



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

SELECT COMMITTEE ON A CERTAIN MARITIME INCIDENT

Reference: Certain maritime incident

FRIDAY, 12 APRIL 2002

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SENATE
SELECT COMMITTEE ON A CERTAIN MARITIME INCIDENT

Friday, 12 April 2002

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

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

Terms of reference for the inquiry:

For inquiry into and report on:

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

WITNESSES

BARRIE, Admiral Christopher Alexander, Chief of the Defence Force, Department of Defence 738

TITHERIDGE, Air Vice Marshal Alan William, Head Strategic Command, Department of Defence 683

Committee met at 9.05 a.m.**TITHERIDGE, Air Vice Marshal Alan William, Head Strategic Command, Department of Defence**

CHAIR—I declare open this meeting of the Senate Select Committee on a Certain Maritime Incident. Today the committee continues its public hearings in relation to its inquiry. The terms of reference set by the Senate are available from the secretariat staff.

Today's hearing, as has been our practice, is open to the public. This could change if the committee decides to take any evidence in private. The committee has authorised the broadcasting of the public aspects of proceedings. The hearing will last until around 4 p.m. today.

We shall attempt to deal as expeditiously as possible with witnesses. I urge witnesses to be concise in their answers and senators to keep their questions highly targeted. The committee has agreed that today it will hear from Air Vice Marshal Titheridge and Admiral Barrie.

Witnesses are reminded that evidence given to the committee is protected by parliamentary privilege. It is important for witnesses to be aware that the giving of false or misleading evidence to the committee may constitute a contempt of the Senate. If at any stage a witness wishes to give part of their evidence in camera, they should make that request to me as chair and the committee will consider that request. Should a witness expect to present evidence to the committee that reflects adversely on a person, the witness should give consideration to that evidence being given in camera. The committee is obliged to draw to the attention of a person any evidence which, in the committee's view, reflects adversely on that person, and to offer that person an opportunity to respond.

An officer of a department of the Commonwealth shall not be asked to give opinions on matters of policy. However, such officers may be asked to explain government policy, describe how it differs from alternative policies and provide information on the process by which a particular policy was arrived at.

Witnesses will be asked to make an oath or affirmation. The committee has agreed to requests from certain witnesses that they be accompanied by counsel. However, counsel has no right to address the committee, nor will the committee address questions to counsel.

Before we start, the committee has allowed until 11.30 this morning for Air Vice Marshal Titheridge. I think you need to go at or around that time, Air Vice Marshal. We have promised, as best we can, to accommodate the needs of Admiral Barrie, who will follow you immediately. So that suggests that we should be prompt and efficient in the dispatch of business this morning. I will keep in mind a balance in terms of the needs of the committee. Two and half hours suggests approximately 50 minutes to government senators, 50 minutes to opposition senators and 30 minutes to the Democrats, or some such rough order like that. I hope no-one needs to take up their full amount of time, so we can commence promptly with Admiral Barrie.

Welcome, Air Vice Marshal. It is our practice to invite you to make an opening statement. If you have a spare copy of your statement we will circulate that to the committee, which will save

a bit of time. If you do not have a spare copy, we will wait until you have completed your statement.

Air Vice Marshal Titheridge—I do have a spare copy and I shall forward that to the committee. It is only a short statement.

CHAIR—Please proceed.

Air Vice Marshal Titheridge—I am Head of Strategic Command of Australian Defence Headquarters. Strategic Command is a relatively small staff division located in the strategic policy group in Defence. ‘Command’ is a misnomer; my division does not have a command function. Essentially, I am the Chief of Defence Force’s staff officer for operations. My division is located within the strategic policy group to ensure operations are conducted within the context of the broader framework of the government’s international policy. The division drafts orders for the Chief of Defence Force to direct planning, to assign forces and to execute operations. Many operations are under way simultaneously as the focus shifts across operations as requirements dictate but usually moving forward as activities are completed. We do not have the luxury of focusing on any one operation. The Department of the Prime Minister and Cabinet is the principal government coordinator responsible for unauthorised arrivals. Such coordination is implemented via an interdepartmental committee, normally chaired by an official from Prime Minister and Cabinet and occasionally by an official from Immigration. Defence is normally represented by me or by a senior member of my staff.

In relation to SIEV4, Operation Relex had, by early October, been overtaken by the need to focus on planning for the Australian Defence Force’s contribution to the war against terrorism. This curtailed my personal attendance at the unauthorised arrival management interdepartmental committee and I was increasingly represented by my senior staff. During October and November, I and my staff were extremely busy with many other operations and activities. This period coincided with the arrival of eight more suspected illegal entry vessels. Strategic Command provides a 24-hour watch-keeping function. If a watch-keeper receives advice that is considered to be urgent or sensitive, it is communicated rapidly to appropriate officials. This process is different from the normal method of transmitting information up the command chain. Sometimes this early advice may be passed to me, or to one of my senior staff, to pass to appropriate officials. On the other hand, since Strategic Command is not in the chain of command, operational information may not necessarily pass through me or my organisation. Commanders retain the right to speak directly to the Chief of Defence Force.

Turning now to the issue of advice that children had been thrown overboard, I believe I received telephone advice direct from Brigadier Silverstone, Commander Northern Command, on Sunday, 7 October updating me on the events surrounding SIEV4. I believe I passed that information by telephone to the Chief of Defence Force, to Ms Halton—who was chairing the IDC at that time—and to ministerial staff. Verbal advice was the initial means of conveying that information. I now know, from previous evidence and reports, that Rear Admiral Ritchie had provided updated advice to the Chief of Defence Force and that later the Acting Chief of Defence Force had advised the minister. I saw no detailed evidence to change my initial view of the SIEV4 incident until about 25 November.

It was on or about this date that the newspaper article implying that a document existed in Defence that refuted the ‘children overboard’ claim was brought to my attention. This caused me to request my staff to locate any document that fitted that description. I was subsequently provided with a copy of a signal from HMAS *Adelaide* dated 10 October 2001. One of my staff was among those who received the initial photographs from HMAS *Adelaide* and was aware that the press photographs, in fact, showed unauthorised arrivals being rescued from the SIEV after it had sunk. My staff recognised this and brought it to the attention of Public Affairs and Corporate Communication, PACC. I had seen two other sets of photographs: a set of five from the sinking and a set of six taken of the unauthorised arrivals on the deck of HMAS *Adelaide* following the sinking. I had forwarded this latter set to Mr Scrafton in the minister’s office to highlight the difficulties faced by the crew of *Adelaide* and to emphasise the need to get the unauthorised arrivals ashore at Christmas Island as soon as possible.

On the morning of 10 October 2001, in what I believed to be a response to a request for information from Mr Scrafton at the minister’s office, my staff emailed a chronology of events to him and also to Prime Minister and Cabinet which concluded with the statement:

There is no indication that children were thrown overboard. It is possible that this did occur in conjunction with other SUNCs jumping overboard.

I became aware of this document and email as a part of my preparation to respond to the two investigations. A footnote with respect to a lack of evidence of the incident, while not ruling it out, aptly summarises the prevailing view among the staff in Strategic Command. There was nothing more to add from the information available to my staff at that time.

At some stage during October, I also became aware of the video of the events of 7 October, which I have still not seen. In mid-October Mr Scrafton requested a copy of the video. This was not possible at the time, although I passed on advice given to me by Rear Admiral Ritchie that it was inconclusive—whether that was because of content or quality I am not sure. In early November the issue surfaced again and, at his request, arrangements were made for Mr Scrafton to view it in Sydney.

In closing, I wish to emphasise the very significant increase in operational tempo in Strategic Command and the Australian Defence Force during the period of Operation Relex. This completes my opening statement. I thank the inquiry for the opportunity to present.

CHAIR—Thank you.

Senator BRANDIS—I want to take you, Admiral Titheridge, to that part of your statement in which you speak of having been given some information on the SIEV4 incident on the morning of 7 October and then passing it on. It is at the foot of page 3 of your statement. You say, ‘I believe I received telephone advice direct from Brigadier Silverstone, Commander Northern Command, on Sunday 7 October, updating me on the events surrounding SIEV4. I believe I passed that information by telephone to CDF, Ms Halton and ministerial staff.’ I just want to focus narrowly on that sequence of events. How many telephone conversations did you have with Brigadier Silverstone on the morning of the 7th?

Air Vice Marshal Titheridge—I only recall having one.

Senator BRANDIS—So your evidence is that you only had one—to the best of your recollection there was only one?

Air Vice Marshal Titheridge—That is my evidence.

Senator BRANDIS—And then did you convey what Silverstone had told you immediately or shortly after the finish of your conversation with Silverstone?

Air Vice Marshal Titheridge—My recollection is, based on my telephone logs, that it was within 15 minutes or so, I suspect.

Senator BRANDIS—You say in the statement you have just read that you passed that information to CDF, Halton and ministerial staff. When you say ‘ministerial staff’, do you mean more than one telephone conversation or one telephone conversation to ministerial staff?

Air Vice Marshal Titheridge—My telephone records show that I spoke to Mr Hendy, Mr Reith’s chief of staff.

Senator BRANDIS—So when you say ‘ministerial staff’ you mean Hendy?

Air Vice Marshal Titheridge—According to my telephone records, that is what they indicate.

Senator BRANDIS—Do you have those telephone records there?

Air Vice Marshal Titheridge—I do.

Senator BRANDIS—May I see them?

Air Vice Marshal Titheridge—I table here telephone records which cover 7 October. That is my mobile phone records of outgoing calls.

Senator BRANDIS—And your evidence is that these calls were made from your mobile phone?

Air Vice Marshal Titheridge—That is correct—those calls that I have showed you there were made from my mobile phone.

Senator BRANDIS—These are only outgoing calls of course; there is no record here of incoming calls. Is that right?

Air Vice Marshal Titheridge—They were only the outgoing calls, clearly.

Senator BRANDIS—I will pass that back to you.

Air Vice Marshal Titheridge—I have another copy.

Senator BRANDIS—I assume, for the purposes of your evidence this morning, you have analysed those telephone numbers and established by reference to this record that indeed you made the three calls of which you have spoken—that is, to CDF, Halton and Hendy—by identifying their numbers on this print-out?

Air Vice Marshal Titheridge—That is correct.

Senator BRANDIS—So we can be quite certain of that—there were those three calls. Were they made in sequence—in other words, immediately one after another?

Air Vice Marshal Titheridge—Close to it. The evidence is in front of you.

Senator BRANDIS—And the first of them was made about 15 minutes after you had finished speaking to Silverstone?

Air Vice Marshal Titheridge—That is what the record shows. I should add that I do not have a record of when Brigadier Silverstone rang.

Senator BRANDIS—I will get to that. May I take it that, when you made these three calls, the point of the calls was to convey to the people whom you rang—CDF, Halton and Hendy—that which Silverstone had just told you?

Air Vice Marshal Titheridge—That is correct. I should also add that I made a lot of calls that day. I do not recall making that comment. I suspect someone else did.

Senator BRANDIS—I can see that you did—but the purpose of those calls was to pass on what you had just been told by Silverstone?

Air Vice Marshal Titheridge—That is my belief.

Senator BRANDIS—Is it the best of your recollection?

Air Vice Marshal Titheridge—It is my belief. It is the best of my recollection.

Senator BRANDIS—That was the purpose for which you made the calls, wasn't it?

Air Vice Marshal Titheridge—There could have been—for instance, in talking to CDF—another reason but to the best of my recollection it would have been about this particular incident.

Senator BRANDIS—Do you think that, in each of those calls, you would have related to each of those three people what Silverstone had just told you a few minutes earlier?

Air Vice Marshal Titheridge—That would be my belief, yes.

Senator BRANDIS—Thank you. I want to get to the timing issue. Your evidence—and indeed Brigadier Silverstone's evidence—suggests only one telephone conversation between you and him that morning. May I ask the secretariat to show you a coloured photocopy of

Brigadier Silverstone's diary note. Let me pause to say that we have heard some evidence of amendments by way of annotation by Brigadier Silverstone, which he has explained to the committee. I do not want to be delayed with them again. I am not going to ask you about those. What I am particularly interested in is the time. If you look two-thirds of the way down, at the beginning of the yellow highlighting on the left-hand side of the page, you will see some figures—720—followed by a mark, which we are told was an asterisk. Do you see that?

Air Vice Marshal Titheridge—I do.

Senator BRANDIS—On the photocopy, something has been cut off—and this is not controversial. In front of the seven there is another zero, so that, on the original, it reads '0720*'. Please read it that way. May I also tell you that it was Brigadier Silverstone's evidence, if I may paraphrase it, that what he wrote in that bottom-third of the page, subject to a couple of later amendments, was written down as he spoke to Banks. There are two relevant qualifications to that: first, his evidence was that the entry '0720*' was made by him three or four days afterwards and, second, the word 'child' was inserted. It appears about five lines below the line on which '0720*' appears and is immediately above that curved line. It was written in by him not during but immediately after the telephone conversation with Banks. By 'immediately after', I mean that he said it was straightaway, as soon as the conversation finished. And he has made a note—added on the date that it bears—at the foot of the page, amplifying the circumstances in which the word 'child' was added. Do you see that?

Air Vice Marshal Titheridge—I do.

Senator BRANDIS—None of that is immediately relevant, but I do not want to be accused of not having presented this document to you fairly and with proper qualifications. I am really only interested in the time. We have heard Brigadier Silverstone's clear evidence as to what Banks told him during that telephone conversation, as is reflected in his diary note of it. Let me read you what he told us. I am reading from page 335 of the *Hansard* of this committee. I took him, as I have just taken you, to the figure '0720' and I said to him:

Senator BRANDIS—That is a reference, in turn, to the figures and character on the left-hand margin: 0720*.

Brig. Silverstone—That is correct.

Senator BRANDIS—That is added in pen three or four days afterwards.

Brig. Silverstone—That is correct.

Senator BRANDIS—By what process did you estimate or arrive at the position that this conversation took place at 0720?

Brig. Silverstone—Because it is my very clear recollection that I rang CO *Adelaide*—or he rang me—and we had a telephone conversation at 0720 in preparation for a phone call I was required to make to Air Vice Marshal Titheridge. That phone call was required to be made by 0730 India-kilo that morning.

He goes on on the next page:

Senator BRANDIS—As I understand your evidence, you have told us that you can establish with reasonable certainty the time of this conversation because it occurred shortly before a fixed point in time—that is, 0730 Darwin time—at which you had to ring Titheridge. Is that right?

Brig. Silverstone—That is correct.

Senator BRANDIS—Does that reflect your assessment that the conversation took not more than 10 minutes, perhaps a little less than that?

Brig. Silverstone—The conversation took about a minute, Senator.

Senator BRANDIS—So a few minutes elapsed between the completion of that conversation and when you rang Titheridge?

Brig. Silverstone—Three or four minutes, because I rang Titheridge not at 7.30 but at about 7.28.

You were in Canberra at the time, weren't you?

Air Vice Marshal Titheridge—That is correct.

Senator BRANDIS—And Silverstone was in Darwin.

Air Vice Marshal Titheridge—I am assuming he was, yes. Of course he was.

Senator BRANDIS—I do not think any of this is controversial; I am just trying to put all the little pieces together in the jigsaw puzzle, that is all. What was the time difference between Darwin and Canberra?

Air Vice Marshal Titheridge—I would have to go back and check when daylight saving started. It is either half an hour or an hour and a half, but I am sure we can establish that by other means.

CHAIR—I can tell you with some pain that it had started by that time.

Air Vice Marshal Titheridge—Then the answer is an hour and a half. Thank you, Chairman.

Senator BRANDIS—That is what I thought it was, an hour and a half. If it was an hour and a half, then 7.30 Darwin time would have been 9.00 Canberra time. Is that right?

Air Vice Marshal Titheridge—Yes, Senator, I assume so.

Senator BRANDIS—Can I take you now back to your mobile phone printed document. This document in the third column records, does it not, the local time at which the telephone call was made from the mobile phone?

Air Vice Marshal Titheridge—That is my belief, yes. It looks that way.

Senator BRANDIS—Going to 7 October, would you please identify for me the telephone numbers that you rang to speak to CDF, Ms Halton and Mr Hendy?

Senator FAULKNER—I do not think that is very clever. I know what is in these characters.

Senator BRANDIS—I am sorry, I withdraw the question. I understand the point. That is quite a proper concern.

CHAIR—I think we all agree on this, that we are not going to release this document publicly.

Senator BRANDIS—No. Can we do it by reference to the serial number in the first column?

Air Vice Marshal Titheridge—I can certainly do that, if you are not going to release the document.

Senator BRANDIS—Just tell me the serial numbers, by reference to the first column, of the three telephone conversations that you have made.

Air Vice Marshal Titheridge—My belief is that the relevant calls I made were the serial numbers 98 and 99, which you note are to the same number, 100 and then 101.

Senator BRANDIS—Do you remember who telephone calls 98 and 99 were to?

Air Vice Marshal Titheridge—That would have been to the then chair of the interdepartmental committee in Prime Minister and Cabinet, Ms Halton.

Senator BRANDIS—The second call succeeded, did it?

Air Vice Marshal Titheridge—That is what the record shows.

Senator BRANDIS—The following call was made to CDF or to Hendy?

Air Vice Marshal Titheridge—To Mr Hendy.

Senator BRANDIS—And the next call in the sequence—101—was made then to CDF. Is that right?

Air Vice Marshal Titheridge—That is the way it comes out on the record.

Senator BRANDIS—This sequence of telephone calls commences at 0917 Canberra time. The last in the sequence—call serial number 101—was made at 0925 Canberra time. That, I might say, is completely consistent with your evidence that the calls were made about 15 minutes after you spoke to Silverstone and is completely consistent with his notation of the time at which he spoke to Banks and his recollection of the time at which he then spoke to you, allowing for the 1½ hour time difference. Do you agree?

Air Vice Marshal Titheridge—I should add at this stage that I have used this telephone record as my basis for my belief when the calls were made.

