

[10.51 a.m.]

DAY, Colonel Stephen Julian, Deputy Commandant, Australian Defence Force Academy

CHAIR—Do you have any opening comments to make, Colonel Day?

Col. Day—No, I do not, Senator.

CHAIR—Would you like to open the batting, Senator Faulkner?

Senator FAULKNER—I think you were Acting Chief of Staff for CDF, Colonel, over this period that the committee has been focusing on—for some time at least—between 7 October and 10 November. You might provide those dates for the committee.

Col. Day—It is a moot point, but I considered that I was Acting Chief of Staff if the Chief of Staff was actually on leave or on course, but, whilst he was with the CDF, I think he was the Chief of Staff regardless of where the CDF was, and I continued in my appointment as the staff officer.

Senator FAULKNER—I see. But certainly you have a significant role when Air Marshal Houston is the Acting CDF, at least, because you were the Acting Chief of Staff, were you not, on 7 November?

Col. Day—I think it is fair to say I was the senior staff officer in the office on that day.

Senator FAULKNER—You do not like my terminology; fair enough. As the senior staff officer, can you quickly outline for the committee what occurred on 7 November when the Acting CDF raised the issue of allegations that children had been thrown overboard or doubts about that with you, and any interface or role that you had on that day?

Col. Day—The Acting CDF came into the office and he asked me if we had a copy of the video that related to the SIEV4 incident. I said we did not, but that I thought we would be able to get a copy of one. He said that he thought Admiral Smith in Sydney had a copy and could we organise some link for him to view it. I think I had about 45 minutes to do so. At about the same time, Brigadier Bornholt walked into our office and drew the Acting CDF's attention to the *Australian* article where the veracity of the claims had been questioned. They then turned and conversed themselves. Noticing that I did not have long to organise the video, I then withdrew from the conversation and tried to organise to get the video. I did not hear the balance of their conversation—and in any event it was not very long, because about a minute or two later they walked out together.

Senator FAULKNER—I see. I know that Brigadier Bornholt was present during the conversation that the Acting CDF had with the minister that morning, but were you present during the period of that conversation?

Col. Day—No, I was not. I think he made it from his own office and I was not aware either of the phone call or of his advice to the minister until I saw it in Senate estimates in February.

Senator FAULKNER—Fair enough. You are aware of the outcomes of that particular phone conversation. You say you have had an opportunity to hear and read the transcript of the Senate estimates committee, so you are well apprised of that. As senior staff officer at the time, was there any follow-through as a result of the air marshal's conversation with the then minister that you had any responsibility for progressing?

Col. Day—No. I was focused on trying to get hold of the video within the time frame. As it turned out, it was not until about midday that I was able to organise it—so, no. What occurred between him, Brigadier Bornholt and the minister's office was a black hole as far as I was concerned.

Senator BRANDIS—Colonel, do I understand that you are unaware of what documentary material either Air Marshal Houston or Brigadier Bornholt had access to on the morning of 7 November?

Col. Day—I knew that Brigadier Bornholt had access to a signal from HMAS *Adelaide*.

Senator BRANDIS—Is that the document that has been described in evidence as the chronology?

Col. Day—That is correct.

Senator BRANDIS—Anything else?

Col. Day—No, no other documentary evidence.

Senator BARTLETT—In terms of the information that would flow through to CDF, how much detail would be provided, on average, in relation to the ongoing activities of Operation Relex? Would it be daily updates and details of interceptions or would it include information about reports of boats leaving and those sorts of things?

Col. Day—It was fairly comprehensive. There was a regular written sit rep. If my memory serves me, it was correct as at 8 o'clock in the morning and it arrived about an hour or so after that. He would then be updated throughout the day as necessary by either COMAST from Sydney or Head of Strategic Command here in Canberra. If there was any information that came to pass into the office and to me or to the chief of staff that we thought was relevant, we would pass that through to him as well.

Senator BARTLETT—Would that include being notified about reports of boats leaving as well as boats being intercepted?

Col. Day—Yes, it would. He would have been informed of both of those sorts of things.

Senator BARTLETT—That would not go straight to him first before others? It would normally go to people like Admiral Ritchie and then be fed upwards rather than go straight to him?

Col. Day—Not necessarily; it would depend on who had the information and how significant it was at the time. It is quite possible that a departure of another vessel would first come to the attention of, say, Air Vice Marshal Titheridge and he may on occasions phone or personally see the CDF to inform him himself, so it would not necessarily come through the office.

Senator BARTLETT—Were any reports provided in relation to the vessel—I cannot remember the date it sank; I think it was about 19 or 20 October—that sank off Indonesia and that had a significant number of drownings?

Col. Day—Which vessel are you referring to?

Senator BARTLETT—It is the one that sank, before it got intercepted, fairly soon after departing Indonesia and that had some hundreds of people drowning. You are not aware of that?

Col. Day—I think I know what you are referring to. If you are asking if we knew the vessel had left and was headed for Australia, I would have to take that on notice.

Senator BARTLETT—That would be handy, and if you could look at what types of reports et cetera were provided after it sank and where they came from.

CHAIR—As no-one is seeking the call to ask further questions, we thank you, Colonel Day.

Proceedings suspended from 11.00 a.m. to 11.22 a.m.