy?

Col. Gallagher—No, I am not.

Senator FAULKNER—I see. Are you aware of any of the disruption or dismantling activities in Indonesia in relation to people smuggling?

Col. Gallagher—No, I am not; I am genuinely not aware. I was aware that they were being conducted but I am unaware of how they were being conducted and who they were being conducted by.

Senator FAULKNER—Who should we ask in Defence about whether they have any awareness about it?

Col. Gallagher—I think that is a question that needs to be directed to another agency, such as the Australian Federal Police. I do not think that that is something that Defence was involved in—not to my knowledge, anyway.

Senator FAULKNER—We will ask them. Have you satisfied yourself in relation to the intelligence reporting about SIEVX—that that reporting was dealt with as seriously and in the same manner as other intelligence reporting in relation to other vessels?

Col. Gallagher—Yes, I am—absolutely. I have no doubt in my mind that this was being planned for and treated as any other potential SIEV.

Senator FAULKNER—How have you been able to satisfy yourself of that?

Col. Gallagher—In the case of the ASTJIC, by looking at the amount of work that was done in relation to the reporting of Abu Qussey's intention to take one or two vessels to Australia around that time. That had been a consistent theme of reporting since, as far as I could check back, about August, I think—it might even have been July—when reports appeared of Abu Qussey intending to bring groups of people to Australia and in particular to Christmas Island.

Senator FAULKNER—A moment ago you said that you were aware of the disruption operation but did not have any detail, which is fair enough, and that you felt it was better directed to other agencies. I just wondered whether you could share with us how you became aware of that. I am not going to go to the detail; it is merely your awareness of those activities that I am interested in.

Col. Gallagher—I actually cannot recall how I found out about it, but it was not in a formal sense.

Senator FAULKNER—You are in front me and I am still trying to find out about it. Were there any DSD inputs in relation to intelligence on the SIEVX issue?

Col. Gallagher—I could not tell you how many there were in a quantitative sense but I think I can recall that there might have been some reporting much earlier in the process—an August sort of time frame—but I cannot speak to the detail of that and I am unaware of any reporting in the period that you appear to be focusing on in October.

Senator FAULKNER—Would you take on notice a question in relation to DSD input or reporting on the SIEVX?

Col. Gallagher—I can, but I can also advise you that their reporting was also going to DIMIA. What I am saying is that my organisation was not receiving it for the direct purposes of producing the sorts of detailed intelligence summaries that were being prepared by DIMIA.

Senator FAULKNER—Yes, but it remains a defence agency, doesn't it?

Col. Gallagher—Yes. I will try to get an answer to the question.

Senator FAULKNER—Which is why I am asking you about it. I appreciate that you may not have been aware of it directly. Are you aware of the People Smuggling Task Force notes of 18 October?

Col. Gallagher—No, I am not aware of them. In fact, I have not seen the actual notes. I have seen little bits that have appeared in people's previous testimonies, but I have not actually seen any of the notes.

Senator FAULKNER—Fair enough. They talk about intelligence regarding two boats with a possible 600 unauthorised arrivals expected at Christmas Island. This is the People Smuggling Task Force notes of 18 October, which say:

Some risk of vessels in poor condition and rescue at sea. No confirmed sightings by Coastwatch, but multisource information with high confidence level.

Can you explain to us what is meant by 'multisource information with high confidence level'?

Col. Gallagher—I cannot.

Senator FAULKNER—Are you able to assist us with the suggestion in this report that there were some vessels 'in poor condition' and explain what 'rescue at sea' would be referring to?

Col. Gallagher—No, I cannot, but I can make the observation that a number of these vessels—even the ones that arrived and were interdicted—were unseaworthy, so it was not an uncommon sort of observation to make about a SIEV.

Senator FAULKNER—Was that same information that is reported in the People Smuggling Task Force notes given to Defence on or around 18 October?

Col. Gallagher—I am not sure how it went to Defence. We received Coastwatch reporting that afternoon which talked about the departure of a vessel. I do not have the details of what that report actually said about the vessel. You would have to put that question to Coastwatch.

Senator FAULKNER—The notes state:

Some risk of vessels in poor condition and rescue at sea ... multisource information with high confidence level.

Am I being unreasonable in thinking that this would be the sort of message that would trigger concern about the vessel having potentially departed Indonesia? It seems quite logical really.

Col. Gallagher—I cannot speak to that matter. I have not seen the notes you are referring to and I never attended any of those meetings. The role of intelligence within the theatre at this stage was to provide people with advice about when and from where we thought vessels might or might not depart, with a view to informing their decisions about surveillance. We are heading into areas that are outside my purview.

Senator FAULKNER—Do you know when, if at all, your intelligence centre was given an idea about the number of people who had boarded the Abu Qusey vessel?

Col. Gallagher—I am not sure. I will have to get back to you on that. As I said, I have not been able to read a lot of the original source reports. I have been going from our logs.

Senator FAULKNER—Do you know when Defence was advised that the vessel was reportedly small and overcrowded?

Col. Gallagher—I certainly know that my organisation was advised by Coastwatch around a quarter to 10—I think Admiral Bonser recorded it as 9.50—on 20 October. That is the first indication I can definitely put my finger on. But, as I said, I will undertake to find out exactly when the joint intelligence centre first heard about the number of people who might have been involved in travelling on the vessel.