Senator BRANDIS—Of course you would; it is an empirically verifiable basis. The point I am making to you is that Silverstone's recollection is that he spoke to you at 0728 Darwin time, which is 0858 Canberra time. Your recollection is that you rang the three people to whom you

conveyed what he had told you in a series of telephone conversations that began about 15 minutes after you had finished speaking to Silverstone and, as indeed the telephone log verifies, the first of them was made at 0917. The point I am making to you is that this fits perfectly together and does support Brigadier Silverstone's recollection of the time at which he rang you and the time at which he spoke to Commander Banks. Do you agree?

Air Vice Marshal Titheridge—To the best of my knowledge. All I can do is look at the calls I made and infer that they were about that particular issue.

Senator BRANDIS—Of course. None of this is in any way a criticism. I am just trying to put together the pieces in the jigsaw puzzle. Perhaps I have already asked you this: as well as you can recall, what you passed on to CDF, Halton and Hendy was what Silverstone had told you?

Air Vice Marshal Titheridge—I would have to say that I do not recollect specifically what I was told, but my belief is that I would have passed on more or less what Brigadier Silverstone told me.

Senator BRANDIS—Ms Halton had provided a statement to Jennifer Bryant for the purpose of Jennifer Bryant's report. May I read a sentence to you from document No. 28 of the statements:

Ms Halton recalled receiving a telephone call from Air Vice Marshal Titheridge on the morning of 7 October 2001—

the telephone records do seem to indicate there was only one call, so there cannot be any ambiguity about which call it was—

in which he advised that children had been thrown overboard.

That is what Ms Halton said. Do you dispute her recollection of what you told her?

Air Vice Marshal Titheridge—I would have told Ms Halton what Brigadier Silverstone told me, which would have been an update on the events of SIEV4, including that piece of information.

Senator BRANDIS—So, if she remembers your saying that, you do not dispute that that is what you would have said?

Air Vice Marshal Titheridge—No, I do not.

Senator BRANDIS—And, if you did say that, it could only have been because that was what Silverstone told you?

Air Vice Marshal Titheridge—I would have passed on and I would probably have told her—in fact, I would have told her—that we have had this report from Brigadier Silverstone that these certain things had happened with SIEV4 which included this allegation.

Senator FERGUSON—Air Vice Marshal Titheridge, I want to ask you a couple of questions relating to that morning, because Senator Brandis has already introduced the evidence that Ms

Halton has given to that inquiry. All of these events took place after nine o'clock in the morning. Can you remember what you did later on that day?

Air Vice Marshal Titheridge—In the afternoon, I went to the Canberra Cup.

Senator FERGUSON—Not until the afternoon?

Air Vice Marshal Titheridge—Not until the afternoon.

Senator FERGUSON—Can you remember whether or not, when you were at the races, the fact that there had been a report of children being thrown overboard became a topic of conversation? It would appear so from the evidence provided by Ms Halton.

Air Vice Marshal Titheridge—I do not have any recollection of the events of that day, apart from what the telephone records have jogged from my memory, so I cannot help you there.

Senator FERGUSON—You do not remember speaking, for instance, to Mr Alan Williams about the incident?

Air Vice Marshal Titheridge—Not specifically, but it is quite likely. He was there at the same time.

Senator FERGUSON—Ms Halton's statement provided to Ms Bryant in December said:

Ms Halton recalled that she had later been told by Alan Williams—

this was later, after she had received the call from you—

from Qantas that he had been with Air Vice Marshal Titheridge on the morning of 7 October and that Williams recalled Titheridge saying to him at the time that children had been thrown overboard.

Have you any reason to dispute that Ms Halton's recollection would be correct?

Air Vice Marshal Titheridge—I cannot help you. I have no recollection of whom I spoke to about what, so I really cannot confirm or deny.

Senator FERGUSON—So, even if you have no clear recollections of what you said that day, you do not dispute Ms Halton's or other people's clear recollections of what you might have said to them?

Air Vice Marshal Titheridge—All I will say is that I passed on to Ms Halton what Brigadier Silverstone told me, which included the allegation that children were thrown overboard.

Senator MASON—Air Vice Marshal Titheridge, I have a couple of questions about the chain of command and the sending of information up the chain of command from the ships involved in Operation Relex. We have heard evidence from Brigadier Silverstone, Rear Admiral Smith and Rear Admiral Ritchie that the chain of command—whether it is HMAS *Adelaide*, HMAS *Bendigo* or whatever—works like this: the commander of a vessel relays information to

Brigadier Silverstone, and that information is then relayed to Rear Admiral Smith and then to Rear Admiral Ritchie. Rear Admiral Smith gave evidence before this committee last night that he received information, then made a 'synopsis' of a particular SIEV incident and sent it to you. I think it is right to say that he copied that information to you. He said that that information was fairly specific. In the example I put to him last night, with respect to SIEV7, the synopsis included information that a child was dropped in the water, there were threats to throw children in the water, there was threatening or offensive behaviour, there were threats of suicide or self-harm, there was evidence of sabotage or fire, there was evidence of actual and threatened resistance against boarding parties, and there were other incidents. Is that correct?

Air Vice Marshal Titheridge—I would have passed on the information that Rear Admiral Smith passed to me. I would have to have a look at it to see what was in it to remind myself, but you have obviously got a copy of it.

Senator MASON—You would pass that on to whom?

Air Vice Marshal Titheridge—My recollection of that summary of incidents is that Chief of Navy had, I believe, been asked to provide that information—I forget the actual circumstances; you would need to ask him that question—and that he suggested we should then pass that on to the minister's staff. So I think we put together a ministerial brief.

Senator MASON—Did you in any way change the synopsis that Rear Admiral Smith gave to you? Did you vet it or change it in any way?

Air Vice Marshal Titheridge—I would not usually do so, if it is in the right format.

Senator MASON—So you sent that synopsis to the Chief of Navy?

Air Vice Marshal Titheridge—I would have to check my records there.

Senator MASON—Could you check for us the information sent to you by Rear Admiral Smith and Rear Admiral Ritchie, as to where that information went after it left you—where you sent it.

Air Vice Marshal Titheridge—We can probably do that straightaway.

Senator MASON—Can I explain the context of the question. There are, as you know, a series of SIEV incidents—12 of them. This inquiry deals primarily with SIEV4, but there were many more serious SIEV incidents subsequent to SIEV4—in particular, SIEV7, SIEV9, SIEV10 and SIEV12. These incidents, with the partial exception of SIEV10, were not made known to the Australian public. This entire inquiry is about the government having misled the Australian public—

Senator BRANDIS—Allegedly.

Senator MASON—allegedly having misled the Australian public. Yet all of this information was passed up the chain about very serious incidents, including children being dropped

overboard, and none of that information was made available to the public before an election. I just want to know why.

Air Vice Marshal Titheridge—That is a question I cannot help you with. I can tell you who the information went to, but I cannot answer the second part of your question.

Senator MASON—Can you tell the committee that?

Air Vice Marshal Titheridge—It would seem, from the piece of paper I have got here, that we were sending situation reports—probably almost daily, from what I seem to recall—to a range of people, including many people in Defence and in other departments. I can read them out.

Senator MASON—Please do.

Air Vice Marshal Titheridge—The parliamentary secretary; Prime Minister and Cabinet; the CDF secretary; VCDF; CN—Chief of Navy; Chief of Air Force; Chief of Army; Deputy Secretary, Strategic Policy; First Assistant Secretary, International Policy; Commander Australian Theatre; Commander of Joint Logistics; Head of Public Affairs and Corporate Communication; Deputy Secretary, Corporate Services; Deputy Secretary, Intelligence and Security; and the Head of Preparedness, Guidance and Analysis.

Senator MASON—All the information, with that level of specificity that I just referred to— involving threats to children, threatening or offensive behaviour, threats of suicide and so forth—was relayed to all of those people. Is that correct?

Air Vice Marshal Titheridge—I would have to go through each of the sit reps to see what was in them. I will not say that we are perfect. We tried to pass on as much information as we could.

Senator MASON—Could you follow that up on notice. I would just like to know what information on all of those SIEV incidents subsequent to SIEV4 was relayed to all of those people that you mentioned.

Air Vice Marshal Titheridge—We will seek the minister's clearance to provide that.

Senator MASON—Because, if all of that information was passed up the chain, it makes a mockery of the claim that this SIEV4 incident was used for political purposes. There are so many more serious incidents included in this before the election—much more serious incidents—that apparently were not used by people who knew about them. This whole inquiry takes on a very different texture.

Senator BRANDIS—Can I just take that further. Doesn't it strike you, Air Vice Marshal Titheridge, as extraordinarily ironic that ministers and the Prime Minister are being chastised for misleading the public, or allegedly misleading the public, in relation to one incident, which was an isolated incident on 7 October, when we have heard hours and hours and hours of evidence from senior naval officers that this pattern of behaviour, as they all accepted it was properly described—of threatening to throw children overboard and in one case doing it, and in

other cases sinking vessels so that children ended up overboard—was happening all the time around this period? Doesn't it strike you as ironic that there has been this excessive concentration on one isolated incident out of a long pattern of behaviour involving multiple SIEV vessels?

Air Vice Marshal Titheridge—I just pass on the information. I am not going to make any judgments about how it is used.

CHAIR—Are you making a case to call Peter Reith?

Senator MASON—It is a very fair question—a child was dropped overboard on 24 October, two weeks before the election.

Senator BARTLETT—I think it is ironic that we still have the accusation being made that children were thrown overboard when we had one incidence only, and that one was clearly dropped and rescued by a boatperson. But irony is in the eye of the beholder, I guess. When Brigadier Silverstone was giving evidence he indicated that this one phone call that seems to have led us all to this point was the only occasion on which he communicated directly through you rather than up the chain of command. Is that correct?

Air Vice Marshal Titheridge—It is the only occasion that I can recall.

Senator BARTLETT—Obviously it is unusual if it was the only occasion; why would that have been the only time? Why would it not have happened before or since?

Air Vice Marshal Titheridge—I really have no comment at all, except to say that I regularly spoke to operational commanders and information was passed to me. In this particular instance, I suspect that the theatre commander probably authorised Brigadier Silverstone to ring me direct.

Senator BARTLETT—So, normally, where would your information flow from?

Air Vice Marshal Titheridge—Normally, Rear Admiral Ritchie.

Senator BARTLETT—So all the information on these other incidents that disproves any pattern of behaviour of throwing children in the water, given that that never happened at any one time, would normally have come through Rear Admiral Ritchie or his staff.

Air Vice Marshal Titheridge—It could have come through other areas, too, Senator. Rear Admiral Ritchie would ring me regularly—in fact, quite often—and we would also get formal written reports.

Senator BARTLETT—What is the sort of detail in those reports? We have this focus from some on highlighting aggression among some of the asylum seekers. Would that be the main focus of those reports? How much detail would they contain?

Air Vice Marshal Titheridge—I would have to refer back and have a look, as that was a fair while ago. But they would normally be an unemotional, factual summary of what was happening with the particular incident. That is the way we normally report in the Australian Defence Force.

Senator BARTLETT—And the reports focus on everything that is happening, or just the key operational aspects?

Air Vice Marshal Titheridge—They focus on a range of issues. They contain the sorts of things you would expect from a report of an incident.

Senator BARTLETT—And you are saying that you then passed that on to a range of different people. Would they be the same people each time?

Air Vice Marshal Titheridge—I am saying that sometimes it was passed verbally, sometimes it was encapsulated in a daily situation report and sometimes it might have been part of a formal brief. There is a variety of means by which that information would have been passed.

Senator BARTLETT—You said at the start that you were initially part of the IDC—or that you initially attended IDCs—and that, with other pressing matters, your staff then attended in your place. Is that right?

Air Vice Marshal Titheridge—That is correct.

Senator BARTLETT—So you would have a fair idea of what sorts of purposes the IDC would put these reports to?

Air Vice Marshal Titheridge—I have no specific recollection. I think you would need to ask the members of the IDC that.

Senator BARTLETT—But as to the general purpose of the IDC getting these reports and updates is what I mean.

Air Vice Marshal Titheridge—It was not always the IDC that got the updates. The IDC was really just a coordination mechanism. The reports sometimes went to officials, sometimes went to the minister's office and sometimes went to the people-smuggling task force that was set up in the Department of Foreign Affairs and Trade.

Senator BARTLETT—Who would determine where these reports would go to?

Air Vice Marshal Titheridge—A situation report that was put out daily had a set address list, which I just read.

Senator BARTLETT—So that would be a standard group of people each time?

Air Vice Marshal Titheridge—That would be a standard one. As a matter of course, as I think I indicated in my opening statement, if I received verbal information I would generally pass it on to the Chief of Defence Force, through the chair of the IDC and to the minister's staff—as a general rule.

Senator BARTLETT—Is it part of the normal information flow for you to pass on directly to a minister's staff—I presume that it is the defence minister's staff when you say 'minister's staff'—

Air Vice Marshal Titheridge—Correct.

Senator BARTLETT—It is not out of the ordinary for you to communicate directly with them, or for them to ring you directly and ask for some information?

Air Vice Marshal Titheridge—There is a variety of ways that it happens.

Senator BARTLETT—But that is nothing unusual or inappropriate?

Air Vice Marshal Titheridge—No.

Senator FAULKNER—Air Vice Marshal, thank you for tabling the telephone details for your mobile account. There is a lot of telephonic traffic between you and Ms Halton because, in terms of calls that you made, there are four to Ms Halton on 6 October and there are eight to her on 7 October. I assume at times she is also ringing you. Would that be right?

Air Vice Marshal Titheridge—That is correct.

Senator FAULKNER—You ring her regularly and she rings you regularly—as I said, there is a considerable amount of telephone traffic—because of your responsibility as the Head of Strategic Command and because she is the chair of the task force. Would that be right?

Air Vice Marshal Titheridge—I think more the latter than the former.

Senator FAULKNER—Fair enough. I appreciate the distinction that you are making. You also rang CDF, as you have indicated, in that series of four phone calls a little after 9 a.m., which we established—albeit it has been excruciating getting there—to be on the day in question. You rang CDF. Could you just briefly explain why.

Air Vice Marshal Titheridge—Correct. I should also add that I had a call from Rear Admiral Ritchie just after 9 a.m. as well. He said to me that he rang me, so that might have been more information that I also enabled—

Senator FAULKNER—Sure. Mobile phones work both ways. You can ring out and people can ring you. That is what is happening, I am sure, isn't it?

Air Vice Marshal Titheridge—That is correct.

Senator FAULKNER—You rang CDF about this. Just very briefly explain why you would contact CDF.

Air Vice Marshal Titheridge—Correct.

Senator FAULKNER—But why at that time?

Air Vice Marshal Titheridge—Because CDF is actually the overall commander of the whole operation.

Senator FAULKNER—Fair enough. Why did you ring Mr Hendy?

Air Vice Marshal Titheridge—Because the CDF would also expect me to keep the minister's staff advised of what was going on. The minister was clearly still the minister and our obligation as officials is to pass on information to the minister.

Senator FAULKNER—Why would you think CDF would expect you to do that?

Air Vice Marshal Titheridge—I think it is a normal expectation. I cannot add to that. The minister receives advice from many people, including CDF and, at times, me.

Senator FAULKNER—No. I can understand why you would ring Ms Halton, the chair of the task force. I am interested in why you would ring Mr Hendy that morning.

Air Vice Marshal Titheridge—I would say it was probably more important for me to ring Mr Hendy than to ring Ms Halton at times.

Senator FAULKNER—Why? Mr Hendy is not on the task force, is he?

Air Vice Marshal Titheridge—Mr Hendy is the minister's staff.

Senator FAULKNER—I know he is. He is the chief of staff of the minister, in fact. But you rang him before you rang CDF.

Air Vice Marshal Titheridge—I do not see anything abnormal in that. The order might—

Senator FAULKNER—I am wondering why you did it. What were your instructions? I assume you do not do this of your own volition. I assume there is an instruction, direction or standing operating procedure that ensures you keep the minister's office in touch. I am trying to understand the background.

Air Vice Marshal Titheridge—I would rather put it as an expectation. I cannot recall if it is written down anywhere in a duty statement of mine. It may well be.

Senator FAULKNER—Was there or was there not an explicit instruction that you ring the minister's office to keep the minister's chief adviser informed?

Air Vice Marshal Titheridge—As a general rule—I do not know if there is an explicit instruction—for this particular incident I was asked to keep the minister’s office informed.

Senator FAULKNER—Who asked you to do that, please?

Air Vice Marshal Titheridge—I have no direct recollection of who asked me to do that. It would have probably been the minister’s staff or it may have been CDF.

Senator FAULKNER—It is a bit different, isn’t it—the minister’s staff asking you to keep them informed as opposed to an instruction, order or request emanating from Defence, particularly a Defence superior? I assume there would be a significant number of things which, if they did ask you to do them, you would not do at the drop of a hat, given the sensitivity of this time?

Air Vice Marshal Titheridge—That is correct.

Senator FAULKNER—As far as you are aware, there is no explicit instruction to ask you to ring the minister’s staff?

Air Vice Marshal Titheridge—I would have to check that. I cannot recall one. Operation Relex was going on for some time. This was not unusual.

Senator FAULKNER—I know that. You talked about the email that goes off with the qualification—the footnote, if you like—to Prime Minister and Cabinet, and we are aware of that. It is important that you have mentioned it. Can you say to me who the email was sent to in the Department of the Prime Minister and Cabinet?

Air Vice Marshal Titheridge—I cannot specifically tell you that. I think we tried to find that out; I am not sure if we know. We will check that and see if we can find out.

Senator FAULKNER—I really would appreciate knowing that if it is possible.

CHAIR—There would be a record of that, wouldn’t there?

Air Vice Marshal Titheridge—We were looking for it before. We did have a few faxes, but I do not know if we have got specifically who it was emailed to. It might have been either faxed or emailed. We are checking that.

CHAIR—But there would be a record?

Air Vice Marshal Titheridge—I am sure there is a record. If there is, we will find it.

Senator FAULKNER—Thank you for that. If you would provide a copy of it, I would appreciate that. The actual email was also prepared in Strategic Command, wasn’t it?

Air Vice Marshal Titheridge—That particular one was prepared by my staff.

Senator FAULKNER—So are you able to identify which staff member prepared it?

Air Vice Marshal Titheridge—Not specifically. It may have been the watchkeeper. I have no direct knowledge at this stage of who exactly prepared it.

Senator FAULKNER—Could you find that out for us please—where and when in Strategic Command that quite important email was prepared? Have you made any attempts to check that, given the notoriety of this matter?

Air Vice Marshal Titheridge—No, I have not. The fact that it went was enough for me.

Senator FAULKNER—It is not enough for me, so I wondered if you would not mind finding that out. I really would appreciate it if you could. The key point about this email prepared in Strategic Command is that it does raise at a minimum, I think it is fair to say—I do not want to put words into your mouth; you say what you think—serious doubts and concerns, doesn't it, about the whole suggestion that a child or children had been thrown overboard? Is that fair to say?

Air Vice Marshal Titheridge—I think I said, and I say no more than, that the footnote aptly summarises the information available to my staff at the time.

Senator FAULKNER—Yet how do you, as the Head of Strategic Command, maintain a different view right through to 25 November?

Air Vice Marshal Titheridge—It was relatively straightforward. There was an awful lot going on at this time. My focus was clearly on the war against terror, and a lot of other significant events were happening. My staff also focus on the future. Fortunately we do have the ability to answer questions of detail later on. There was a request for this particular information that the staff quite rightly passed on. I would not expect them to tell me.

Senator FAULKNER—You were not told by your staff?

Air Vice Marshal Titheridge—No, I was not.

Senator FAULKNER—You did not speak to your staff about this particular matter?

Air Vice Marshal Titheridge—I would not expect the staff to bring a routine issue like that up with me, no.

Senator FAULKNER—I do not know how routine it is! Contrary to what my esteemed colleague over there Senator Mason says about this being one isolated incident, it is a matter that is on the front page of literally millions of newspapers in Australia.

Senator MASON—The question is why the others—

Senator FAULKNER—The point is that it is not an isolated incident.

Senator MASON—That is an issue that we have got to get to.

Senator FAULKNER—The point is that it is a matter of extraordinary public notoriety. It is literally on the front page of millions of newspapers in this country, as you know, Air Vice Marshal Titheridge.

Air Vice Marshal Titheridge—At the time, it was not a great issue.

Senator FAULKNER—What do you mean? It was not a great issue for you, you mean?

Air Vice Marshal Titheridge—I do not think it was an issue for my staff either. It was a routine issue at that time. We had moved on from SIEV4.

Senator FAULKNER—That proved, of course, not to be the case. This was not an isolated contact with Mr Hendy. There was at least one other contact a bit earlier that day, if I am not mistaken. So did you keep in reasonably regular contact with Mr Hendy as well?

Air Vice Marshal Titheridge—Mr Hendy or Mr Scrafton.

Senator FAULKNER—And there was a similar flow of information from you, as Head of Strategic Command, with Mr Hendy and Mr Scrafton as there would be, say, with Ms Halton? Would it be at a similar level?

Air Vice Marshal Titheridge—Probably. I would probably talk to the minister's office more frequently, generally, across the year, but this was just for Operation Relex that I was speaking to Ms Halton.

Senator FAULKNER—But it is not just those members of Mr Reith's staff that are contacting Strategic Command. I think it is fair to make the distinction that, as the Head of Strategic Command, you have had contact with those departmental officers, but then we have the case of Mr Hampton, who was making very regular contacts, on 7 and 8 October, with your command, wasn't he?

Air Vice Marshal Titheridge—I would have to check the record. I have no personal knowledge of that.

Senator FAULKNER—With respect, this is all pretty public information. I think it is reasonable for me to ask you this. Are you aware of the witness statement of Flight Lieutenant Jason Briggs?

Air Vice Marshal Titheridge—I have not read the witness statement of Flight Lieutenant Briggs, but I am aware that Mr Hampton contacted him.

Senator FAULKNER—Fair enough. If you have not read his witness statement, so be it, but he is the watchkeeper of Strategic Command.

Air Vice Marshal Titheridge—He is one of the watchkeepers.

Senator FAULKNER—Sorry, he is one of the watchkeepers. He is a watchkeeper at Strategic Command. In his witness statement, he talked about Hampton's contact. He talked about him being very agitated and angry at times. Did any of those reports come through to you, as the Head of Strategic Command?

Air Vice Marshal Titheridge—No. I am sure if there was an issue with those then the watchkeeper would have brought it up with his immediate supervisor, who would have told his director. If it was not resolvable at that level, then it would have got to me. It did not get to me.

Senator FAULKNER—What contacts did ministerial staff have at other levels in your command; for example, with Flight Lieutenant Briggs? In Hampton's case, what information was requested by Mr Hampton and what was provided in response to those requests? If you do not know—and I think you are indicating to me you do not have that level of detail—could you take that on notice, in relation to contacts by ministerial staffers of Minister Reith with Strategic Command during the period 7 October 2001 through to 10 November 2001?

Air Vice Marshal Titheridge—We will chase up the information that we have.

Senator FAULKNER—Thank you. Do you know if there was any direct contact with Strategic Command from the prime ministerial staffers in the Prime Minister's office?

Air Vice Marshal Titheridge—I have heard there was such contact.

Senator FAULKNER—Could you explain the detail of that contact to us?

Air Vice Marshal Titheridge—I do not have the information on the detail of that contact either. I would have to ascertain it and get it for you.

Senator FAULKNER—Could I ask you, again, to provide that on notice? I had hoped that you might be able to answer some of these questions today. I wondered, given the circumstances, and given the fact that this matter has been canvassed, as you know, at the Defence estimates and is being canvassed currently at this select committee, whether you had satisfied yourself as to the nature and appropriateness of the contacts between ministerial staffers and your staff at Strategic Command?

Air Vice Marshal Titheridge—It was a very busy period then. There was a lot going on. Tracking all those different information loops would be extremely difficult. It certainly was then, and our focus, as I said to you before, was elsewhere.

Senator FAULKNER—But you must know that Mr Hampton, for example, is receiving faxes that are sent by Strategic Command, sometimes in response to tantrums that Mr Hampton is throwing with one of your watch-keepers and the like. You would accept, wouldn't you, that this is information being provided to the minister and the minister's office outside the chain of command?

Air Vice Marshal Titheridge—I would categorise it as information that is obviously being passed at a staff level. I am not prepared to say any more than that.

Senator FAULKNER—Is it outside the chain of command or not?

Air Vice Marshal Titheridge—I am outside the chain of command. I often pass information to the minister's office outside the chain of command.

Senator FAULKNER—But regardless of all that, do you acknowledge that none of that material referred to children being thrown overboard?

Air Vice Marshal Titheridge—I think if we go back to that chronology that was passed—and that, it is my understanding, was the prevailing view in Strategic Command—it would be my belief that, no, there was no information apart from what was passed in that particular chronology. That chronology was the best we knew at the time.

Senator FAULKNER—Doesn't Major General Powell note that this contact is outside the chain of command? Isn't that one of the points that he makes in his report?

Air Vice Marshal Titheridge—I have read Major General Powell's report and he refers to a range of information flows.

Senator FAULKNER—But he does make the point that it is outside the chain of command, doesn't he?

Air Vice Marshal Titheridge—As I said to you, Senator, I am outside the chain of command. I provide information to the minister's staff outside of the chain of command.

Senator FAULKNER—But did you at the time, or do you now, have any concerns about the direct flow of information between Strategic Command and then Minister Reith's office?

Air Vice Marshal Titheridge—In a perfect world it would be nice if all that information only came from me or a delegated member of my staff. In a very fast-moving situation with everything that was going on at that time—and Relex was only one such issue—it is very hard to get information through if we stick to just one or two people passing it.

Senator FAULKNER—But, given the circumstances where there is direct and quite a significant amount of contact between yourself and Mr Hendy and Mr Scrafton, have you got concerns about the fact that that level of contact at the highest level of Strategic Command sidestepped and you have got another member of the ministerial staff badgering the watch-keeper?

Air Vice Marshal Titheridge—The only concern I would have is that, with the amount of information that was being passed around and how often it was being passed around, perhaps it could not have always been passed in the best manner. Apart from that, I have nothing more to add.

Senator FAULKNER—But surely you would acknowledge that the way this worked was not in the best manner.

Air Vice Marshal Titheridge—As I said, you cannot operate in such a fast-moving situation in ideal circumstances. We can only do our best.

Senator FAULKNER—Air Vice Marshal, with regard to the special arrangement between yourself and Brigadier Silverstone, can you just tell me very briefly who established that or where the request to establish that special relationship came from?

Air Vice Marshal Titheridge—I would not call it a special relationship.

Senator FAULKNER—Arrangement, I should say. I am sorry, I should have used that. I think that is the accepted terminology. Relationship is a poor word to use; arrangement is much better.

Air Vice Marshal Titheridge—I would not even class it necessarily as a special arrangement. I often received information from commanders—in particular, Rear Admiral Ritchie. There was sometimes a request for updated information. In this particular instance, my recollection—and it is only my recollection, or my belief—was that I was asked to provide an update on the latest SIEV on the Sunday morning, and I would have passed that request to Rear Admiral Ritchie. It would be my belief that it was he who decided that Brigadier Silverstone could ring me direct.

Senator FAULKNER—But you do not recall who contacted you about that?

Air Vice Marshal Titheridge—No, not specifically.

Senator FAULKNER—You do accept that is outside the chain of command?

Air Vice Marshal Titheridge—A lot of things are, as I said, Senator. I am outside the chain of command, so you could say I often operate outside the chain of command on behalf of CDF.

Senator FAULKNER—Did you have any opportunity to brief Group Captain Walker about the ‘children overboard’ claims on 7 October?

Air Vice Marshal Titheridge—I have no recollection. We were moving on to the next challenge. By the afternoon of the 7th, I suspect that we were looking at other issues with SIEV4, not the issues that had passed.

CHAIR—He was your departmental representative on the committee, wasn’t he?

Air Vice Marshal Titheridge—He attended at times in my place.

CHAIR—And you knew he was going that day?

Air Vice Marshal Titheridge—I asked him to go that morning.

CHAIR—So why didn’t you tell him?

Air Vice Marshal Titheridge—Tell him what, Senator?

CHAIR—What you had told Halton.

Air Vice Marshal Titheridge—At that stage I would assume that he would pick up information from the IDC. He and I did not speak until the second IDC that afternoon, and by then we were focusing on other issues. I arrived halfway during the meeting—

CHAIR—You ring Halton and tell her, you ring the minister's staff and tell them, but you do not ring Walker, your own nominated representative on the committee, and tell him.

Air Vice Marshal Titheridge—No. I do not see that as strange, though.

CHAIR—And you assume that he will learn this from Halton or from the minister's staff?

Air Vice Marshal Titheridge—I also probably would have assumed that he had picked it up through the command chain when he went into the office.

CHAIR—Have you seen his comments on his advice in the Powell and Bryant reports?

Air Vice Marshal Titheridge—I am now aware that he was not told.

CHAIR—And that he was embarrassed because he did not know.

Air Vice Marshal Titheridge—I have seen his evidence.

Senator JACINTA COLLINS—It was not in the operational reports of the chain of command.

CHAIR—He is entitled to be embarrassed, isn't he? He represents you and he has not heard from you.

Air Vice Marshal Titheridge—He would have taken to that IDC the best information he had available. If I overlooked passing it on to him, that is not unusual. It was a very fast-moving situation, as I said.

Senator FAULKNER—Air Vice Marshal, if you have a special reporting arrangement, which is this special arrangement between yourself and Brigadier Silverstone in relation to SIEV4, I am surprised you cannot say to me where that emanates from. Given that it is a special arrangement and is not standard operating procedure, it is different to the usual practice.

Air Vice Marshal Titheridge—Senator, your question was did I know who specifically asked me, and I do not know. The request itself I believe emanated from the minister's office.

Senator JACINTA COLLINS—Minister Reith?

Air Vice Marshal Titheridge—Yes, that is right.

Senator FAULKNER—So the request comes from the minister—

Air Vice Marshal Titheridge—But whether it came through CDF or direct to me, I cannot recall.

Senator FAULKNER—How do you know it comes from the minister?

Air Vice Marshal Titheridge—Just my belief. Obviously there was information available to me at the time that indicated that.

Senator FAULKNER—Do you know what the several new elements were that justified the special arrangement?

Air Vice Marshal Titheridge—I am not sure what you are getting at there.

Senator FAULKNER—Do you know what justified this particular special arrangement being put in place?

Air Vice Marshal Titheridge—Not specifically. I suspect that the minister was always after the latest information.

Senator FAULKNER—Had any similar reporting arrangements been put in place for other boats, either before or after SIEV4?

Air Vice Marshal Titheridge—I regularly advised the minister's staff on SIEVs and the latest information on them as they came in. This particular arrangement, clearly the minister's staff wanted it at a certain time, and I arranged that.

Senator FAULKNER—Around 6, 7 or 8 October, you did not have any direct contact with the minister himself about any of these matters, did you?

Air Vice Marshal Titheridge—I did speak to the minister on the 7th, according to my phone records, in the afternoon on four separate occasions.

Senator FAULKNER—Did you have any contact with any other ministers or ministers' officers on those dates—Mr Costello's office, for example?

Air Vice Marshal Titheridge—No, I did not.

Senator FAULKNER—In your discussions with Minister Reith did you canvass the so-called 'children overboard' issue with him?

Air Vice Marshal Titheridge—I cannot recall the content of the conversations. I would have passed on to the minister the latest information I had at the time, including as more information came throughout the day, and I would have passed that on.

Senator FAULKNER—When you talked about this issue, did you qualify the reports when you were passing it on and discussing it with other people, either inside or outside Defence?

Air Vice Marshal Titheridge—What do you mean by ‘qualify’?

Senator FAULKNER—Did you place any caveats on the information?

Air Vice Marshal Titheridge—I would have said that this information was passed to me by the operational commander.

Senator FAULKNER—You believed at this point, didn’t you, that a child or children had been thrown overboard? Is that fair?

Air Vice Marshal Titheridge—Correct. I had no reason not to believe what Brigadier Silverstone told me.

Senator FAULKNER—But did you place any qualifications on this, given the fact that you had not had anything other than telephonic communication with Brigadier Silverstone? Were there any caveats, qualifications or expressions of caution in this at all?

Air Vice Marshal Titheridge—When the operational commander passes me information, apart from the source of it, I see no reason to provide caveats. I am not exactly sure where you are coming from on this point.

Senator FAULKNER—I thought you had indicated that in your statement to Major General Powell.

Air Vice Marshal Titheridge—What I indicated in my statement to Major General Powell was that the caveats would have been the source of the information.

Senator FAULKNER—I am sorry, the caveats would have been what?

Air Vice Marshal Titheridge—The caveats would have been the source of the information—in this case, Brigadier Silverstone. The caveats would only have been, ‘Telephone advice from Brigadier Silverstone.’

Senator FAULKNER—Did you make any approaches, subsequent to 7 October, to any of those involved—Rear Admiral Ritchie, Rear Admiral Smith, Brigadier Silverstone, the commanding officer of *Adelaide* or any other officer in Defence—to clarify what actually occurred with this incident?

Air Vice Marshal Titheridge—Do you mean subsequent to SIEV4?

Senator FAULKNER—Yes, subsequent to 7 or 8 October.

Air Vice Marshal Titheridge—I was certainly not attempting to clarify it. As I said in my opening statement, I really did not refocus on the issue until I saw that signal at the end of November. That was the first time I paid any attention to it again.

Senator FAULKNER—As the Head of Strategic Command, can you say to the committee whether there was any possible military strategic significance in the supposed throwing of a child overboard?

Air Vice Marshal Titheridge—I certainly suspect it was more a media issue than a strategic issue.

Senator FAULKNER—I accept that.

Air Vice Marshal Titheridge—But it was an issue in that it was one of a number of pieces of information that gave us an indication of the way the SIEVs were reacting, and it was important for the minister—because, after all, we do work for the minister—and the CDF to know that. It was also important for the operational command chain to know that so that they could be prepared for the next SIEV that came in. So, in that respect, the information was of military significance.

Senator FAULKNER—But you said yourself that ‘it was a media issue.’ I will ask you directly: it was not an important military strategic issue, was it?

Air Vice Marshal Titheridge—Only insofar as it was a part of a range of behaviours that our people in the ships would be facing and needed to be prepared for.

Senator FAULKNER—But you say it was an important media issue, and I accept that.

Air Vice Marshal Titheridge—No; I said it became a media issue after the event. At the time, the information was part of a general pattern of behaviour—not a pattern; it was a pattern that started to develop—and it was important for the operational commanders to at least be aware of that, and certainly for CDF to know what his forces were facing.

ACTING CHAIR (Senator Brandis)—So the information had an operational significance, Air Vice Marshal.

Air Vice Marshal Titheridge—I am saying it had significance for the operators to know so that they were prepared for future SIEVs. That is what I am saying.

Senator FAULKNER—Isn’t it true to say, Air Vice Marshal, that this was a political and media issue; it was not a military strategic issue?

Air Vice Marshal Titheridge—My job is to pass on information that may be of use to commanders—and at the top of that command chain lies the minister—and may be of use to subordinate commanders. This was just one of those pieces of information.

Senator FAULKNER—No. In this case, in fact, the information was used on a morning television program—it was seized on for political advantage. That is what happened. That is where the report went, and that was its purpose. That was the purpose, was it not, Air Vice Marshal, of the special arrangement between you and Brigadier Silverstone? I do not blame you for that, but that is what the arrangement was put in place for, and that is what happened.

Air Vice Marshal Titheridge—As I said, my job is to pass on information and to make sure that the operators have access to that information. That is the way we treat it in Strategic Command.

Senator FAULKNER—I know you were busy and it was a fast-moving situation, but you did have some time to reflect on this, even at the time. Didn't I read somewhere that you actually went to the races?

Air Vice Marshal Titheridge—That afternoon I went—

Senator FAULKNER—Fair enough too. Good on you. I like going to the footy myself, so I do not blame you for that for one minute. But it is not as if it was so fast moving, such a pressure situation, that there was not some opportunity to reflect.

Air Vice Marshal Titheridge—I would dispute that. I actually made 42 phone calls that day, outwards. That is not the ones that came in. It was a fast-moving situation wherever I was, whether I was at leisure activity or not.