Senator FAULKNER—Admiral Bonser has told us that Coastwatch was aware that about 400 passengers had embarked on the vessel and that some people had either not got on the vessel or had got off the vessel. Do you know whether Defence was made aware of that information?

Col. Gallagher—About the number of people who may have got on?

Senator FAULKNER—The number in total and the fact that some had either not got on it or had got off it.

Col. Gallagher—After the fact.

Senator FAULKNER—You mean after the vessel sank?

Col. Gallagher—After the fact, yes. I am unaware of any reporting into or within Defence that would indicate what you have just described—that people did not want to get on, that some

got off and that some got off part way along the journey. That all seems to have come out after the event. In large part, it seems to be reporting based on the survivors' recollections.

Senator FAULKNER—Given that we now know that there is a substantial amount of intelligence information coming mainly from DIMIA and AFP sources—and, to a lesser extent, I suppose, Coastwatch—do you think some might jump to the conclusion that the intelligence about SIEVX was not being treated seriously?

Col. Gallagher—Some people might jump to that conclusion, but it is my opinion, based on the quantity of reporting about this vessel in comparison to the quantity of reporting in relation to other vessels, that it was being treated as a serious SIEV. However, I really cannot offer you more than that judgment.

Senator FAULKNER—When did your intelligence centre become aware of the numbering of the SIEVs? Do you know how the numbering of the SIEVs works?

Col. Gallagher—Yes. The way it came about, in my recollection, is that the SIEVs were numbered successively from one on the basis of their apprehension by the Navy. It was not a number that was provided by anybody else. It was an after-the-fact numbering of an apprehension.

Senator JACINTA COLLINS—Except on this occasion, when the People Smuggling Task Force, for its own yet-unknown purposes, decided to attribute a number.

Col. Gallagher—I am not sure about the internal deliberations of the task force. My own assessment is that, because it did not arrive and was never apprehended—it did not appear—it was not given a number.

Senator JACINTA COLLINS—Can you just explain to me one further issue about the notes from the People Smuggling Task Force that Senator Faulkner was referring to. One of the points he referred to was the comment that there were no confirmed sightings by Coastwatch, but there was 'multisource information with high confidence level.' Why would Defence not be relevant to sightings since, by that stage, Defence was looking after surveillance of all of the avenue approaches in Christmas Island?

Col. Gallagher—I cannot answer that question. It relates to operational matters. It is really a surveillance issue.

Senator JACINTA COLLINS—This comment that there had been no sightings from Coastwatch is really only addressing part of the picture because, as we understand it, it was not Coastwatch who was surveilling that zone at that stage.

Col. Gallagher—That may have been the case but, as I said, I was not there, I have not seen the notes and it is really an operational issue.

Senator JACINTA COLLINS—Can you tell us the basis of the intelligence for the reported departures on 18 October and 19 October?

Col. Gallagher—No, I cannot. You would have to speak to the originator of those summaries.

Senator JACINTA COLLINS—What I am trying to understand is why it was only regarded as corroborated on 22 October when it appears that the advice received from the AFP on 20 October could equally have been regarded as corroboration.

Col. Gallagher—I cannot speak about what other organisations did with the information, but I can say that even though the point of departure was different, the ASTJIC took that report from the AFP via Coastwatch on the morning of the 20th to be corroboration of the fact that a vessel had left. The issue was that there was doubt about where it had left from. For example, the earlier reports were talking about central Java; the AFP report on the day talked about western Java; in fact, the survivors say that it departed from eastern Sumatra. So there was significant doubt about where this vessel was actually leaving from. I can say in the case of my own organisation that we took that report of a departure to be confirmation that a departure had occurred.

Senator JACINTA COLLINS—On 20 October?

Col. Gallagher—Yes, and that is why we issued an intelligence report—because it was a weekend, because the way to get the attention of people out of normal working hours is to send them an immediate message, amongst other things, such as phone calls and so on to the duty staff.

Senator JACINTA COLLINS—Again, I understand the difficulty here because you did not collate this document: can you apprise us of the basis for the NORCOM assessment that the boat had probably returned back to the Java coast? Is there any intelligence that you are aware of to give weight to that assessment?

Col. Gallagher—No. I cannot explain how NORCOM developed that report.

Senator JACINTA COLLINS—It was not an assessment based on advice from your agency?

Col. Gallagher—No, not that I am aware of.

Senator JACINTA COLLINS—Were you aware that they had reached that assessment?

Col. Gallagher—Only in that this vessel was reported at various stages to have left and then not left, to have left and then returned over a number of days. So I would assume that any judgment that they were making would have been based on their consideration of what they had seen in the past and perhaps what the weather conditions were at the time. But I cannot speak with any authority on the internal processes of Headquarters Northern Command.

Senator FAULKNER—Do you know how much of the intelligence sources were actually on the ground in Indonesia—the primary intelligence sources?

Col. Gallagher—No, I do not.

Senator FAULKNER—Are you satisfied that the primary intelligence material, from what you know—and I appreciate that you were not there at the time; I think you are in a difficult position at this committee today, so I do understand that—was assessed sufficiently?

Col. Gallagher—I cannot answer that question because I have not seen the primary material. That is a sort of professional judgment question that you could only answer by looking at all the material in its totality. From my perspective, that is clearly impractical.

Senator FAULKNER—Do you think the intelligence material in relation to SIEVX was given the appropriate level of priority?