Senator FAULKNER—Could you please outline, for the benefit of the committee, what occurred on the evening of 7 October? What is your recollection, briefly, of the discussion of the 'children overboard' incident at the IDC?

Air Vice Marshal Titheridge—At the IDC itself, I do not recall. I have no recollection of any discussion. There was a subsequent meeting, following the IDC, at which a paper was put together by Prime Minister and Cabinet.

Senator FAULKNER—Were you aware that Group Captain Walker, who left the meeting when you arrived—I think that is right, isn't it, Air Vice Marshal?

Air Vice Marshal Titheridge—I think he says that, and I have no reason to doubt it.

Senator FAULKNER—Are you aware that he had stated that there was no documentary evidence of the claim that children had been thrown overboard?

Air Vice Marshal Titheridge—No, I was not aware he had said that. I know his evidence is that, but I certainly was not aware of it at the time.

Senator FAULKNER—I do not want to pressure you on this, but I want to be clear whether the issue of children being thrown overboard, or concerns about that, were discussed at the IDC on that evening when you were present, or whether you are unable to recall. I am drawing a distinction between those two things, if you understand.

Air Vice Marshal Titheridge—I doubt very much whether they were discussed. I think we were probably focusing that IDC on what we do next with SIEV4.

Senator FAULKNER—Ms Halton, of course, says that she directed the Defence representative at the IDC to do some checking of the initial claims. Could you shed any light on who that Defence representative might be? The reference to this, I think, is on page 31 of Ms Bryant's report.

Air Vice Marshal Titheridge—I cannot help you there. Certainly, she did not ask me that particular information. She may well have asked Group Captain Walker, but I cannot shed any light on that.

Senator FAULKNER—Fair enough. But it was not you, is what—

Air Vice Marshal Titheridge—That is correct.

Senator FAULKNER—you can be definitive about. How did the information flow between Defence—in this case it was you or your representative—and the IDC generally work?

Air Vice Marshal Titheridge—The IDC was really a coordinating mechanism where representatives from the different departments involved in the whole issue of the unauthorised arrivals pooled information. Clearly it was not something that Defence was operating alone in and clearly we could not operate in isolation, given all the other aspects, of offshore detention et cetera. The IDC was bringing all those threads together.

Senator FAULKNER—I am interested in the flow from the IDC to Defence, which is the other way, if you like. How did that actually work? Could there be a direction from the IDC to Defence? If so, did it go through you, and how did that process work? Or was it necessary to go via ministers and another channel?

Air Vice Marshal Titheridge—The IDC was really just a coordinating mechanism, as I said. It may well have influenced ministers, but the IDC cannot direct Defence. The only person who can direct Defence is the minister or CDF. But clearly the IDC enabled me or my representative, and certainly the other members of the different departments, to understand what else was going on in the other areas and tailor our directions accordingly. But the IDC itself did not specifically command or direct. CDF is the only one that can do that in terms of Defence.

Senator FAULKNER—Are you aware of the Strategic Command brief HSC 001/1109?

Air Vice Marshal Titheridge—I would have to look—

Senator FAULKNER—That was the brief that was attached to Group Captain Walker's submission to the Powell report.

Air Vice Marshal Titheridge—I would have to look it up. We are just trying to find it now.

Senator FAULKNER—I thought I had it here. I have now found it.

Air Vice Marshal Titheridge—One of the questions on notice you gave us earlier about that email and the chronology—

Senator FAULKNER—Yes.

Air Vice Marshal Titheridge—By the look of this, the watchkeeper emailed it to Mike Scrafton and he used his log of events as the summary.

Senator FAULKNER—Thank you for that.

Air Vice Marshal Titheridge—My suspicion is that it was then probably faxed to PM&C. We have not actually established that addressee yet.

Senator JACINTA COLLINS—Who produced that report?

Air Vice Marshal Titheridge—That would have been put together by the watchkeeper, who at that stage was a Captain Hunter.

Senator FAULKNER—Thanks for that. Anyway, we will get that detail a little later. Have you got hold of this minute now?

Air Vice Marshal Titheridge—I have got hold of—

Senator FAULKNER—I am calling it a minute; I do not know that that is the correct terminology.

Air Vice Marshal Titheridge—Is this ‘the minister, for information’?

Senator FAULKNER—No, this is HSC 001/1109. Group Captain Walker appends it to his submission to Powell.

Air Vice Marshal Titheridge—The actual file address is incomplete. If you could give me some words at the top of it, I might cue it to the document I have here, perhaps.

Senator FAULKNER—I will ask someone to photocopy it for me and come back to you in a moment. The point here is, Air Vice Marshal, that Group Captain Walker represents you at the IDC on the morning of 7 October.

Air Vice Marshal Titheridge—That is correct.

Senator FAULKNER—Group Captain Walker says on the morning of 7 October that he will check if there is any evidence that kids have been thrown overboard. That is right, isn't it?

Air Vice Marshal Titheridge—I would have to check that. I would have to ask Group Captain Walker that.

Senator FAULKNER—That is pretty clear from the public record, but if you would care to. But he does check and he reports back to the IDC in the evening that there is no evidence. I do find it quite extraordinary that you are not aware of that.

Air Vice Marshal Titheridge—It is probably an indication of how things were moving at the time, I suspect.

Senator FAULKNER—We can talk about the Group Captain now. Would you mind handing one of those to the Air Vice Marshal?

Air Vice Marshal Titheridge—I think the relevant point is that a couple of days later my staff did provide advice on information we knew across to both Prime Minister and Cabinet and the minister. The fact that I did not know I am not sure is directly relevant. I have that bit of paper now.

Senator FAULKNER—I am describing that as a brief; in Defence parlance, what should I describe it as?

Air Vice Marshal Titheridge—A brief would be an adequate descriptor.

Senator FAULKNER—When did you become aware of this particular brief?

Air Vice Marshal Titheridge—I cannot recall having seen it but I may well have. In fact, a lot of the information on SIEV4—the details—has really only come to light in the context of the Powell and Bryant reports.

Senator FAULKNER—As the Head of Strategic Command do you accept responsibility for a brief like this?

Air Vice Marshal Titheridge—Only if I sign it. Strategic Command is a very busy organisation and it was dealing with a lot of different operations. It was focusing on the war against terror.

Senator FAULKNER—I appreciate that, as does all the committee, I am sure. We are thankful that you are doing it. But also, you, Air Vice Marshal, unfairly or fairly, whether you want to be or not, have been placed in the position of being a conduit of information between Defence and the minister. I think it is fair to say that that is true, isn't it?

Air Vice Marshal Titheridge—I would say that Strategic Command as an organisation is a conduit.

Senator FAULKNER—I accept that you are busy; I know you are busy. I appreciate it and I acknowledge it. Do not think for one moment I am suggesting you are over there twiddling your thumbs. I know that is not the case. But it does not alter the fact that these are still proper and reasonable questions to put to you, given the circumstances. This is a matter that we are canvassing at this committee —

ACTING CHAIR (Senator Brandis)—Senator Faulkner, just ask your questions. Do not lecture the witness. Ask your question.

Senator FAULKNER—I am not lecturing the witness at all, and I think he would probably acknowledge that I am not. I am acknowledging—

ACTING CHAIR—Move on to your next question.

Senator FAULKNER—I am acknowledging that the Air Vice Marshal is busy. I am indicating to him that he does not need to justify that to me because I agree with him. It is proper that I say so because I do not think the Air Vice Marshal needs to be defensive about that. When a brief like this comes out of Strategic Command, I am wondering whether you accept responsibility for it. I think you have indicated that, if you do not sign it, you do not, basically.

Air Vice Marshal Titheridge—Mind you, I accept responsibility for the actions of my staff if they are inappropriate. By way of explanation I should point out that my task as Head of Strategic Command, if I could describe it, is looking upward, outward and ahead. I clearly had a focus on a range of issues that were far more important than what happened on SIEV4, and in fact in some respects probably eventually would involve the lives of Australian service personnel. It is not unusual for me not to be involved in detail that is passed. The staff pick a lot of that up and look after it. This is not unusual.

Senator FAULKNER—I am a little surprised by this because of how you put this general approach to the committee. You say that your staff provided accurate advice to the Department of the Prime Minister and Cabinet and the minister a couple of days after the events we are talking about—the events of the 7th. You do say that, don't you?

Air Vice Marshal Titheridge—I would say that my staff provided the best information they had at the time.

Senator FAULKNER—You say the fact that you do not know about that is not relevant.

Air Vice Marshal Titheridge—I did not say 'relevant'; I said isn't important. Perhaps I did use the word relevant, but perhaps a better word is important.

Senator FAULKNER—You are a very key point of contact between Defence, the Department of the Prime Minister and Cabinet and the minister's office, and as far as Strategic Command is concerned you are the key contact.

Air Vice Marshal Titheridge—I am a point of contact for all of those organisations, yes.

Senator FAULKNER—They rely on you for advice.

Air Vice Marshal Titheridge—You would have to ask them that question.

Senator FAULKNER—Don't you think they rely on you for advice?

Air Vice Marshal Titheridge— They rely on a lot of people for advice, including, I suspect, representatives from Strategic Command, including me.

Senator FAULKNER—They would assume that you would always reflect the view of Strategic Command because you are the Head of Strategic Command.

Air Vice Marshal Titheridge—I do not know what they would assume.

Senator FAULKNER—I would hope they would assume that.

Air Vice Marshal Titheridge—Certainly when I am talking to them I would assume that they understand where I am coming from.

Senator FAULKNER—So the issue is to what extent you have got an obligation to keep yourself informed, to keep across the assessments of your command staff on key issues.

Air Vice Marshal Titheridge—There is just physically no way I can keep across all the information that comes in and goes out of Strategic Command, because of the amount of it.

Senator FAULKNER—This may even be the first time you have seen this document. You may not be able to assist us on it, and I would not necessarily expect you to, but have you seen it before?

Air Vice Marshal Titheridge—I do not recall. I may well have seen it in passing when the Bryant and Powell reports came.

Senator FAULKNER—Let me briefly ask you, then, a couple of general questions about it. Is it fair to say that this brief would be a central piece in the proper briefing chain for the higher levels of Defence and the minister? It appears to be that, but I will just check that with you.

Air Vice Marshal Titheridge—I would class it as a situation report—a routine situation report—passed out from Strategic Command on a summary of the issues as known by the staff at the time.

Senator FAULKNER—So is it authoritative?

Air Vice Marshal Titheridge—It is the best information they had, and people would need to rely on it.

Senator FAULKNER—Yes, that is right. So the senior levels of Defence would normally expect to be able to rely on a brief like this, wouldn't they?

Air Vice Marshal Titheridge—They would probably rely on a lot of other things apart from this brief.

Senator FAULKNER—As well, but they would certainly rely on a brief like this. It tells them what they need to know about the events and the significance of a given incident. That would be right, would it not?

Air Vice Marshal Titheridge—You would have to ask individuals how they accepted it, but certainly it is information from Strategic Command based on the best information we had at the time.

Senator FAULKNER—Exactly, so you would not get a brief like this and suspect that it was in any way deficient. You would accept it at face value, would you not?

Air Vice Marshal Titheridge—Unless you have other information, in which case you may well question it—I do not know.

Senator FAULKNER—This particular brief—HSC 001/1109—does not mention children being thrown overboard. In fact, it does not mention anything about children at all, does it?

Air Vice Marshal Titheridge—It does not appear to, no.

Senator FAULKNER—You have got the brief in front of you. Can you just confirm for me what the distribution is for this particular brief, prepared by Wing Commander Cowan and cleared by Group Captain Walker—just very briefly, because it is listed there.

Air Vice Marshal Titheridge—Are there any of those particular ones that you do not understand and that you want me to read out?

Senator FAULKNER—Let me do it. It says that the distribution is: Minister for Defence, PARLSEC, PM&C, CDF SEC—

Air Vice Marshal Titheridge—Secretary.

Senator FAULKNER—VCDF, CN, CA, CAF, DEPSECS—

Air Vice Marshal Titheridge—‘Dep sec’ is deputy secretary.

Senator FAULKNER—First Assistant Secretary SIP, COMAST—

Air Vice Marshal Titheridge—Chief of Joint Logistics.

Senator FAULKNER—Thank you—

Air Vice Marshal Titheridge—And the next is Head of Public Affairs and Communication.

Senator FAULKNER—And DEPSEC CS?

Air Vice Marshal Titheridge—Corporate Services.

Senator FAULKNER—And DEPSEC I&S?

Air Vice Marshal Titheridge—Intelligence and Security.

Senator FAULKNER—And HPGA?

Air Vice Marshal Titheridge—Head of Preparedness, Guidance and Analysis, which is a division inside Defence.

Senator FAULKNER—There was a time when I would have done a lot better on those acronyms.

Air Vice Marshal Titheridge—You did pretty well.

CHAIR—I think that was a fail.

Senator FAULKNER—I accept that; it was a fail. I do recall, however, when I was defence personnel minister, on one occasion very early in my tenure, being worried about the acronyms and asking for Defence to send me over a quick checklist and I got 10 ring-bound folders of acronyms. That was the point, Air Vice Marshal, at which I gave up.

Senator MASON—It is longer than the *Oxford Dictionary*.

Air Vice Marshal Titheridge—Senator, it changes so fast in Defence even I have trouble.

Senator FAULKNER—They are the recipients of this and that would mean those addressees would have received this brief at or soon after 8 a.m. on 8 October last year.

Air Vice Marshal Titheridge—I think it is fair to say that even though they were addressees it would have been their staffs that dealt with them. How many of them actually got to the specific addressees is something that you would need to ask each of the staffs.

Senator FAULKNER—I do not know whether we will be able to do that, but the point remains: there is a Strategic Command brief, it does not mention a child or children being thrown overboard or, for that matter, anything about children at all. And I think, from what you have said—and I have got no reason to doubt it—we ought to treat that as authoritative coming from Strategic Command.

Air Vice Marshal Titheridge—It was an authoritative statement of the best information the staff had at the time.

Senator FAULKNER—Cleared by Group Captain Walker—

Air Vice Marshal Titheridge—Correct.

Senator FAULKNER—who checks in the morning the claims of 7 October that children are thrown overboard and reports before you arrive at the IDC later in the day that there is no evidentiary support for those claims.

Air Vice Marshal Titheridge—You would have to ask the members of the IDC what they did with that information. Certainly it was not passed to me when I arrived.

Senator FAULKNER—We have not got much time, Air Vice Marshal, and I do not want to delay you too long. But I suppose the thing in your evidence which most surprises me is your statement that you are unaware of any doubts about the original claims until 25 November 2001. Is that a fair summary of your view in relation to doubts about the claims?

Air Vice Marshal Titheridge—I would rather put it this way, that I actually did not even focus on it again until 25 November so I had no reason to doubt until then.

Senator FAULKNER—We are talking here about the original claims that children were thrown overboard.

Air Vice Marshal Titheridge—We are talking about an incident that happened on a SIEV and it was part of a range of incidents that happened on a whole bunch of SIEVs. It certainly did not single out in my mind to be of particular significance at the time.

Senator FAULKNER—Are you aware, to start off with, of all the media speculation about this?

Air Vice Marshal Titheridge—Certainly recently, Senator, but at the time I do not have a strong recollection. Apart from the photographs that were in the paper, I do not have a strong recollection at all of a lot of media speculation.

Senator FAULKNER—What about the discussion you had with Rear Admiral Smith?

Air Vice Marshal Titheridge—I know he said that in his evidence and I am also aware he made the same statement to Ms Bryant's report, but I do not have a recollection of the phone call. At the time there was a lot going on and certainly I have no recollection of that specific information or in fact of the specific phone call.

Senator FAULKNER—Both Rear Admiral Smith and Rear Admiral Ritchie report to Ms Bryant for her report that they separately advised you—separately—that there is no evidence to support the claim that children were being thrown overboard. And I asked Admiral Smith about this again—

Air Vice Marshal Titheridge—I heard the question, Senator.

Senator FAULKNER—To be fair, Air Vice Marshal, the admiral did not mince words about it. He was very clear under oath to this committee that he had had that conversation, he had expressed the fact that there were stronger than doubts about this issue and felt that you had acknowledged it.

Air Vice Marshal Titheridge—I have no recollection. I think Admiral Smith also said that the call was about SIEV5, which was a particularly challenging SIEV, but certainly I cannot help you there.

Senator FAULKNER—The element of Admiral Smith's evidence that I think it is proper I ask you about is—and he also mentions this to Ms Bryant, and he has mentioned it in evidence here, so I think he is confident about it—that you confirmed to him that you realised the fact that there is no truth to these claims.

Air Vice Marshal Titheridge—I am certainly aware of his evidence here. I am also aware of the statements he made to Ms Bryant. I saw them then and, as a consequence of statements he made to Ms Bryant and questions that Ms Bryant asked of me, I went back through my records to try to get some recollection or some evidence. I found none, nor could I recall a particular. I spoke to a lot of people during that time, and that is one phone call. I remember speaking to Admiral Smith on occasions, but I cannot help you with the content of the calls.

Senator JACINTA COLLINS—Can I go back to your comments about the IDC. I may have misheard what you said, but I think you indicated that there was a meeting after the IDC, which dealt with the report to PM&C or to the Prime Minister. Are you referring to the second IDC meeting in the evening of that day or to a meeting that occurred after the evening meeting?

Air Vice Marshal Titheridge—There is probably some confusion about this. There was an IDC in the morning, there was an IDC in the late afternoon, early evening and then there was a meeting that followed on from that IDC.

Senator JACINTA COLLINS—That is the meeting we do not have any evidence of so far, which is why I have brought you back to it.

Air Vice Marshal Titheridge—I think it was discussed in Ms Bryant's report. It was a meeting at which a paper was put together. Prime Minister and Cabinet put a paper together to provide advice on the handling—

Senator JACINTA COLLINS—I appreciate that, but my understanding so far is that that was cleared by the evening IDC meeting. That was my understanding of what Ms Bryant's report says.

Air Vice Marshal Titheridge—I would like to class it as a follow-on from the IDC. Maybe it had all, but certainly it had some, of the IDC members at it. You could class it as an IDC. I would class it as a meeting that followed the IDC.