Col. Gallagher—I cannot speak for other agencies, but certainly within my own agency it was being treated just like any other SIEV, of which at the time there were a number expected to materialise during October.

Senator JACINTA COLLINS—On 22 October, the People Smuggling Task Force reported regarding their attribution of SIEV8—and we do not need to go down that path. It was stated: ‘Not spotted yet, missing, grossly overloaded, no jetsam spotted, no reports from relatives.’ Are you aware of any of that intelligence?

Col. Gallagher—No. As I said, I prepared myself for the issue of SIEVX. I would have to speak to the originators of these—

Senator JACINTA COLLINS—This is SIEVX—SIEV8/SIEVX. The minutes say SIEV8 but that is their misappropriation of the title. But their comments about this boat—they have indicated to us their attribution of SIEV8 is referring to SIEVX at this stage, that has been confirmed—are that it is ‘not spotted, missing, grossly overloaded, no jetsam spotted, no reports from relatives’. This is 22 October. Are you aware of any of that intelligence?

Col. Gallagher—No, I am not, in a personal sense. I was not working there at the time. My predecessor and I were not members of the People Smuggling Task Force, never saw the minutes or the notes, or any product out of that committee. I am really not in a position to comment. Again, we are moving out of the intelligence area into operational areas. The fact that people are talking about something that has not been seen and so on, indicates that surveillance was being conducted which is an operational matter outside my purview.

Senator FAULKNER—I think the committee appreciates, Colonel, that you were not in the intelligence centre at the time these events took place. I think the committee appreciates that you only found out from reading the *Canberra Times* that you would be asked to give evidence here today. I certainly appreciate, and I am sure my colleagues do, that there are very many questions that you have been asked that you are not in a position to answer. I am not critical of that at all. That is understood, given the circumstances.

It is for those reasons, Mr Chairman, that I am so keen to see Admiral Gates appear before the committee as he has been responsible for preparing the report on the sinking of SIEVX. We know that Colonel Gallagher’s intelligence centre has just provided some primary source

documents to go to that report, and I am quite sure that Admiral Gates has a much broader understanding of what occurred. And of course, even though I know that Colonel Gallagher has tried to be very helpful—and I appreciate it, I know other committee members would—there are so many issue for us to canvass here that it cannot properly be directed to Colonel Gallagher. It needs to be directed to Admiral Gates or others. I hope we will be able to press the minister on this. I do not understand why the minister suggested that Colonel Gallagher should come before us in this circumstance. The person we need to hear from is Admiral Gates who prepared the report. I would be very surprised if Admiral Gates would not want to come along here and clear up a range of these issues. I think that would be in the interests of Defence. It would be in the interests of this committee, and I only hope that Senator Hill will see some reason in relation to these matters.

CHAIR—I understand your point, Senator Faulkner, and I do appreciate that you have made the observation about Colonel Gallagher.

Senator FAULKNER—There are so many questions, even about matters relating to the intelligence reports that go into Defence, that properly Colonel Gallagher cannot answer. He has assisted us with those matters that he is able to assist us with, but he was not there at the time. Beyond his own joint intelligence centre, he would not be expected to be able to answer a range of questions, and we do require Admiral Gates or someone else—Admiral Gates is the obvious person given he has prepared a report on these matters—to come before us.

CHAIR—I do understand your point and I do acknowledge that you, like I, have formed the conclusion that Colonel Patrick Gallagher has been forthright and direct with the committee in answering all questions, and we appreciate that. Regarding the other observations you make, they are matters that we will have to deal with in our private meeting.

Senator FAULKNER—I have a range of questions that it is simply not fair to put to Colonel Gallagher. I know how he will respond and I understand how he will respond. I am not critical of that at all. These are matters outside his responsibility and control, and as such I must say I feel uncomfortable even putting them to him.

CHAIR—Do I take it therefore you are terminating your questioning at this point?

Senator FAULKNER—I have many questions I would like to ask in relation to the issues that go to intelligence reporting in relation to SIEVX, but I do not think that Colonel Gallagher can assist us on this. I stress that is not a criticism of the colonel.

CHAIR—I have acknowledged that. Are there any further questions?

Senator JACINTA COLLINS—I concur with Senator Faulkner.

Senator FAULKNER—You really have to question the motivation of Senator Hill in asking this witness to come along in these circumstances. But I thank him very sincerely for what he has been able to provide to us.

Senator BRANDIS—I know that is a nice innuendo, Senator Faulkner—

Senator FAULKNER—It is no innuendo; it is a deliberate slur.

Senator BRANDIS—In his letter of 8 July Senator Hill has explained the reason that he proffered Colonel Gallagher—

Senator FAULKNER—It is not good enough. It is a cover-up.

Senator BRANDIS—You cannot question his motivation when he has explained it.

Senator FAULKNER—I do question his motivation. It may be in his interest but it is certainly not in this committee's interest—nor, might I say, is it in Defence's interest—to not allow Admiral Gates, who can assist us on all these matters, to clear up these issues that remain in the public mind. I would have thought the sensible thing was to allow that to proceed. You really do have to question why Senator Hill is blocking Rear Admiral Gates's attendance at this committee.

Senator BRANDIS—That is rich coming from you, Senator Faulkner, who made up your mind about the conclusions of this inquiry before the first hearing day.