Senator JACINTA COLLINS—Does this explain why some participants in the IDC indicated, during Senate estimates, no knowledge of a paper that was cleared?

Air Vice Marshal Titheridge—That could quite possibly be it. I cannot help you there.

Senator JACINTA COLLINS—Does this also explain your concern to Ms Bryant about references to the paper having been cleared and your suggestion that all those present when it was cleared should be indicated in her report?

Air Vice Marshal Titheridge—There was an inference, I think, of me clearing the paper. The general thrust of the paper, from my recollection, was cleared by all those at that meeting. I do not know who those were. You would have to check PM&C's records.

Senator JACINTA COLLINS—Okay, but I think at the moment all we have is PM&C's records of the IDC, rather than of a meeting after the IDC.

Air Vice Marshal Titheridge—I could guess at some of the attendees, but it would not be authoritative.

Senator JACINTA COLLINS—So this is something we would need to ask Ms Edwards, perhaps?

Air Vice Marshal Titheridge—She or Ms Halton might have a better view. Certainly, the major departments would have been involved: Attorney-General's, Immigration, Defence, and Prime Minister and Cabinet. I do not know about AFP; I am not sure. Anyway, they are the sort of general—

Senator JACINTA COLLINS—Defence would have been you. Group Captain Walker had departed by that point?

Air Vice Marshal Titheridge—Yes, he left.

Senator JACINTA COLLINS—On to another issue, can you give the committee any guidance on why Brigadier Silverstone thought that the special arrangement pertained to information relevant for the Treasurer?

Air Vice Marshal Titheridge—No, I cannot help you there at all.

Senator JACINTA COLLINS—So you have no knowledge of the notation in his notes about the Treasurer?

Air Vice Marshal Titheridge—I have no recollection of it.

CHAIR—It was about a minister appearing on a current affairs program, though, wasn't it?

Air Vice Marshal Titheridge—My recollection is that it may have had something to do with a media appearance, but I cannot help you any more than that.

Senator JACINTA COLLINS—Was it a media appearance by your minister or a media appearance by the Treasurer?

Air Vice Marshal Titheridge—I cannot help you there. If I was going to have a guess, it would be my minister, but I am not sure.

CHAIR—This was in the caretaker period.

Air Vice Marshal Titheridge—I am not sure of the relevance of that.

CHAIR—Only that special rules apply during the caretaker period.

Air Vice Marshal Titheridge—I think I did review those caretaker rules, and it is my belief that ministers can ask for information that is relevant to their day to day business. The overall situation with the different SIEVs was certainly relevant to the minister.

CHAIR—But not to the Treasurer.

Air Vice Marshal Titheridge—I cannot comment on the Treasurer; I do not know anything about the Treasurer.

CHAIR—So you cannot confirm, but nor can you scotch, the story that it was for the Treasurer, who in fact did appear on the *Sunday* program that Sunday morning, that this special arrangement was put in place?

Air Vice Marshal Titheridge—That surprises me. I did not see who appeared that morning. Certainly mention of the Treasurer was a surprise to me, so I have no knowledge of that.

Senator JACINTA COLLINS—A special arrangement within Defence, and for the defence minister, is one issue; we are looking at special arrangements that carry over further to the needs of the Treasurer, and that is perhaps another issue— although I should note that the only person at this stage who has provided evidence to us about the Treasurer is Brigadier Silverstone, who is well down the chain of this request. Part of this problem is that you yourself do not recall, at this point, where that request emanated from.

Air Vice Marshal Titheridge—I would not call it a special arrangement. I would call it a normal arrangement, where an operational commander is passing information to me—or where information is sought from an operational commander. In this particular instance the only difference, from my recollection, was that Rear Admiral Ritchie had decided that Brigadier Silverstone could provide it directly. I do recall that there probably was a time element in that.

Senator JACINTA COLLINS—We are going to have to look—away from today, I think—more closely at this timing issue. The Defence task force has advised us that daylight saving was in fact not in force on this date of your telephone log. So that leads me to question, once you work through the timing, the series of calls you refer to which bring us to a time that is 6.17 on the *Adelaide*. However, I note that there is an earlier telephone call to Ms Halton at 8.05, and then there is a series of telephone calls at 8.45, 8.47 and 8.48, one of which is to Mr Hendy. Could you tell us whom those two other calls were to.

Air Vice Marshal Titheridge—Perhaps I could lead you through it this way. I put together this telephone log, and I cannot tell you exactly when Brigadier Silverstone rang me but I have inferred nine o'clock for the reasons that I will give you.

Senator FERGUSON—It is certainly eight o'clock on the night before.

Air Vice Marshal Titheridge—It is unlikely, and the reason it is unlikely is that I was chasing DJOPS. I tried him at work but he was not there. I rang him on his mobile phone. His evidence is (1) that I had rung him to get him to attend that meeting in the morning and (2) that when he got to that meeting he was surprised by the information. So, if I had had that information on SIEV4 when I rang him, I would have told him.

Senator JACINTA COLLINS—Who is this?

Air Vice Marshal Titheridge—This is Group Captain Walker. So my assumption is that it is after the call to Group Captain Walker that I received the information. I cannot be sure about that, but that is my best guess.

CHAIR—This might be an appropriate time for me to correct a misleading piece of information I gave earlier when I said I thought that daylight saving applied at this time. I am now advised that it did not. I was wrong and I make the correction accordingly.

Air Vice Marshal Titheridge—I think that this timing issue is still on the table.

CHAIR—Yes.

Air Vice Marshal Titheridge—I have this telephone log. There are explanations I could foresee for the other calls, but the key issue, I think, is the extent of Group Captain Walker's knowledge and also the fact that I did not call a lot of people. I just called some, and there was quite a large gap between calling Ms Halton and calling DJOPS.

Senator FAULKNER—You have the telephone log, and that is fine. That has meant that you have been able to provide some detail in relation to some of those calls. But on very many questions asked of you today you have just said that you have no recollection. It seems to me that that is very unsatisfactory.

Air Vice Marshal Titheridge—I think, Senator, it is a reflection of what was going on at the time and how I viewed this particular issue.

Senator FAULKNER—But there does seem to be a real disconnect between you as the Head of Strategic Command and Strategic Command. Is that fair, because you do not find out about a whole lot of important and key advice until it is provided literally weeks and weeks later?

Air Vice Marshal Titheridge—Another way to put it, Senator, is that there were some routine bits of follow-up information that were provided by the staff, and the watch-keeping staff provided that chronology. The rest of Strategic Command, I would suggest even from about the Tuesday or Wednesday onward, were focused on a whole range of other issues and certainly not SIEV4.

Senator FAULKNER—You do not seek views on the accuracy of the photos that are used to mislead the public; you just move on to the next issue—and I have got to say to you that I do not think that is good enough. I do not think it is good enough for you to come here and say in answer to so many questions asked of you, 'I can't recollect that,' or, 'I have no recollection.'

Senator BRANDIS—That is very unfair to the witness, Senator Faulkner. That was an honest answer. If a person does not recollect a conversation that happened six months ago, to say that he doesn't recollect is an honest answer.

CHAIR—It wasn't the case as far as your side was concerned when Carmen Lawrence gave evidence.

Senator FAULKNER—In this case Air Vice Marshal Titheridge is saying that he cannot recollect this issue being a major political issue in the middle of an election campaign. That just beggars belief.

Senator BRANDIS—It doesn't beg my belief.

Senator FERGUSON—It wasn't for two weeks.

Senator FAULKNER—Air Vice Marshal Titheridge, it beggars belief particularly when your minister is milking it for all it is worth. Would you care to comment on that?

Air Vice Marshal Titheridge—I have nothing further to add, Senator.

Senator FAULKNER—I do not understand why you are unable to provide so little detail on important questions that have been asked of you which I would have thought, I must say, you would have been better prepared and better briefed to answer today.

Air Vice Marshal Titheridge—I can only answer you on my recollections of events at the time, not what came through in hindsight or what might have subsequently happened. At the time there was a lot going on and at the time my focus certainly was not at all on SIEV4.

Senator BRANDIS—Your focus was the war on terrorism which some people might think was even more important than an election campaign?

Senator FERGUSON—And border protection.

Senator FAULKNER—Given that there were special arrangements put in place with the air vice marshal for the election campaign, I think it is reasonable for questions to be asked about those special arrangements which became a public issue and which dominated the Defence debate in this country at that time and subsequently. I accept the point about what occurs after the event. We all have the advantage of reading reports after the event and seeing the press commentary at the time. But you, Air Vice Marshal, are absolutely central at the time. You are the key or one of two key conduits between the Defence operation and the minister's office, and in this period there is wrong information on three counts: children being thrown overboard, the fact that photographs are supposed to depict children who had been thrown overboard and the fact that there was a video in existence that showed that. On these three things—although they are corrected in Defence and although your own Strategic Command division is well aware of it and providing advice—you as the Head of Strategic Command say to us you know nothing about it until well after the election is over on 25 November. Given its extraordinary notoriety and its importance—regardless of the fact there are other things occurring in the international

arena which are significant, and I acknowledge and accept that as I have done throughout these hearings—that beggars belief.

Air Vice Marshal Titheridge—I looked back at that period and I looked at my notes for that period and just about all the references, apart from subsequent SIEVs, are on ‘war against terror’ and other issues. I think I said to you that I did not focus on it; it was just not an issue for me until late November.

Senator FAULKNER—In the cold hard light of day now—because it is, as you properly say, many months after the event—when you look at how you handled this issue at the time, that is, on 7, 8, 9, 10, 11 October and subsequently, are you self-critical at all?

Air Vice Marshal Titheridge—I have got to put that back in context with everything else that was going on, and I do not think, had those events played out again with everything else that was going on, I would have been any different. That was a very fast-moving situation—in a perfect world, but there is no such thing as a perfect world in a fast-moving situation.

Senator FAULKNER—You say it is a fast-moving situation, sure; but the truth is that at nearly every level of the Defence Force there is acknowledgment that wrong information is transmitted—everyone accepts that. You accept that, don’t you?

Air Vice Marshal Titheridge—Now I do.

Senator FAULKNER—Yes, now you do. Everyone accepts that—that wrong information is transmitted—and that genuine, though unsuccessful, attempts are made to correct it. Do you accept that?

Air Vice Marshal Titheridge—Certainly attempts were made or certainly information was passed that was an accurate summary of the information available at the time, yes.

Senator FAULKNER—So you were a key part of the wrong information getting out but play no role at all in correcting it. When even in your own organisation all of these attempts are made, nothing happens—and, of course, that is terrifically helpful to Minister Reith and the government at an extraordinarily sensitive time.

Senator BRANDIS—That is very unfair to the witness, Senator Faulkner. The innuendo contained in that question is terrifically—

Senator FAULKNER—There is no innuendo in the question.

Senator BRANDIS—unfair to Air Vice Marshal Titheridge.

Senator FAULKNER—The fact that the inaccuracy of this material was not corrected, given the public notoriety of these matters, is what we are here about.

Senator BRANDIS—It was probably much more important to you, Senator Faulkner, than it was to a military commander, because it was a political issue and the military commanders had

more important things to worry about than political issues. Air Vice Marshal Titheridge, you were responsible at this time for border protection, were you not?

Air Vice Marshal Titheridge—I was—

Senator BRANDIS—Or had a responsibility as Head Strategic Command?

Air Vice Marshal Titheridge—I was Head Strategic Command; I had a whole range of issues.

Senator BRANDIS—Did those issues include border protection?

Air Vice Marshal Titheridge—That was one of them.

Senator BRANDIS—Did they include the ‘war against terror’?

Air Vice Marshal Titheridge—Yes.

Senator BRANDIS—Did they include the Afghanistan deployment?

Air Vice Marshal Titheridge—Yes, as part of the ‘war against terror’.

Senator BRANDIS—Did they include the East Timor deployment?

Air Vice Marshal Titheridge—They include issues to do with the East Timor deployment.

Senator BRANDIS—Do you think you might have had more important things to worry about at this time than some silly election campaign issue?

Air Vice Marshal Titheridge—That is my view.

CHAIR—I will ask a few questions, if I may, because I do share this view that the great mystery which I think gave rise to this inquiry is that the news that a child—which became then ‘children’—was thrown overboard travelled almost with the speed of light so that three or four hours after the alleged event it was public through the mouth of the minister and later commented on in carefully crafted prose by the Prime Minister, and a month went by after the truth was known and the record was not corrected. That is, front and centre, at the heart of this inquiry. Let me just ask you a couple of things about what has become known here as the Titheridge minute. You would be familiar with this document; you are the author of it. For the sake of the record, it is headed ‘Unauthorised arrivals information’ and the reference is ‘A. Telcon COS MINDEF/CN SEC 28 Feb 02’.

Air Vice Marshal Titheridge—I am aware of it. I will just get the copy so I can be more definitive.

CHAIR—I am not going to actually ask you very much about the document itself, but it may help you to have it in front of you. What made you decide to create this document?

Air Vice Marshal Titheridge—I think the Chief of Navy's office actually contacted us. They had been asked for the information—I am not sure who by; you would need to ask them about that—and they had said that it was more appropriate that we provide it to the minister's office, and so we did.

CHAIR—Do you know who asked the Chief of Navy's office?

Air Vice Marshal Titheridge—No, not specifically.

CHAIR—When the Chief of Navy's office contacted you about this, did you ask them why they wanted it?

Air Vice Marshal Titheridge—The Chief of Navy's office indicated that that information needed to be passed to the minister's office.

CHAIR—That it needed to be passed to the minister's office.

Air Vice Marshal Titheridge—Correct.

CHAIR—Why did it need to be passed to the minister's office?

Air Vice Marshal Titheridge—I do not know.

CHAIR—Your note, which is enclosure 1, 'Unauthorised arrivals incident information', lists a series of questions. Where do those questions come from?

Air Vice Marshal Titheridge—We got them from the Chief of Navy's office.

CHAIR—Did you get them in the specific terms in which they appear in your note?

Air Vice Marshal Titheridge—I would have to ask that question of my staff.

CHAIR—Please do.

Air Vice Marshal Titheridge—I suspect we did.

CHAIR—Is that able to be cleared up instantly?

Air Vice Marshal Titheridge—We would have to check, but we think it is pretty close to the form.

CHAIR—There was no poetic licence on your part to change the questions?

Air Vice Marshal Titheridge—No, there would not have been any.

CHAIR—These are the questions that you were asked to survey?

Air Vice Marshal Titheridge—Correct.

CHAIR—So, what is called the ‘Titheridge minute’, the guts of which is the answers to those questions, is something that you were directly asked to do, not something that you thought you should do.

Air Vice Marshal Titheridge—Yes. That was something that the Chief of Navy indicated. I am not sure where he got the questions from, or if he or his staff added to them or not.

CHAIR—When were you asked?

Air Vice Marshal Titheridge—When?

CHAIR—When did you receive the request?

Air Vice Marshal Titheridge—I would have to check that. Probably a day or so before we provided it, because we normally move reasonably fast.

CHAIR—And it was the Chief of Navy’s office, was it?

Air Vice Marshal Titheridge—That is correct: the Chief of Navy’s office.

CHAIR—I thought you were just going to give me the date.

Air Vice Marshal Titheridge—I cannot help you there.

CHAIR—But you can look it up and provide it?

Air Vice Marshal Titheridge—Yes.

CHAIR—Who in the Chief of Navy’s office was it? Was it the Chief of Navy, or one of his staff?

Air Vice Marshal Titheridge—I am sure it would have been one of his staff.

CHAIR—Did he represent himself as speaking for the Chief of Navy, or as being a conduit for the minister?

Air Vice Marshal Titheridge—I would have to check with my staff on that point.

CHAIR—How was it conveyed to you? Was it conveyed to in writing, or were you rung and asked?

Air Vice Marshal Titheridge—My recollection is that it was an email.

CHAIR—Is it possible for us to obtain a copy of that email?

Air Vice Marshal Titheridge—We will take that on notice and clear it appropriately.

CHAIR—When you received the questions, were you struck at all by how narrow their focus was?

Air Vice Marshal Titheridge—Not particularly. I really did not focus on it. I think it was requested from Maritime Command—I think Navy might have sought it from Maritime Command—and it was put to us in that form, and then we passed it on to the minister's office.

CHAIR—This involved an extensive information gathering exercise, at your command, for Rear Admiral Smith, and an extensive deployment of resources to gather this information quickly. Did it strike you as odd, given how busy you were, that such an extra demand should be made?

Air Vice Marshal Titheridge—I think the work was probably done in Maritime Command, Senator.

CHAIR—Not by you?

Air Vice Marshal Titheridge—Correct.

CHAIR—But Rear Admiral Smith, who was overseeing Relex, was certainly a very busy officer, wasn't he?

Air Vice Marshal Titheridge—I would assume so.

CHAIR—You would know that, wouldn't you?

Air Vice Marshal Titheridge—I think I would have to refer to Rear Admiral Smith to answer that question directly, but I would assume so.

CHAIR—He had a weighty responsibility here, with Relex. This was not an easy task; it was a fairly challenging one. And you now asked him to divert some of his resources to gathering all of this information, which is quite a lot of information—there are over 100 witness statements, for example. So it was an extra and onerous responsibility you delegated to him, wasn't it?

Air Vice Marshal Titheridge—Information is regularly sought from the command chain on a range of issues, and this is obviously one of them.

CHAIR—Was a deadline given to you by which you must report on these matters?

Air Vice Marshal Titheridge—I would have to check that as well.

CHAIR—Could you, and could you advise us?

Air Vice Marshal Titheridge—Yes.

CHAIR—What purpose was given for this information being required?

Air Vice Marshal Titheridge—I would have to check that with the email. We do not have the email here.

CHAIR—Was a purpose given?

Air Vice Marshal Titheridge—I do not recall that either. We will have to check that. The actual link with the requester was through Chief of Navy's office, so they would be in a much better position to answer those questions than we are.

CHAIR—All right. Admiral Smith told us last night that this information was not for operational purposes.

Air Vice Marshal Titheridge—I think it would be better if you did direct those questions to the Chief of Navy staff because they are in a much better position to answer them much more authoritatively than I am.