CHAIR—Now we are getting into debate that is properly for the committee or for our report. I have a further question to Senator Gallagher, however. On SIEV4, there was a report that Commander Banks became aware of—I have demoted you; I apologise—

Col. Gallagher—I took it as an elevation.

Senator FAULKNER—No-one else would; no-one on this side of the table.

CHAIR—Colonel, on the SIEV4 issue, we are aware that Commander Banks had reported to him to look out for people wearing life jackets on SIEV4. Would that have been a report that came from your agency?

Col. Gallagher—I do not know. I would have to find out.

CHAIR—Could you find that out for us?

Col. Gallagher—Yes, I will. It has been pointed out to me that I need to clarify something I said before in response to a question.

CHAIR—In response to a question from whom?

Col. Gallagher—I think it might have been from Senator Collins. It was about the date of the confirmed departure.

Senator JACINTA COLLINS—About when you formed the view you had had confirmation, yes.

Col. Gallagher—I advised you of the ASTJIC view on that, which we reported at the time, but I need to make it clear that—

Senator JACINTA COLLINS—That was ASTJIC's view and not NORCOM's view.

Col. Gallagher—That is right. There were numerous reports regarding a departure at the time concerning this vessel, and it was not until 22 October that Defence agreed that it was a confirmed departure.

Senator JACINTA COLLINS—But ASTJIC did on the 20th.

Col. Gallagher—We accepted it as being a departure, given that we had had a chain of reports about it. We reported it, as I have mentioned a number of times, by formal intelligence reporting on the Saturday morning after we had been advised by Coastwatch, who in turn had been advised by the Federal Police of the departure.

Senator JACINTA COLLINS—When you say you reported it, what was the report?

Col. Gallagher—It is not in here because it was a classified report, and I cannot speak to the contents of it in detail because the contents originated from other agencies. You would need to speak to the other agencies about exactly what information was passed from the AFP to Coastwatch and then on to us, NORCOM and other Defence addressees on that day.

Senator JACINTA COLLINS—But what you are telling me, though, is that on Saturday morning, on the basis of receiving that report, you sent out a classified notice that as far as ASTJIC was concerned there was a confirmed departure?

Col. Gallagher—I would have to check the wording. It would be our assessment. It would not have been treated as confirmed. I do not believe that word would have been used in it. It would have been along the lines of, 'It is assessed that a vessel has departed from a certain location at a certain time,' which was based on AFP information.

Senator JACINTA COLLINS—Going back to the earlier conversation you had with Senator Faulkner about time lags, why would it then take a further two days for Defence to accept confirmation?

Col. Gallagher—I honestly cannot comment on that. It is outside my area of responsibility. Those sorts of decisions would have been taken in Canberra. I was not here. I do not like saying that, but the fact of the matter is I was not in Canberra at the time. I was not a member of the—

Senator FAULKNER—It is a fair enough thing for you to say. We appreciate that.

Senator JACINTA COLLINS—From your position we understand that. From the committee's point of view though those two days, you will appreciate, were absolutely critical to 400 lives.

Col. Gallagher—Yes.

Senator FAULKNER—Would copies of the actual outwards reporting from the Australian Theatre Joint Intelligence Centre be able to be made available to the committee?

Col. Gallagher—I would have to speak with the originators of the material that was then used in those reports. It essentially leads me back to what I was saying earlier, that the bulk of the intelligence we were receiving was coming from DIMIA and Coastwatch. You would really need to go back to them.

Senator JACINTA COLLINS—The issue is not necessarily the detail of the intelligence that contributed to your reaching that assessment but, rather, that that assessment had been reached. We already have in part the AFP material, because Rear Admiral Bonser has provided that to us. We can accept your comment that there is other material that might be classified that cannot be released that came from you from DIMIA or wherever else. What the committee needs to see—to the extent you need to, after talking to DIMIA, remove the components that cannot be declassified—is the detail of the assessment that ASTJIC reached at that time, not necessarily the classified components of that assessment.

Col. Gallagher—Can we take that on notice? I will have to go up through the chain of command to the minister.

Senator JACINTA COLLINS—Yes.

Senator FAULKNER—Does that go to the question on notice that I asked relating to the material being reported out of the Australian Theatre Joint Intelligence Centre? In relation to SIEVX, would you be able to provide copies of that material for the benefit of the committee?

Col. Gallagher—I will have to take that on notice. A lot of our material would have been sourced from other people's material. The chain of reporting would be a quite significant quantity of documents. I will undertake to seek release of certainly the intelligence report that was issued by the ASTJIC on that day. You are already aware of a similar report contained within the Northern Command Intelligence Summary issued that day as well.

In relation to Rear Admiral Gates's inquiry, there appears to be a misconception that he conducted an investigation into all intelligence received within Australia concerning SIEVX. There has been no such investigation by Defence. To assist the committee in its deliberations, Rear Admiral Gates conducted a review of all intelligence received by Defence, prepared a chronology and provided a declassified version of that chronology, in consultation with the agencies concerned, to the committee.

Senator FAULKNER—Yes, that was to assist the committee. But the point that I am making—which is not a point for you, Colonel Gallagher—is that it would assist the committee a great deal more if Admiral Gates could come and give evidence here and clear up some of these issues and answer some of the questions that the committee is asking. That is a matter that appears to me to be absolutely straightforward. I am not aware of any other Defence witness who has been blocked from attending this committee, Mr Chairman. You really do have to ask the question: why is Senator Hill, the Minister for Defence, so keen to stop Admiral Gates attending? What does Senator Hill have to hide?