CHAIR—I know, but your name has been used. This is the Titheridge minute and it is being waved around and it has taken a day or so of examination of Rear Admiral Smith, so I am bound to put these questions to you.

Air Vice Marshal Titheridge—I understand that.

CHAIR—As I said, Rear Admiral Smith said that these questions and this survey were not for operational purposes. What purposes would they be for?

Air Vice Marshal Titheridge—That is a question I really cannot answer. We pass information on as requested to the minister or as requested to Chief of Navy or to CDF. I would couch it as all operational information. The purpose of that information would really depend on the user.

CHAIR—I know, but this information is very narrowly focused and specifically drawn, and you are given the questions. It occurs at a time at which the estimates committee is sitting and these matters are notorious. This looks like an information gathering exercise to bolster the government's position, doesn't it?

Air Vice Marshal Titheridge—I cannot comment on that.

CHAIR—Why not?

Senator FERGUSON—That is hardly a fair question. You are asking him for an opinion.

CHAIR—Why not?

Air Vice Marshal Titheridge—All I can tell you is that I get asked for information from a variety of sources and I regularly pass it, and this was one of them.

CHAIR—Do you regard it as your job to provide political information to the government that it might use in its political debate?

Air Vice Marshal Titheridge—It is my job to pass information requested to me by my superiors.

Senator BRANDIS—Do you regard any of the content of your minute as political information?

Air Vice Marshal Titheridge—As I said to the chairman, I pass information as requested to me by my superiors and it is operational information.

Senator BRANDIS—Are you satisfied that each item in the minute you signed off on is factual and based on a professional analysis of data?

Air Vice Marshal Titheridge—I must admit I rely on Maritime Command for that, but my assumption is, knowing Maritime Command is a very professional organisation, that it would be professional information.

Senator FAULKNER—If this is just such a silly election issue, how come the government ask you to report everything that occurs on SIEV4, how come you make 42 calls on 7 October about it and how come you are a regular attender at the IDC?

Senator FERGUSON—How do you know what was in his 42 phone calls?

Senator FAULKNER—I added them up.

Senator FERGUSON—But how do you know that is what he was discussing on each of those? They could have been personal calls.

Senator FAULKNER—The question is that it is not just some aside to some minor matter as far as you are concerned. You are an attender at the IDC. Special arrangements are put in place by government. As you have said, there is an enormous amount of phone contact with Ms Halton about this issue. This is taking an enormous amount of your time, isn't it?

Air Vice Marshal Titheridge—Since the start of Operation Relex or Operation Relex information there was an enormous amount of information being passed on all SIEVs and on all aspects, not just SIEVs but also our assistance to the overall defence of the border strategy. This sort of information was not unusual. This was happening all the time.

Senator FAULKNER—Sure, but it is a crucial responsibility for you, isn't it? At the time that was a top priority for you as the Head of Strategic Command.

Air Vice Marshal Titheridge—It is just a part of my job.

Senator FAULKNER—Yes, I know it is a part of your job, but at the time it was a very important part of your job, wasn't it?

Air Vice Marshal Titheridge—Just a part of my job.

Senator FAULKNER—But you make the point that you had other things on your mind. You were really personally and professionally engaged in this at a very senior level. I am not critical of that. It is a fact of life. It is not as if all your attention was on the war against terrorism and the like—I am sure some of your day inevitably was spent on that—you also had this as a key responsibility, and that is quite clear from what you have said to us, the evidence you have given, the documentation that has been made available. You were attending task forces, you were talking to a lot of people about it; you were actively involved—including passing information to and from the minister's office. You might be able to say what proportion of your time through early October was spent on the illegal entry vessels issue as opposed to the war against terrorism. I do not think we need to know that. But I think it is fair to say, and for you to acknowledge, that this is an important part of your responsibility.

Air Vice Marshal Titheridge—The whole issue, from the start of Operation Relex and everything else, was a part of my responsibilities.

Senator FAULKNER—Exactly. If anyone wants to suggest how minor the issue is, from the point of view of the government at the time this was top priority—particularly to make as much political advantage of it is as it possibly could at the time.

CHAIR—Can I come back to my question? If the government asks you to gather information for political purposes, do you do that or do you say that is not Defence's role?

Air Vice Marshal Titheridge—If the minister, CDF or the minister's staff asked me for operational information, I would pass that information on.

CHAIR—There is a great story to be told here about how Operation Relex was managed professionally by the Navy. You were not asked to gather information to tell that story, were you?

Air Vice Marshal Titheridge—The information we passed on all throughout Operation Relex consisted of all aspects of Operation Relex—

CHAIR—No. This is a specific—

Air Vice Marshal Titheridge—including the successful Navy operations.

CHAIR—Yes. But what is known as the Titheridge minute—you unfortunately bear the title of it—was information that was grist for the political debate exclusively when the government was in trouble. It was not information about how the Navy performed; how Defence was handling this entire operation. It was not information that went to presenting Defence's credentials to the community as a capable force, was it?

Air Vice Marshal Titheridge—How the information is used and how other people view it is for them to decide. I have no comment to make on that.

Senator BRANDIS—Can I follow that up? Are each of the items in the enclosures to the Titheridge memorandum concerned with aspects of Operation Relax?

Air Vice Marshal Titheridge—They are all part of it, I presume.

Senator BRANDIS—They all deal with operational matters encountered in the course of Operation Relax, don't they?

Air Vice Marshal Titheridge—That has been my evidence.

CHAIR—I do not have time to enter this discussion—I might with some other Defence personnel—but the Commander-in-Chief of the Defence Force in Australia is the Governor-General, isn't it?

Air Vice Marshal Titheridge—I think that is the title given to the Governor-General.

CHAIR—But that is a constitutional title, isn't it? That is because the Governor-General represents the whole community; the government represents the government. That structure is there so that the Defence Force in a democracy serves the community and is not used for the political purposes of the government. That is what that structure is there for, isn't it?

Air Vice Marshal Titheridge—I would assume so. It seems reasonable.

CHAIR—It is under the separation of powers of what constitutes a democracy.

Senator FERGUSON—That is not a fair question to ask the Air Vice Marshal.

CHAIR—It is.

Senator FERGUSON—Show us your thesis when you leave the Senate.

CHAIR—It is a very fair question. If senior officers of the Defence Force are not aware of the separation of powers and the role of Defence and its relationship with the government of the day and the politics of government as opposed to the role of Defence, then it is a serious issue. It is a fundamental question for our inquiry. Do you have anything to answer on that? Are you aware of the separation of powers?

Air Vice Marshal Titheridge—Yes.

CHAIR—Are you aware of the role of Defence in terms of differentiating itself from political as opposed to defence focused work?

Air Vice Marshal Titheridge—I am. I am also aware of the command chain.

Senator FAULKNER—Could I ask very briefly, because I think the committee needs a little bit of—

CHAIR—Can I finish off?

Senator FAULKNER—I am sorry. I thought you had. I thought there was a huge full stop there.

CHAIR—I have finished off on that. I have two more questions.

Senator FAULKNER—I apologise most profusely.

CHAIR—According to Brigadier Silverstone's evidence to this committee, you told him that you were already aware of most of his information by the time he called you at eight o'clock on 7 October—that is, you were aware of the events of the night concerning SIEV4, including the firing of the gun and the authorisation to board. That is in *Hansard*, page 342. How did you come to know that information?

Air Vice Marshal Titheridge—I find that strange. I would have had an update the night before. It was probably about half past 10, I think, that I had last spoken to someone about it, according to the telephone logs—unless someone rang me earlier in the morning, and I have no recollection of that. I found that strange because my impression was that the first update since the previous night was the update that Brigadier Silverstone gave me.

CHAIR—I have a number of questions—I will put them on notice—but let me conclude with this: in evidence to the Bryant report, Rear Admiral Ritchie reported that he had advised you by 11 October that there was no evidence to support the claim that children had been thrown overboard. Rear Admiral Smith also advised you that you had confirmed to him 'about a week or two later' that you knew this—that is 11 October.

Air Vice Marshal Titheridge—I cannot help you there. I think I have already addressed that with Senator Faulkner.

Senator FAULKNER—I want to focus on one technical issue just for a couple of minutes for clarification. Is it true that CDF called you on 10 October to check that the photos from SIEV4 could be released?

Air Vice Marshal Titheridge—I certainly saw that in Ms Bryant's report and also in the evidence. I had sent six photos across to Mr Scafton of the unauthorised arrivals that were on the deck of HMAS *Adelaide* and a focus for us at that time was arranging for the movement of those unauthorised arrivals off *Adelaide* and onto Christmas Island because the ship was very crowded. The conditions on the ship were unpleasant—they were not geared up for that. If that call took place, the only photos I would have had in my mind were those six.

Senator FAULKNER—But can you confirm if CDF called you?

Air Vice Marshal Titheridge—I cannot confirm it, but it would not surprise me.

Senator FAULKNER—The point of this of course is that you were, it is said, supposed to have called Minister Reith to advise him, from your point of view, that the photos could be used. Do you recall that?

Air Vice Marshal Titheridge—No, I do not. I saw that in his evidence as well. As I said, the only photos that I had in my mind were the six that I had forwarded to Mr Scrafton. They were the only photos, from my recollection—without going back and having a look at it again—that had images of members of the *Adelaide* crew. I think CDF's evidence suggested that the clearance was in terms of whether it was possible to release photos of the crew.

Senator FAULKNER—Did you check the photos—what they related to—at all during this period?

Air Vice Marshal Titheridge—No.

Senator FAULKNER—I hear what you say about the photographs of the deck of HMAS *Adelaide*; I understand that. Beyond that, it is said that, as you know, CDF contacts you and you confirm with Reith that the photos can be used. But you tell us that you do not have any recollection of that.

Air Vice Marshal Titheridge—I did not see those two photos used in the press until this year. The photos were a PACC issue; they were not a strategic operations issue.

Senator FAULKNER—Again, given that this has got so much prominence, I find that amazing—but we will ask CDF, I suppose, about that. On one other technical point, do you agree that Air Marshal Houston back-briefed you on or after the conversation on the 8th about his conversation with Minister Reith that has received a lot of prominence?

Air Vice Marshal Titheridge—I spoke to Minister Reith several times around the 8th and 9th about SIEV10. There was a lot of discussion around the 8th and 9th on getting access to the video.

Senator FAULKNER—This is November?

Air Vice Marshal Titheridge—This is November. I do not specifically recall Air Marshal Houston's call. I subsequently spoke to him about it. He believes we spoke about the video. I think he was less sure that he debriefed us on the minister's call. I think I would have remembered if he had debriefed me on that, and I do not.

Senator FAULKNER—There are a lot of things that you have not remembered. But you do not recollect that?

Air Vice Marshal Titheridge—I think that would have been significant enough for me to recall.

Senator FAULKNER—So you only recollect significant things?

Air Vice Marshal Titheridge—I am talking about issues that were going on at the time. If something had changed my mind—and that would have, if Air Marshal Houston had briefed me on it—then I would recall it, I suspect.

Senator FAULKNER—Why would Air Marshal Houston's briefing change your mind when Rear Admiral Smith's briefing did not and Rear Admiral Ritchie's briefing did not? They are pretty senior in the Defence hierarchy too.

Air Vice Marshal Titheridge—It just talks about information that was passed. Air Marshal Houston had just seen a message that no-one else around my area had seen, and he had got that off Brigadier Bornholt, I think. That was a message I saw a month later.

Senator FAULKNER—But you do not recollect being briefed by Air Marshal Houston?

Air Vice Marshal Titheridge—Not on that particular issue. Certainly on the video it is possible, because there was a lot going on with the video at the time.

Senator BRANDIS—I just have one more question, Air Vice Marshal Titheridge. Are you satisfied that, in the performance of Operation Relex—including reporting up the chain of command in relation to various aspects of Operation Relex—the members of the Australian defence forces have acted in a professional and politically neutral way?

Air Vice Marshal Titheridge—I am satisfied, yes.

CHAIR—You do not regard your report as not having a political purpose, though, do you?

Air Vice Marshal Titheridge—Are you talking about the so-called Titheridge report?

CHAIR—Yes.

Air Vice Marshal Titheridge—I regard that as operation information that was requested by, clearly, someone who approached the CN's office.

CHAIR—Yes, and that was the minister.

Air Vice Marshal Titheridge—Yes, or someone on the minister's staff perhaps. But it is up to CN to answer that—

CHAIR—And we have had it demonstrated, and writ large here for the last couple of days, how political this report has in fact been.

Senator BRANDIS—In your opinion, Chair—not in anybody else's, I think. You might get Senator Collins to agree with you, but she would be the only one.

CHAIR—I do not expect the government to agree with me, because it serves their purpose not to.

Senator BRANDIS—That is because there has been endless evidence, including from this gentleman, that the information is of operational significance, and it cannot be gainsaid that it is.

CHAIR—One of the fundamentals of this inquiry is about whether the Defence Force in Australia are being manipulated for political purposes. That is a very serious issue.

Senator BRANDIS—That is why I asked the question. His answer was unambiguous.

CHAIR—It seems to me that, on the face of it, there is ample evidence that the department or the Defence Force has been set up on this occasion—

Senator BRANDIS—You are not a witness, and not a single witness so far has agreed with you.

CHAIR—We have not completed our inquiry by a long shot yet.

Senator FERGUSON—Air Vice Marshal Titheridge, Senator Faulkner has been critical, at great length, of your failure to recollect certain incidents. He was also critical of the fact that you did not change your view or start to look again at this issue until 25 November. It is a fact that this was a public issue between 6 and 10 October, and it was not then a significant public issue again until 7 November. Is that the reason why—with all of the other SIEV incidents that were happening and all of the other activities that were taking place under your command—you had virtually dismissed this incident from your mind from 10 October onwards, until such time as it was raised again with you in November?

Air Vice Marshal Titheridge—I think my evidence has been that I had been focusing on a lot of other things. SIEV4 was in the past. On the issue of publicity or media, I just do not factor that into my considerations. I was focused on a range of issues and SIEV4 was obviously in the past. It was a routine issue—it was not unusual.

Senator FERGUSON—And by 25 November you had dealt with a number of other SIEV incidents, some of which could be considered to be far more dangerous than that which happened on SIEV4. Is that a fact?

Air Vice Marshal Titheridge—There was a range of issues with all the SIEVs. I do not wish to select any particular one out.

Senator FERGUSON—Senator Collins raised the issue of the time difference—it was brought to our attention but we did not have time to correct it on the record—that there was only half an hour's difference at the time. A telephone conversation, No. 94, took place at 0805 with Ms Halton, which was only five minutes after you had finished speaking with Brigadier Silverstone. Can we assume that that is the phone call when you in fact conveyed the information to her about a child or children being thrown overboard?

Air Vice Marshal Titheridge—That is not my evidence. My belief is that it was an hour later. It seems more likely to me that it was an hour later when I got the call from Brigadier Silverstone, but I cannot confirm that.

Senator BRANDIS—In any event, do you have any doubt about your earlier evidence that the phone calls to the CDF, Ms Halton and the gentleman in Mr Reith's office, Mr Hendy, took place within a few minutes? I think you said that they took place within 15 minutes of you having had the conversation with Brigadier Silverstone.

Air Vice Marshal Titheridge—If I am correct in my belief that Brigadier Silverstone rang me at around nine o'clock—I could be wrong but that seems to be inferred from the calls—then what you say is true. I cannot positively say that; I can just base it on the pattern of calls that I made, and I could be wrong.

Senator FERGUSON—I have noted your list of mobile phone calls for that day, which amounted to about 43. Also, it has been suggested that you were at the races that day, which I do not blame you for. You should have had some time off after what had happened. I notice that you made 20 phone calls from the races in approximately an hour and a half, not counting any calls that may have come into you. Did you actually have time to back any winners while you were at the races?

Air Vice Marshal Titheridge—This is my once a year attendance. It did not matter whether or not I did.

Senator FERGUSON—I think 20 phone calls in an hour and a half is quite amazing.

Senator JACINTA COLLINS—A question that I will put on notice to you, Air Vice Marshal Titheridge, relates to the identity of the receivers of these calls throughout that day. I am not at all interested in personal calls, but could you provide us with the names—

Air Vice Marshal Titheridge—They are all work calls. I would not wish to have on the public record the connection of the name and the telephone number, for obvious reasons.

Senator JACINTA COLLINS—It will not be on the public record. It will be on notice to us, as is this document.

Air Vice Marshal Titheridge—I can actually give you that now; I have them here.

Senator JACINTA COLLINS—I do not want to take up the committee's time in getting that information now. Finally, you indicated that the races were in the afternoon. Can you tell the committee why you did not attend the IDC in the morning.

Air Vice Marshal Titheridge—Every now and then you have to have a break; it had been a pretty hectic month. Also, I have some very competent staff and I have all the faith in the world in them. So there is no problem with any of them attending on my behalf.

CHAIR—We would like to move to our next witness, but I would like to conclude with this question. The evidence from Commander Banks of the HMAS *Adelaide* is that he did not transmit a message that a child or children were thrown overboard. The evidence from Brigadier Silverstone at Darwin is that he did transmit a message and that he understood that he got that information from Commander Banks. That is a contested area of argument between

Commander Banks and Brigadier Silverstone. He transmitted that message to you, and you transmitted it to the IDC and to the minister's staff.

Air Vice Marshal Titheridge—And to CDF.

CHAIR—The evidence is that by the 11th several officers, including Rear Admiral Smith, knew and advised CDF, or advised Rear Admiral Ritchie and others, that the allegation that a child—which became in the transmission 'children', if we are to believe the evidence—was thrown overboard was not true; that it did not happen. Can you account for why the untruth got up the chain of command immediately but the truth did not?

Air Vice Marshal Titheridge—I can only repeat to you my evidence of this morning: I was told by an operational commander that it had happened, that my staff had a different view and had passed what they knew on and that I saw a cable in late November which indicated to me that I needed to rethink my initial view.

CHAIR—Do you regard yourself as the person that should have passed on the truth to your superiors?

Air Vice Marshal Titheridge—In fact, the facts should come up through the command chain, and that is from the operational commander through CDF. That is the appropriate mechanism for all information.

CHAIR—So you do not regard yourself as the vital cog in that link?

Air Vice Marshal Titheridge—I do not see myself as a vital cog in that link; I see myself as a staff officer supporting CDF in his conduct of operations.

CHAIR—But you were the vital cog in the link that passed the first story up?

Air Vice Marshal Titheridge—I was a conduit for the initial information on SIEV4.

CHAIR—You were a bit more than a conduit; you were in fact the point man to whom Silverstone had to report so that you could then report to the IDC, the minister and the CDF.

Air Vice Marshal Titheridge—I accept that I was the carrier of that information.

CHAIR—Thank you very much, Air Vice Marshal. That concludes your evidence at this point. There are a number of matters on notice, and we will forward them to you as soon as we possibly can.

Proceedings suspended from 11.36 a.m. to 11.53 a.m.

BARRIE, Admiral Christopher Alexander, Chief of the Defence Force, Department of Defence

CHAIR—Admiral, I understand you have an opening statement.

Adm. Barrie—I do. It is a reasonably lengthy opening statement because I put it together with a view to trying to address many of the questions that will be of concern to this committee. I have copies for the committee.

CHAIR—Thank you very much.

Adm. Barrie—Senators, thank you for giving me the opportunity, as the Chief of the Defence Force, to appear before this select committee. Before I address specific issues, I want to refer to my role as the principal military adviser to the government. The Defence Act of 1903 describes the fundamental concept of civil authority over the Australian Defence Force. Section 8 of the act covers the powers of the minister. It specifies:

The Minister shall have the general control and administration of the Defence Force, and the powers vested in the Chief of the Defence Force, the Chief of Navy, the Chief of Army and the Chief of Air Force by virtue of section 9, and the powers vested jointly in the Secretary and the Chief of the Defence Force by virtue of section 9A, shall be exercised subject to and in accordance with any directions of the Minister.

Section 9 of the act covers the command of the Defence Force and the arms of the Defence Force and the administration of the Defence Force. It states, *inter alia*:

Subject to section 8, the Chief of the Defence Force shall command the Defence Force, and the service chief of an arm of the Defence Force shall, under the Chief of the Defence Force, command the arm of the Defence Force of which he is service chief.

It goes on, relevantly, to state:

It is a function of the Chief of the Defence Force to advise the Minister, in such manner as the Minister directs, on matters relating to the command by the Chief of the Defence Force of the Defence Force ...

On administration, section 9A states:

Subject to section 8, the Secretary and the Chief of the Defence Force shall jointly have the administration of the Defence Force except with respect to:

(a) matters falling within the command of the Defence Force by the Chief of the Defence Force or the command of an arm of the Defence Force by the service chief of that arm of the Defence Force; or

(b) any other matter specified by the Minister.

In turn, Minister Reith had set out, in general terms, his direction to the CDF and to the secretary in writing. The direction is dated 9 April 2001. Let me quote the relevant parts:

Accountability: You are accountable to me for defence's performance, having regard to our statutory responsibilities. Any authorisation or delegation of my authority with respect to defence is through you, within the limitations below.

Results: I expect you to deliver:

- A. Successful joint conduct of military operations, the CDF retaining the sole command authority;
- B. Provision of capability to enable our armed forces to defend Australia and its national interests;
- C. Timely and responsive advice;
- D. Proper stewardship of people and of financial and other resources, including achievement, or bettering, of budgeted operating results; and
- E. A defence plan for my approval incorporating the above.

Limitations: you may pursue these results in any manner, as long as:

- A. Your actions are not imprudent, unlawful or unethical;
- B. Your actions are not inconsistent with—
 - i. Government policy,
 - ii. The secretary's role as principal civilian adviser and with his statutory responsibilities and authority, particularly under the financial management and accountability act 1997,
 - iii. The CDF's role as principal military adviser and his statutory responsibilities and authority as commander of the defence force under the defence act 1903 ...

Thus, I am clearly accountable to the minister under the act. It should not be otherwise in a democratic society. In turn, he is accountable to the parliament for the performance of his duties.

Under Australian law it is not possible to delegate command authority to any person who is not a member of our armed forces. Axiomatically, it follows that, while the minister directs CDF and the secretary in their responsibilities for administration and in the exercise of command, the minister himself does not hold any command authority. In accordance with the foregoing, my role as principal military adviser is: to work with the minister, the National Security Committee of Cabinet and the government to ensure that Australia is adequately prepared to meet its defence responsibilities; secondly, to brief the government on what the ADF can and cannot do in responding to particular circumstances; and, thirdly, to ensure that the ADF is prepared to take on possible operations.

As commander of the Australian Defence Force, I give the executive order for commissioning operations—that is, the authority under the law; I seek necessary approval from government for operations, including the rules of engagement; and I am ultimately responsible for the performance of the ADF on operations. I was appointed as the Chief of the Defence Force on 4 July 1998 for a two-year period. In 2000 I was reappointed for a further two years. My service in the Navy began on 31 January 1961, so I have over 41 years of experience in my chosen profession. My career has included many command and staff appointments, as well as an occasional academic opportunity and one diplomatic posting. I have served in numerous parts of the world, onshore and afloat. Every one of these positions has required—and trained—me to make professional judgments involving the evaluation of information provided to me.

During my tenure at the top of one of Australia's most complex enterprises, I have worked with four ministers for defence and three colleagues as secretary or acting secretary. Dr Allan Hawke, as the secretary, is my colleague, and we believe that we are on the right track in preparing the Defence Force and the department to meet the challenges of the 21st century. I expect this committee will be vitally interested in operations and the command and control aspects, to which I now turn.

In July this year, when I will complete my second term as the Chief of the Defence Force, I will have commanded the ADF for four years. In that time we have conducted over 60 operations. All of them have been an outstanding success by any standard. Some of them have been a serious test of our capabilities and the reforms and changes put in place, particularly over the last 15 years. As at 10 October 2001 our current operations were as set out in a document that I will seek to table. There were 15 of them, as I recall. We have built up an extraordinary level of expectation that the Defence Force can do almost anything. This expectation lives in our community. It lives in the minds of our parliamentarians. Our government agencies also occasionally think that we can do almost anything, leading to vigorous debates from time to time. It is a potential problem for me because the consequences of a failure, should it occur, would be very demanding.

There are many people in our community who do not understand that this outstanding record says a great deal about the quality of the people in the Defence Force at all levels. It also says a great deal about the effectiveness of our command and control system. Frankly, we could not have delivered an operation such as INTERFET without having in place an effective command and control system, and the high quality people who make it work. I am aware that the committee has taken evidence on the command and control arrangements and the system we use, so I will place my views on the record.

The matter before this committee did not involve any failure in operational performance. Quite the opposite is true, if we accept the pictures painted for us by Commander Banks and Rear Admiral Smith. What we are discussing is a failure in the subsidiary feature of command and control, namely reporting back. A command and control system is principally concerned with the deployment of forces in the execution of lawfully assigned tasks. It must comprise the means of providing the necessary authority for the use of force and the assignment of the armed forces as directed, as well as the means of concentrating the forces where they are required. It must be forward looking, having a clear perspective about what we have to do tomorrow. I acknowledge it is also about reporting back—that is, recording yesterday's and today's story. Before moving onto other matters, I want to put these operations in context because I think this is highly pertinent to our present priorities for action.

In October of last year, the Australian Defence Force was committed as never before to fulfilling its parliamentary and government charter to 'defend Australia and its national interests'. We were barely three weeks out from the brutal images of aircraft smashing into the World Trade Center in New York and we were about to join the launch of a dangerous mission to Afghanistan, Operation Enduring Freedom. In short, I was focused on the imminent war in Afghanistan and the urgent need to safeguard our homeland from a possible terrorist attack, the risk of which I considered real and unprecedented.

As well, we were in East Timor, as we are now as part of our commitment to peacekeeping having played a major role there in the INTERFET days. We were, and are now, in Bougainville preserving the peace. And we are in Bosnia, the Middle East, Cyprus, Egypt, Sierra Leone and Solomon Islands. In addition, we were supporting as required the government's border protection policy. I emphasise 'supporting'. Defence was not and is not running the government's border protection policy. That is a function of other government departments. Defence's role was as an agency directed to support a policy being formulated and implemented by other agencies, such as the departments of Prime Minister and Cabinet, immigration, foreign affairs and transport.

On the night of 6 October 2001, HMAS *Adelaide* intercepted SIEV4. You have heard evidence about the sequence of events from others. I propose, for the information of this committee, to summarise the communications with me. During the next 48 hours, the captain and crew of the *Adelaide* performed gallant work in rescuing men, women and children from the sea without loss of life. And I feel it is important for the sake of all of us, and this inquiry, to underpin your thoughts with this one outstanding fact: no lives were lost. As the Chief of the Defence Force, my role was to evaluate all of the information and, where necessary, advise my minister by placing the information in context. This information was usually not confirmed in writing. I did not see any messages from the ship.

I now want to describe actions between 7 and 11 October 2001. The first information reported to me about SIEV4 was when the Commander Australian Theatre, Rear Admiral Ritchie, telephoned me at home on the morning of Sunday 7 October. My best recollection of the conversation was that he referred to 'people' having been thrown overboard. In the conversation COMAST may have referred specifically to a child or children having been thrown overboard; I cannot now remember precisely. I assumed that the information had come through the chain of command, obviously initiating with the commanding officer of the *Adelaide*, Commander Banks. After receiving this information I telephoned Minister Reith.

My recollection is that I said to him that I had been advised by COMAST that SIEV4 had been intercepted and people had been thrown overboard. I do not recall precisely whether I said 'people' and/or 'children'. I certainly said 'people'. He told me that he already knew about this. He gave me to understand he had already spoken with Minister Ruddock who had received this information from the task force. My very clear impression from the conversation was that he already knew as much or more about the event than I did. I also said to him that, as people were in the water, my priority was saving life. Later that day I was advised—I think by the Head of Strategic Command division, Air Vice Marshal Titheridge—that everyone was safely rescued. The detail of how they came to be in the water was not raised.

On the night of Monday, 8 October COMAST telephoned me to advise that SIEV4 was sinking, life rafts from HMAS *Adelaide* were in the water and there was an operational emergency. Over 200 people would need to be rescued from the water. I was also advised that the Commanding Officer of *Adelaide* had called for urgent assistance from Christmas Island. Shortly thereafter I had a telephone conversation with Mr Max Moore-Wilton, secretary to the Department of Prime Minister and Cabinet. He told me to make sure that everyone rescued went on board HMAS *Adelaide*. I said to him that we could not guarantee that and safety of life was to be the paramount consideration. In this emergency, if people had to be rescued and landed at Christmas Island that would have to happen.

The CO had already called for urgent assistance from the island from whatever assets were available. It was for the commander of the *Adelaide* to make the call. After that call I immediately telephoned Minister Reith and told him of this discussion. The Minister said my approach was appropriate. Towards midnight I was advised that the rescue had been successful and that everyone had been saved. On Tuesday, 9 October I attended a weekly intelligence briefing. The topics included the war in Afghanistan, the responses in our region to the United States operations there and other matters. SIEV4 was not discussed.

On 10 October, in the afternoon, Minister Reith telephoned me about the release to the media that afternoon of certain photos that he had in his possession. I told him that I had not seen any photographs. But, because the operation with SIEV4 had been successfully concluded, I could see no reason why photographs should not be released into the public domain, subject to a security check by the Head of Strategic Command Division that the identities of ADF personnel involved were not compromised. I then telephoned HSCD about the minister's requirements and tasked him to vet the photographs and advise the minister appropriately.

On the night of 10 October COMAST telephoned me at home about the minister's appearance on the *7.30 Report*, which I had not watched. He told me that the minister had released some photographs but had connected them to the wrong events. He said that the minister had connected the photographs to children being thrown overboard on 7 October when they did not relate to that event. That night I also received a call from the Chief of Navy, Vice Admiral Shackleton, who gave me the same information as COMAST. The following day I had a telephone conversation with Minister Reith about photographs. I told him that I had been advised that the photographs he had put out did not describe the events as he portrayed on the *7.30 Report*. I cannot remember his precise response, save that we had a discussion about there being a great deal of confusion about the photographs. But I do recall that our conversation was testy. It concluded with an agreement between us that never again would we discuss photographs without ensuring that we both had the same photographs in front of us.

Later that day I was telephoned by COMAST. My recollection of it was that he told me that there were now doubts about whether children were ever thrown overboard. I do not remember his being more definite than that. I recall that he referred to the photographs and to the video, and whether or not they were conclusive one way or the other. I said to him that photographs alone were only part of the evidentiary material and that until he could produce evidence to show that what had been originally reported to me was wrong, I would not change my advice to the minister. I also said to COMAST there was obviously confusion about what took place. I directed COMAST to ensure that while this was fresh in everyone's mind that witness statements and any other evidentiary material should be collected. Before HMAS *Adelaide* departed for the northern Arabian gulf later in the month, I recall checking to see whether this had been done. I was advised that the material was assembled and was being held in Perth.

On 25 October, I went to East Timor for a short visit. On 29 October, I went to Singapore and Malaysia and then Hawaii before returning to Australia on 10 November. Prior to my departure, and possibly on 17 October, I had a conversation with the minister in which I informed him that I had been told by the Chief of Navy and COMAST that there were doubts about whether children had ever been thrown over the side of SIEV4. I said to him the doubts seemed to be based on what the photographs showed—or did not show—and an inconclusive video. I said that I had indicated to them my position was that, until evidence was produced to show the

initial report to me was wrong, I would stand by it. As at that date, no further evidence had been provided to me.

Prior to my departure overseas, I do not recall the issue being raised with me otherwise either within the Australian Defence Force or by the minister, nor do I recall the issue being raised specifically in the media or at the press conference when the Prime Minister announced Australia's commitment to the war against terrorism. Nor do I recall the issue being raised formally or informally in the course of a few meetings with, and briefings that I provided to, the then Leader of the Opposition.

I would like to now cover the period from 10 November to 28 February. I returned to Australia from Hawaii on Saturday, 10 November, following my attendance at a chiefs of defence conference and discussions with the United States Commander-in-Chief Pacific and the Chairman of the United States Joint Chiefs of Staff. It was the same day as the election.

On Monday, 12 November I spoke briefly to Air Marshal Houston about a range of matters, some of which had arisen while he was the Acting Chief of the Defence Force. He ceased to be the Acting Chief of the Defence Force on 8 November, when General Cosgrove took over. I resumed this duty from the latter on 10 November. Among many other things, we discussed SIEV4. He briefed me about Vice Admiral Shackleton's media statements on 8 November. He also mentioned that on the previous day he had advised Minister Reith that, in his opinion, children had not been thrown overboard. Our conversation on this latter issue was brief. We did not discuss the basis of his advice to the minister.

As a result of what Air Marshal Houston told me and my doubts about what had in fact occurred, I decided to commission an inquiry to establish the facts and see if any corrective action was needed. Although Major General Powell's terms of reference were finally settled on 20 November, the necessary steps to begin the process began on 14 November. Around this time, I became aware that the Department of the Prime Minister and Cabinet was intending to undertake its own inquiry, headed by Ms Bryant.

Major General Powell handed his report to me on or about 17 December. We had a conversation in which he briefed me about the principal findings, recommendations and qualifications in his report. He did not specifically refer me to any of the voluminous documents in the enclosures. He did not refer me to enclosure 33, which I now know to be the 10 October signal report from the CO of HMAS *Adelaide*. Based on that briefing and a reading of the text of the report, I made the judgment that before analysing the evidence and dealing with his recommendations I would await the Bryant report. This report would also be covering many of the issues, and was expected by late December. I thought the most efficient and reliable way to get to the bottom of things was to have the benefit of both reports and the entirety of the evidence upon which they were based. To ensure that Ms Bryant was familiar with the results of Major General Powell's investigations and his findings, I sent a copy to the Secretary of the Department of the Prime Minister and Cabinet.

On 7 January 2002, I left Australia to meet up with Minister Hill on an official visit to the United States, the United Kingdom and the northern Arabian Gulf. The Bryant report had not been completed, and its completion date had slipped until later in January. On 17 January, the minister and I visited HMAS *Adelaide* on operations in the northern Arabian Gulf. We were

accompanied by our national Commander of Operation Slipper, Brigadier Gillespie, to be briefed on multilateral interception force operations. The sole purpose of the visit was to show our minister the kinds of operations we were undertaking in the gulf.

I understand that Commander Banks has said in evidence to this committee that there was a conversation between him and me during the briefing on board *Adelaide* about boarding operations of SIEV4. As part of informing the minister about the range of boarding operations that ADF people carried out, I had asked him to explain briefly to the minister the difference between these operations and Operation Relex boardings. He inquired whether I wanted a full description of what happened with SIEV4. I want to emphasise that when he asked that question he did so in a normal way that would have been heard by all those present. As the focus of the briefing was on boarding operations in the gulf, I did not think it was necessary to go into too much detail on the SIEV4 operation but rather to point to the significant differences in the two operational requirements. I can assure the committee that the issue of whether or not children were thrown overboard was not uppermost in my mind.

I returned to Australia on 19 January and departed on leave overseas on 27 January. The Department of the Prime Minister and Cabinet did not inform me that Ms Bryant had concluded her report prior to my departure. So far as I am aware, that report was received by the secretary of that department on 24 January 2002, and it was not otherwise distributed until its release into the public domain on 13 February, when it was tabled in the parliament along with the Powell report.

I returned to Australia on 19 February and appeared at the Senate legislation committee hearings on 20 February. In the course of the Senate legislation committee's hearing, I became aware of, and read for the first time, the message from the CO of *Adelaide* of 10 October 2001. That was not the only message shown to me in the course of the hearing. I was also shown and read other messages that appeared to be contemporaneous with the events of 7 October and which referred to man overboard reports and SUNCs jumping or being thrown overboard. The committee will be familiar with these messages. Hence there was an obvious discrepancy between what the CO was reporting in writing when the events were occurring and his message of 10 October, which was obviously a reconstruction of events some time after the events had taken place and was not a transcribed log.