Col. Gallagher—With regard to the question that I undertook to investigate regarding the release of classified material originated by the ASTJIC, I am sorry that I cannot help you any further. Defence has already sought declassification of source material from DIMIA and the Federal Police, and those agencies have advised that it cannot be declassified.

Senator JACINTA COLLINS—Yes. But my point was not that I wanted to see the source material but that I would like to see the assessment. I am quite happy if I get a document that is three-quarters blacked out and you cannot see what led ASTJIC to get to that assessment, but I would like to see the detail of what the assessment was.

Col. Gallagher—There are two issues here. That particular message, as I mentioned earlier in my testimony, would have been a very short factual repetition, possibly with a judgement attached to it, of what had been reported by the Australian Federal Police to Coastwatch, then to us and to NORCOM. That would be, I would think, the principal basis of their intelligence summary from later that day. In terms of how the judgment was arrived at and what the basis of the judgment was, I cannot answer that. It is my understanding that the person who was on duty at the time is no longer posted to my organisation. I would have to find out what was in their mind. I cannot testify as to what might have been in somebody's mind and how they reached a conclusion.

Senator JACINTA COLLINS—With respect, there is a fairly fundamental issue for Defence here, which is that you have told us this morning that ASTJIC essentially assessed as confirmed the departure on the 20th. We have had evidence previously—and this document also refers to this—as to the confirmation being reached on the 22nd. These were two very critical days in the lives of 400 people. I cannot understand why, once you remove any classified material, we cannot see the wording of that assessment as reached by ASTJIC.

Col. Gallagher—I accept absolutely what you are saying about the nature of the tragedy. However, I can only reiterate what I have said before, that there was a series of conflicting, contradictory, incomplete, imprecise, circular reports about the supposed or actual departure of this vessel. There were at least, to my knowledge, three different locations it was reported as leaving from, over several different days. I was simply observing before that we issued an intelligence report on the morning of 20 October which was based on the duty watch officer or analyst's judgment that it was a corroboration of earlier reporting from the 18th and 19th which came from Coastwatch, and presumably DIMA before that, that a vessel had left somewhere. But you will note that initially the vessel was reported as having departed Java, as I mentioned before—and my recollection is somewhere in central Java. Then there was the report from the Australian Federal Police on the Saturday morning which said it left the west coast of Java. Then our understanding of the reality, well after the fact, is that it actually left from eastern Sumatra. I cannot speak to what happened after that intelligence report was issued.

Senator BRANDIS—And, Colonel Gallagher, of course, because of the conflict of reporting as to the likely port of departure, that would have produced different conclusions on the question of whether or not, at a given point in time, the vessel was overdue or had not reached a point which it would have been expected to reach on that date.

Col. Gallagher—Yes, that is correct. And further to that, depending on the distances that we are talking about in a lateral sense—east to west—it would have a significant impact on

decisions about where to put surveillance assets. But, again, I go back to my original point: that is really an operational decision.

Senator BRANDIS—I understand that. But in terms of the intelligence reporting, we can say two things with reasonable certainty, can't we. First of all, there was never a report that the vessel was in distress.

Col. Gallagher—Certainly I am personally unaware, after having looked through all of the reporting available to me, that there was any form of distress call. There is absolutely no evidence to suggest that there was ever a distress call of any type.

Senator BRANDIS—And, secondly, there was never any conclusive signal or report to suggest at any material time the vessel was overdue.

Col. Gallagher—In a formal sense, no. There were only people's judgments or assessments that the vessel might be overdue.

Senator BRANDIS—Might be, depending on where its point of departure was, which was itself a matter of complete uncertainty.

Col. Gallagher—Yes, that is correct.

Senator FAULKNER—I have a couple more questions, Chair, then I know we want to go to a lunch break. As I understand it, Colonel, you assumed your position as Commander, Australian Theatre Joint Intelligence Centre, in January this year?

Col. Gallagher—That is correct.

Senator FAULKNER—What was your role in the second half of last year, when the events that we are talking about occurred?

Col. Gallagher—I was the senior intelligence staff officer at Headquarters Australian Theatre, responsible for coordinating the provision of intelligence support to all of the operations we were talking about before. In that capacity, I was not part of the intelligence production process; I was part of a coordination and planning process.

Senator FAULKNER—Did you have any role in relation to Operation Relex at all?

Col. Gallagher—Yes. I was responsible for drafting the intelligence support plan that set up the intelligence support arrangements, which at that time would have placed ASTJIC as the paramount Theatre intelligence production agency. That intelligence support plan was then adjusted as it became clear that the tempo of operations was becoming too much for ASTJIC and other parts of the system, but particularly for ASTJIC, and the Commander Australian Theatre agreed to transfer that responsibility to Headquarters Northern Command.

Senator FAULKNER—Have you had any other role apart from drawing up that plan in its original form?

Col. Gallagher—No; simply as an adviser.

Senator FAULKNER—Sure. Are you aware that you are the only witness who has come before this committee that has not had any direct or even indirect role contemporaneously in the matters which this committee's terms of reference go to?

Col. Gallagher—I am sorry, could you repeat that?

Senator FAULKNER—The current position that you hold you did not hold at the time of the incidents which this committee is investigating?

Col. Gallagher—Yes, that is true—although Admiral Bonser has now moved on as well, as has Admiral Ritchie.

Senator FAULKNER—Yes, I am aware of that, and so have a whole range of others, I can assure you. They have moved on from positions they had which did have a direct role; you have moved into a position that may have had a direct role if you had been holding that position at the time. Do you understand the difference?

Col. Gallagher—Yes, absolutely.

Senator FAULKNER—Don't worry, Colonel—about every second officer of the Department of Prime Minister and Cabinet has been moved out from the role that they had, which means that they are not able to be questioned at Senate estimates committee about their then role.

Senator BRANDIS—You will have to excuse Senator Faulkner, Colonel Gallagher, he is an inveterate conspiracy theorist.

Senator FAULKNER—How is your theory about J.F. Kennedy going at the moment? Have you solved it yet?

Senator BRANDIS—We are working on it.

Senator FAULKNER—I know you are.

CHAIR—The question is: were you on the grassy knoll or not?

Senator FAULKNER—Soon it will be either your opponents in the Liberal Party or the Labor Party who were on the grassy knoll, I am quite sure.

Col. Gallagher—I can state with some degree of certitude that I was not on the grassy knoll!

Senator FAULKNER—Not even Senator Brandis and Senator Mason would make that accusation. You found out you were coming before this committee, what, 36 hours ago?

Col. Gallagher—I got an informal phone call on Tuesday and saw it in the *Canberra Times* on Wednesday.

Senator FAULKNER—What did you do then? Did you hurriedly start to prepare yourself with a document to refresh—

Col. Gallagher—Sorry, late Monday evening I was given informal advice, I saw it in the paper on Tuesday, then I got some emails about it, and I came down here yesterday to start reading myself into the issues.

Senator FAULKNER—Did you have much of a background before yesterday—before you started to prepare all this?

Col. Gallagher—Not in terms of the precise detail. Obviously, I was working in Headquarters Australian Theatre; I knew the overall ebb and flow of activity to do with the SIEVs. At the time, the matter of SIEVX had developed into an operational surveillance issue rather than an intelligence issue, if you understand—

Senator FAULKNER—So which day did you start reading the documentation and preparing? Was it yesterday?

Col. Gallagher—No, I was reading material in my own organisation on Tuesday.

Senator FAULKNER—Two days. I think you have done exceptionally well for someone with that limited amount of preparation. But I do make the point again, Mr Chairman: how postposterous that the minister would place this officer in this situation. What a joke!

Senator BRANDIS—Are you satisfied with your evidence, Colonel Gallagher?

Col. Gallagher—I am satisfied that I have provided evidence to the best of my knowledge and understanding of the circumstances that existed at the time. I can say that I did have an opportunity to review all of the reporting that was available within my own organisation—it took some hours, but I did it.

Senator BRANDIS—About how many hours did it take?

Col. Gallagher—I started after I was formally advised that I was coming here, which was about 10 o'clock on Tuesday morning.

Senator BRANDIS—How long would it take?

Col. Gallagher—I think I arrived home at about 8 o'clock that night.

Senator BRANDIS—So you started at 10 in the morning and finished at eight at night—one long day's work, in effect?

Col. Gallagher—Yes, but I have to be fair and say that I was only looking for material relating to SIEVX; I was not looking at all of the Op Relex material. To look at all of the Op Relex material would take several weeks, if not months, and then to be able to retain some of it would be—

Senator BRANDIS—So you looked at all the material you wanted to look at, is that right?

Col. Gallagher—Yes, it is, and then I—

Senator BRANDIS—And you comprehended it?

Col. Gallagher—Yes.

Senator BRANDIS—To the best of your satisfaction?

Col. Gallagher—Yes.

Senator BRANDIS—So you do not accept the suggestion that has been put in a way that slightly ridicules you, Colonel—

Senator JACINTA COLLINS—No, I think the minister is the one who has been ridiculed, Senator Brandis.

Senator BRANDIS—that you were underprepared for this committee? You do not accept that, do you? You have had sufficient opportunity properly to prepare yourself for this hearing, haven't you?

Col. Gallagher—In terms of what was available within my own organisation, yes, I was able to see it.

Senator BRANDIS—The suggestion that you have been prejudiced by having 1½ days notice is a false suggestion, isn't it, Colonel Gallagher, if you have been able sufficiently to prepare yourself in the time available to you?

Col. Gallagher—Yes. I would say that I had an adequate time to review the material that I was required to review and I had an adequate time yesterday to read previous testimony.

Senator FAULKNER—You were shoehorned in here, Colonel, and that is not your fault or responsibility, and everyone knows it. Let's go to lunch.

CHAIR—Let us go to lunch when we have closed the meeting, which is not just now.

Senator JACINTA COLLINS—Can I ask Colonel Gallagher who rang him informally?

Col. Gallagher—Wing Commander Keith Jurd, who is part of the defence committee—the task force.

Senator JACINTA COLLINS—The task force. Thank you.

CHAIR—For the record, I had a discussion with Senator Hill on Monday morning my time, in Perth, in which the suggestion was made that you and the other Defence witness might come. So it could not have been before then. I have one final question which you may not be in a position to answer. If you are unable to answer it, you can take it on notice, if you do not mind. With respect to the earlier SIEVs, has the Australian Theatre Joint Intelligence Centre at any time advised commanders of any vessels intercepting SIEVs that children may be thrown overboard?

Col. Gallagher—I do not know the answer to that. I would have to take it on notice and get an answer. That is now two questions relating to SIEV4: one about life jackets and one about—

CHAIR—Yes, one about life jackets.

Col. Gallagher—I will try and get an answer and provide it to you immediately after lunch. I have some answers here to questions that you have asked previously, or that other members have asked. If you wish me to, I can—

CHAIR—We should clear it up before we go to lunch.

Col. Gallagher—Shall we deal with it now?

CHAIR—Yes.

Col. Gallagher—On the question of how many people boarded the Abu Qussey vessel, reports until 22 October 2001 said that 200 to 250 people were expected on the vessel and that two boats were being prepared. On 22 October there was the first report that up to 400 personnel were aboard the vessel and that it was overcrowded.

Senator FAULKNER—Who is preparing these answers, Colonel?

Col. Gallagher—I have to say that I have some concerns about that, because my recollection is that the report on the morning of 20 October mentioned a large number of people.

CHAIR—Do you want to review this material and provide these answers after lunch, Colonel? Would that be preferable?

Col. Gallagher—I prefer to go away and make some phone calls, if that is all right with you, Mr Chairman.

CHAIR—That is all right with me.

Senator FAULKNER—Again, I stress this is not a criticism of this witness. The point is that we have a situation where the minister has asked a witness to come here who is unable to answer these sorts of questions because he was not involved in these events directly and has only had a very short opportunity to refer to the written record. Of course, questions taken on

notice ought to be dealt with as thoroughly and as properly as they can be. Defence has an excellent record in this regard and I would be the first to acknowledge it. All of these sorts of questions have been treated seriously. I know that those ones that have been taken on notice will be. My criticism here goes to the extraordinary role of the minister.

Senator BRANDIS—You would almost think that we had not heard the witness say—as he said a few minutes ago—that he has had all the time he needs to prepare.

Senator FAULKNER—And you know what a joke that is.

Senator BRANDIS—Are you accusing Colonel Gallagher of lying?

Senator FAULKNER—No, I am accusing the minister of deliberately shoehorning a witness in here who cannot assist the committee in relation to a whole range of matters. You know it is not a criticism of the witness. Every Defence witness who has come before this committee, as far as I am concerned, has treated their responsibilities seriously. I made the same point about questions on notice. The minister ought to allow the appropriate witness—Rear Admiral Gates—to come before us, given that Rear Admiral Gates has been tasked to prepare information and background for the committee in relation to SIEVX—I know it, you know it and every reasonable person knows it. To shoehorn this colonel in in relation to these matters is just an outrage as far as the minister is concerned.

Senator BRANDIS—Colonel Gallagher has given helpful evidence, which he has had, as he has said himself, sufficient time to prepare for.

Senator FAULKNER—Where he has been able to.

CHAIR—I think we are in the wrap-up stage, because we are now beginning to debate, but I understand Senator Collins has a question.

Senator JACINTA COLLINS—Colonel, I have some concern, not about the content, but about the manner in which you have needed to respond to some issues today—for instance, that issue a moment ago when we were talking about Senator Faulkner's question on when ASTJIC first got advice about the overcrowded nature of SIEVX. Can I just clarify this: for your purposes, where is the information that you have been provided that you have simply just read to us coming from?

Col. Gallagher—It is coming from task force members who are contacting the Department of Defence and seeking advice.

CHAIR—Can I amend my question about any advice about children being thrown overboard to include Brigadier Silverstone at NORCOM and Air Vice Marshal Titheridge—whether the intelligence agency that you head provided any information to those officers or their staff to the nature that children may or to watch for children being et cetera, thrown overboard.

Col. Gallagher—Yes.

CHAIR—Do you have any concluding remarks to make, Colonel?

Col. Gallagher—I have an answer for a question that was put to me before regarding phone calls—

CHAIR—Are you happy to proceed with this answer now?

Col. Gallagher—I am—I can make it very snappy.

CHAIR—Please proceed.

Col. Gallagher—Concerning the arrangement made for Brigadier Silverstone to ring Air Vice Marshal Titheridge on the morning of 7 October 2001, this arrangement was made in a phone call between Air Vice Marshal Titheridge and Rear Admiral Ritchie, then Commander Australian Theatre. To our knowledge, this arrangement was made totally along the command chain and there is no suggestion in Air Vice Marshal Titheridge's phone records that he was in contact with DIO or ASTJIC in the lead-up to his conversations on 7 October. There are a large number of people in DIO and ASTJIC who would need to be contacted to answer this question absolutely and incontrovertibly.

CHAIR—But Air Vice Marshal Titheridge was not in the formal chain of command overseeing this exercise, was he?

Col. Gallagher—I really cannot talk about the command and control arrangements relating to this.

CHAIR—Okay. I think that is a matter of record in any case—I think evidence has been given to that point. You are going to come back to us after lunch with some additional information.

Senator FAULKNER—Those answers could be providing in writing, if the witness would prefer.

Col. Gallagher—Where I can, I would prefer if possible to give them this afternoon.

CHAIR—I think that is desirable too, because that allows for follow-up questions if there are any issues arising. Thank you.

Proceedings suspended from 12.50 p.m. to 2.05 p.m.

CHAIR—Order! The hearing will resume. Colonel Gallagher, you have some additional answers, I believe.

Col. Gallagher—I have been trying valiantly to get answers to some of the questions.

CHAIR—When an Army man tries valiantly, we know he has really tried very hard!

Col. Gallagher—There were a number of questions that I was going to try to get back to you on, some of which may have to wait until a formal response can be prepared. In the first instance, in relation to phone calls from Coastwatch to ASTJIC on 17 and 18 October, on 17 October the watchkeeper received a phone call at 2159 which, as is indicated in the chronology, related to the movement of an Abu Qusey vessel. With regard to the phone call on the 18th from Coastwatch, we received that at 1440. The content of that phone call related to another SIEV. In relation to the numbers on board SIEVX, and when it became apparent exactly what those numbers were, we will have to respond formally. There appears to be some disagreement or a lack of clarity, but it is sufficient to say that the NORCOM intsum on 20 October reflected the fact they were concerned about overcrowding on the vessel, which is essentially the substance of the intelligence report that was put out by the ASTJIC that morning. As to the detail of that report, I suggest that the committee seeks advice from Coastwatch, which advised us; and from the AFP, which in turn advised Coastwatch of the reported departure of that vessel. With regard to the question of whether the ASTJIC reported to anyone to look out for SUNCs in life jackets, the answer is: certainly during the first half of October, no. As to whether the ASTJIC advised anyone that children had been thrown overboard: again, no.

CHAIR—I think that question related to looking out for children being thrown overboard. Does the same answer hold?

Col. Gallagher—Yes, the same answer holds.

CHAIR—You believe that?

Col. Gallagher—Yes.

CHAIR—Is there anything arising from that?

Senator FAULKNER—The phone call at 1440 on the 18th was about another SIEV, wasn't it?

Col. Gallagher—Yes.

Senator FAULKNER—Do you know what SIEV that was about?

Col. Gallagher—I did not inquire. I could not speculate. I would have to go back again.

Senator FAULKNER—Probably SIEV6, but I am just assuming that. But one should not make any assumptions if it is a numbered SIEV. If you go to Admiral Gates's chronology for the 18th, it says:

Coastwatch phone through then promulgate in CMSP OPSUM PM 18 Oct 01 that Quassey vessel 'reported' to have departed *Java*, Indonesia for Christmas Island on 17 Oct 01.

What is the status of that phone call?

Col. Gallagher—That is the phone call I am referring to.

Senator FAULKNER—This identifies an Abu Qussey vessel.

Col. Gallagher—No. My understanding is that the phone call we received did not relate to the Abu Qussey vessel. The Abu Qussey vessel was mentioned in the Coastwatch opsum that day, but the phone call that we received, which was the question I was asked, did not relate to that vessel.

Senator FAULKNER—Hence the significance of the footnote.

Col. Gallagher—I cannot comment on the significance or otherwise of the footnote.

Senator FAULKNER—It changes the date from 17 October to 16 October.

Senator JACINTA COLLINS—Senator Faulkner is trying to ascertain what the status of that opsum is, then, if it was not the phone conversation. It did not pop into someone's imagination.

Col. Gallagher—I cannot answer what the basis of Coastwatch reporting that might have been.

Senator JACINTA COLLINS—But you are saying that the phone call you are aware of at 1440 was about a different SIEV.

Col. Gallagher—Yes.

Senator JACINTA COLLINS—Were there other phone conversations?

Col. Gallagher—None are recorded in our log on that day.

Senator JACINTA COLLINS—Were any recorded on the 19th, in relation to the next opsum where the vessel again was recorded?

Col. Gallagher—Yes, there would have been a phone call. But I would have to go back and find out what time that phone call was. I was asked about the timings of the phone calls on the 17th and the 18th. If you wish me to do that, I will.

Senator FAULKNER—But why wouldn't the phone call of the 19th be recorded in Admiral Gates's chronology?

Col. Gallagher—I cannot answer that question; I do not know how to answer it, other than to say that I cannot answer it.

Senator JACINTA COLLINS—Colonel Gallagher, the other problem we have is that a number of these opsums and other reports are equally classified. But the one report that you referred to earlier this morning as classified is not here because it is classified.

Col. Gallagher—Yes, that is correct.

Senator JACINTA COLLINS—A number of these other reports referred to in the DIMIA reports and others would be classified too, but they make the chronology.

Col. Gallagher—I do not understand the process by which they derived the chronology. My broader understanding is that, where there may be gaps, they relate to material that was sourced from other agencies, and those agencies have declined to declassify the material.

Senator JACINTA COLLINS—But the gap we discussed this morning was your own assessment. If you can remember, I asked you why the assessment that you had reached on the 20th—

Col. Gallagher—Yes, that is right, and that is reflected in the NORCOM intsum.

Senator JACINTA COLLINS—So that is your way of describing that assessment. I thought you were saying that the Australian intelligence centre assessment was different from that of NORCOM.

Col. Gallagher—No. It was sufficiently alike that, without going back to the originator to try to get them to declassify the information, the NORCOM intsum adequately described what was in the ASTJIC intelligence report of that morning.

CHAIR—That concludes questions. Thank you, Colonel Gallagher, for your attendance here today and your forthright way of answering questions. We appreciate the evidence you have given and you are now excused.

Col. Gallagher—Thank you very much.