Moreover, having read the message, there were many questions I wanted to ask the CO which had not been asked by Major General Powell, who had not been able to interview the CO or crew of the *Adelaide*, and which Ms Bryant may not have asked. By way of example: how certain was the commanding officer that the numbers rescued from the sea necessarily matched the numbers on board the vessel? To put the matter shortly: how could he be sure no-one had drowned? Had HMAS *Adelaide* been able to keep SIEV4 under 360-degree surveillance? When the CO's messages referred to SUNCs overboard, was that meant to be a reference only to adults? What led the CO initially to provide information both orally and in writing that he said days later was erroneous? Was there any prospect that the firing of warning shots towards the vessel had been mistakenly seen as firing at the vessel by asylum seekers on board the SIEV? These were all matters about which I wanted to be satisfied before I was prepared to conclude that the initial report to me should be regarded as wrong.

The very process this committee has undertaken in the past few weeks indicates the difficulties in understanding what really happened. When I left the Senate legislation committee hearings, I was acutely conscious that I would have to determine absolutely one way or another within a short space of time whether or not children were thrown over the side. Over the weekend, I read through the material available to me to see whether it was sufficient to answer all my queries about what had happened. In particular, I wanted to be satisfied no-one had drowned. As the material did not satisfactorily resolve all the issues in my mind on the evening of Sunday, 24 February 2002 I arranged through Maritime Command in Sydney for the ship to telephone me. I then spoke to Commander Banks. We discussed the events of 7 October 2001, and he informed me that he was sure that no child had been thrown overboard. I questioned him closely to test the basis for his assurance. On the basis of this conversation, which put to rest the concerns that I had about the written material, I was convinced that, despite the initial reports to the contrary, in fact no child had been thrown into the water from SIEV4 on 7 October 2001.

I called the Prime Minister immediately. I informed the Prime Minister of my conversation with Commander Banks. I said to him that I was now persuaded that no child had been thrown over the side from SIEV4 and that I would have to make that information available to the public. The Prime Minister thanked me for the advice and added that he understood the difficulty that this would present for me.

On Monday, 25 February I discussed the outcome of my call to Commander Banks and the consequences with Minister Hill. On Monday and Tuesday I conducted two more intensive days of inquiry in conjunction with my service chiefs. This led me to convene a task force to follow up the communications gaps and other matters our own inquiry had revealed. During this process we received a brief from Air Commodore Ekin-Smyth about the management distribution of digital images associated with this incident.

On Wednesday, 27 February I went public with my advice to the government, first to the Defence leadership at our senior leadership conference and then to the media at a press conference. At the press conference, I also announced the establishment of a high-level task force headed at two-star level so that we could get answers about the problems we had and put in place solutions to them. This is an ongoing activity and I anticipate that the task force will not complete its work until the secretary and I are satisfied that a problem such as this cannot recur.

Turning now to public affairs: in Senate estimates I was asked about the importance of correcting the public record in this situation and whether Defence had failed in its attempts to do so. I can confirm to you that, by direction emanating from the former minister's office, no member of the ADF, myself included, could make any public comment on Operation Relex, of which SIEV4 was a part. That direction was incorporated in the public affairs plan for Operation Relex. There have also been many concerns about the prescriptive and restrictive nature of the defence instruction DI(G) admin 08-1, which relates to public comment by military personnel. With the support of the present defence minister, this instruction has been revised and has been reissued. Major General Powell, in his report to me, recommended:

... there is scope to review the command structure of the Defence public affairs and corporate communication division to ensure that an appropriate mix and level of both military and command and corporate communication skills are positioned in the clearance chain that sees sensitive operational information, be it written or pictorial, released to external sources.

In response to this recommendation, as an immediate step public affairs staff are to be embedded into the strategic command watch-keeping system. This integration will enable the coordination of public affairs issues with the management of operations. This action is intended to address the problems of multiple information sources and inconsistencies in response to requests for operational information by the minister. At present, we also have under consideration a proposal to significantly enhance the military component in defence public affairs.

We have put in place elaborate procedures and safeguards relating to photographic—especially digital photographs—and other visual material collected by Defence. This process will prevent images being separated from identifying data and also prevent manipulation of these images. It has also emphasised the importance of due process in managing any material that could be evidentiary in nature, as well as the public affairs aspects.

It is important for me to deal with the important issue of politicisation of the Australian Defence Force. I reject the allegation that the Australian Defence Force has been politicised. It is our duty to serve the government of the day and to carry out its directions about the use of the Defence Force to the best of our ability. Provided, of course, that any requirement given to us is lawful, as CDF I must execute the directions I have been given. In my experience, whatever its political persuasion, the government of the day wants its Defence Force to go about its duty apolitically. This is a key reason why bipartisanship on critical defence matters is so important.

While I am on the subject of politicisation, I advise the committee that I have instructed the head of my task force to implement all the recommendations of the Powell report bar one. The recommendation that we place a senior military officer in the ministerial office is, in my view, quite flawed. That step would lead to a politicisation of the military. I am also conscious that this view is shared by experienced former ministers from both sides of the House.

Next I want to deal with the allegation that, as CDF, I have allowed myself to become politicised. To the contrary: I regard my role as apolitical but, subject to my obligation under the Defence Act, faithfully and with complete integrity to serve the government of the day, whatever its political persuasion. As I have said before, this is essential to the functioning of our democracy. Because the allegation has been made, I want to emphasise the priority I place on the need for impartiality. In reality, this need extends to having good working relationships with our country's political leadership. In this regard, I want to place on the record my own relationship with the former Leader of the Opposition. I saw him formally and informally on a number of occasions during the election campaign. I would summarise that my relationship with him was as sound as it was with any of the four ministers of defence I have served as the Chief of Defence Force. I did not receive direction from any minister, or anyone else for that matter, to ignore or not follow up on the issue of whether children had been thrown overboard from SIEV4.

Finally, looking ahead, like any organisation, Defence makes mistakes but it learns from them. It cannot be otherwise or we shall be too busy preparing for the last war when the next one strikes us. We shall put in place every sensible measure designed to ensure that we do not repeat the problems we are confronting on this occasion. In many respects, of course, the types of operation we are carrying out for border protection are quite different from the classical military problem of dealing in conflict. As senators will know, we place a great deal of

emphasis on the belief that if we train hard for war fighting then we will build outstanding capabilities for peacekeeping.

But a border protection operation is different—even from peacekeeping. First, we do not make the policy in the defence department. We are, in effect, a tool of government tasked to carry out policies decided elsewhere. I have made this point already. Second, it is highly likely that our ability to use force will be even more circumscribed than it is in peacekeeping. I think that it is vital that we learn to manage the public affairs and media management aspects of border protection operations better. We are presently deployed on conventional military operations in Afghanistan. We are on the record as articulating that in the 21st century we must begin preparing ourselves to deal with subnational conflict, transnational crimes, protection of humanitarian operations and a range of other less conventional operations. Indeed, when I review the operations we have conducted over the past 10 years, I can see a discernible trend in this direction. We are looking to this inquiry to deliver for us something positively. If the Australian Defence Force of tomorrow is going to be adequately prepared at all levels to match the performance of its people at the coalface, then we must remedy our failures over the SIEV4 incident and move on to test and evaluate the new procedures we put in place.

Before I close, I want to publicly acknowledge the outstanding professionalism of the men and women of the Australian Defence Force. Australia ought, rightfully, to be proud of its youth. Secondly, I wish to acknowledge the outstanding support I have received consistently from the Vice Chief of the Defence Force and the Chief of Navy, Chief of Army and the Chief of Air Force.

Proceedings suspended from 12.34 p.m. to 1.10 p.m.

CHAIR—If people will take their seats, we will commence in a moment.

Adm. Barrie—Mr Chair—

CHAIR—Just a second, Admiral.

Adm. Barrie—As part of my opening statement, I volunteered to table a list of ADF operations as at 7 October. I seek leave to do so, and secondly I seek leave to publish my opening statement on the Defence net so that my people can have access to it.

CHAIR—In both cases leave is granted.

Senator BRANDIS—Could I ask you about a typographical matter in your statement on page 21? It refers to boarding operations in the Gulf. Perhaps I misheard you, but when you read that statement I thought I heard you say not ‘in the Gulf’ but ‘on SIEV4’.

Adm. Barrie—I think I may have. I was aware that this text was only put together a short while ago.

Senator BRANDIS—I just want to know whether that was a deliberate correction or whether you want to make it clear that the statement bears that amendment.

Adm. Barrie—No. It is true to say that the text as it is there is right.

Senator BRANDIS—Thank you.

CHAIR—In that case we would normally have taken it that the correct text is as was delivered. The *Hansard* needs to show that correction. Thank you for that, Senator Brandis.

Senator FAULKNER—Could I just take you to a number of events. I will minimise the number for everyone's benefit, if I can, some of which you have dealt with in your opening statement, some that are well known and some that have been canvassed previously. The first I want to go is to the Strategic Command report. I asked Air Vice Marshal Titheridge about this this morning. This is the op Gaberdine op Relex 0800 brief, HSC 001/1109. This came to my attention because it is appended to Group Captain Walker's submission to the Powell report. You are one of those to whom that particular report was sent—CDF.

Adm. Barrie—Yes.

Senator FAULKNER—I do not know what the procedures are in your office, but, given the nature of that report, I think its significance—as I was pointing out to Air Vice Marshal Titheridge—is that it does not even mention children. It was a Strategic Command brief at that time. I wonder if you recall having had an opportunity at the time—we are obviously talking now many months ago—to note that report that included CDF on its distribution points.

Adm. Barrie—I have not conducted a full search of my office to determine whether or not I had seen it. I ought to explain that I am in the habit of initialling reports that I do see, so that there is a record of whether or not CDF saw it. I am advised that I was not given this report to read.

Senator FAULKNER—So it comes into CDF's office but one of your executive officers or support staff—

Adm. Barrie—The normal process is that there is a vetting procedure about information that gets passed through to me. Quite clearly, everybody thinks CDF's office is a parking lot for anything they want to say, so it is vetted by the staff and then the material is given to me to read. I then initial it and then it is recorded.

Senator FAULKNER—With something as significant as that, would you expect a staff member to indicate the fact, given the notoriety of the incident, that children were not mentioned in it—appreciating the fact that this may not go to your desk for initialling?

Adm. Barrie—I expect the staff to be aware of what are the key issues in CDF's mind and I anticipate that they go through the material and decide for themselves what the CDF needs to see, what the CDF does not need to see or what CDF might need to see some days later. I think that is the process that goes on. That is a sense of priorities which is exercised. The way we establish those priorities is fairly informal; that is to say, I try to share with my chief of staff what is in my mind, what my thoughts are, so that he can then determine how the priorities are assigned.

Senator FAULKNER—I do not know if it is possible or not but I think it might be useful to understand that background if you would not mind taking that on notice.

Adm. Barrie—We can certainly check and see.

Senator FAULKNER—It is clearly a direct contact with your office that has relevance to this event. I accept the fact that it may not have come to your desk, of course, but I think it might be valuable for the committee if you can ask someone to check the processes; that would be useful.

One thing that is quite clear by the morning of 10 October is that you do have a discussion with Rear Admiral Ritchie where he tells you that he is ‘convinced that the incident’—and I interpolate here that the incident referred to obviously is children overboard—‘had never occurred’. Can you indicate to the committee that that conversation did take place and what the consequences of it were?

Adm. Barrie—I think the conversation you refer to is on 11 October, and we certainly had a conversation along those lines. I think the issue I discern is just how definite was Rear Admiral Ritchie in his understanding of what took place and how indefinite is my recollection. But I would put it in this context: you will understand from what I said and, it follows what I said in estimates, that I offered the commanders an opportunity to come back and convince me that I was wrong if they had material that was evidence and compelling. On the night of 20 February in estimates, when Rear Admiral Ritchie and I were looking at that message of 10 October, he said to me, ‘If I’d only had that at the time we had that discussion, I would have come back to you.’ So in my view I do not think that the discussion was as definite as Rear Admiral Ritchie recalls. I think he understood that an opportunity had been given to him to come back and fight a *repechage* if he wished to, and at no time did he.

Senator FAULKNER—I think that what happens on the 10th is this. I will try and encapsulate it as I understand it. Rear Admiral Smith tells Rear Admiral Ritchie that he is convinced that the incident never occurred. Rear Admiral Ritchie says—I am paraphrasing here—that he will convey this information to you, CDF, and Rear Admiral Ritchie rings Rear Admiral Smith back to say that he had done that.

Adm. Barrie—Yes.

Senator FAULKNER—So it is that communication that I am referring to, which I may have expressed quite inelegantly a moment ago.

Adm. Barrie—No, I do not dispute that those conversations took place. I guess the issue for me is that, having offered the opportunity for somebody to come back and persuade me authoritatively otherwise, that did not occur.

Senator FAULKNER—Yes. But you make the point in relation to later on, and I think it is around 7.45 p.m. on the 10th, Rear Admiral Ritchie calls you and tells you the photos are not of the children overboard incident. That is Rear Admiral Ritchie’s evidence previously. I do not want to get my dates wrong here, but I think that is 10 October 2001 at approximately 7.45 or 8 p.m.

Adm. Barrie—I think there are two separate issues that we talked about. One was the content of whatever Minister Reith said on the *7.30 Report*. My recollection of that is that I was

working in the study on a range of other things when Rear Admiral Ritchie called me to say that he had just seen the *7.30 Report*. He said, 'The minister has just put out photographs, and he has portrayed them as being children overboard photographs.' He said, 'I do not think they are of those events on 7 October.' So that was one set of discussions. That call was then followed up, I think, within an hour by Vice Admiral Shackleton, making exactly the same points.

The following day, though, we had two conversations. One was about the follow-up to those reports, but a second element of the conversation was that the event itself did not occur at all—or there were doubts that the event itself occurred. So, on 10 October my recollection is that we talked about what the photographs were supposed represent or not represent; and on 11 October, whether or not children were thrown overboard.

Senator FAULKNER—I appreciate that. So we have the Strategic Command report, which may not have come to your desk, and the indirect evidence, if you like, from Rear Admiral Smith with the contact with you via Rear Admiral Ritchie and Rear Admiral Ritchie's response to Admiral Smith. We know that. As you rightly said, you have then the direct contact between Rear Admiral Ritchie and yourself effectively immediately after the *7.30 Report* on that evening. Then, of course, you have also got the contact with the Chief of the Navy. That is quite direct contact with you as CDF, which you do not dispute, about concerns about two things: whether the incident occurred and whether the photographs depicted the incident. Would that be a fair summation of the situation?

Adm. Barrie—No, not on that night. On the night of 10 October, there was no discussion about whether or not the incident itself occurred; it was about what the photographs were meant to portray. The discussion about whether the incident itself occurred was on the following day.

Senator FAULKNER—The broader question of the incident is the exchange between the two rear admirals—Smith and Ritchie—and the interface of that with you. That is not, in the first instance, a discussion about photographs; that is a discussion about concerns about the incident—as I understand the evidence that has been given by both those gentlemen.

Adm. Barrie—That may be so. That is, of course, for them to say, but in terms of my discussion with Rear Admiral Ritchie, that was how the events unfounded.

Senator FAULKNER—Yes, but Admiral Smith says that he had received confirmation of that from Rear Admiral Ritchie. I appreciate that, in relation to the Smith-Ritchie conversations, you are not, obviously, a first party, but if there is a conversation between Rear Admiral Ritchie and yourself and an acknowledgment to Rear Admiral Ritchie from you, obviously, you are. And, of course, the contact with Vice Admiral Shackleton is a direct contact on the issue.

Adm. Barrie—Yes.

Senator FAULKNER—Thanks for that. You indicated in your opening statement this morning—on page 15—that you had a telephone conversation with Minister Reith about photographs.

Adm. Barrie—Yes.

Senator FAULKNER—And you did this with the benefit of the advice that you had received the evening before from both Vice Admiral Shackleton and Rear Admiral Ritchie. I think that is true?

Adm. Barrie—That is correct.

Senator FAULKNER—So you had that particular telephone conversation with the minister—I am not clear when that took place but you made it clear that was sometime on 11 October. I do not think that is new; I think that we understood a conversation had taken place at some point. You indicated in your opening statement today that you told the minister you had been advised that the photographs he had put out did not describe the events he portrayed on the *7.30 Report*. In relation to that conversation you had with the minister on the telephone, how long did it go? You indicated that you recall the conversation was testy. Why was it testy? What was testy about it and what do actually mean by ‘testy’?

Adm. Barrie—That is not a question I can answer entirely, except to say I think the minister—

Senator FAULKNER—Do you mean he was testy?

Adm. Barrie—The minister was being quite emphatic about his requirements—if that is the right way of putting it. I guess it was a conversation in which I would say that ministers give directions and CDFs give advice.

Senator FAULKNER—So you are saying that the minister was testy in this conversation. Did you believe that you were just putting the facts, as you knew them at that stage, before the minister?

Adm. Barrie—I think that the minister was annoyed because there had been a stuff-up on photographs.

Senator FAULKNER—Was he annoyed with you; was he annoyed with Defence; was he annoyed with himself?

Adm. Barrie—That is not a question I can answer. He certainly was annoyed.

Senator FAULKNER—But you were left under absolutely no misapprehension that he had a concern.

Adm. Barrie—I think that is correct.

Senator FAULKNER—The reason I ask this is that, if—to use your words, which I think are reasonable ones—the minister realised there was a stuff-up, he knew from his most senior Defence adviser from that point onwards that there was a problem. You are not under any misapprehension about that, are you, Admiral Barrie? The minister knew, from the time he received directly a phone call from the government’s most senior Defence adviser, there was a real problem with these photographs.

Adm. Barrie—That is correct. The conversation itself concluded with us making the agreement about the management of photographs. The conversation never went at any point to what was going to be done about it.

Senator FAULKNER—We will get to the management of it, but I think it is important to understand that as the events progressed you were under no illusions, and he was under no illusions, from that point on that direct contact had been made from the highest possible Defence source that there was a real problem here with the photographs.

Adm. Barrie—That is correct.

Senator FAULKNER—Unfortunately, you would be well aware that on very many occasions in the public arena Mr Reith made no comment that those sorts of concerns had been expressed to him, let alone from the most senior officer in the ADF, right through the conduct of the federal election campaign.

Adm. Barrie—Senator, I do not have a complete record of everything that Minister Reith said in the public domain over that period.

Senator FAULKNER—I do not have it yet, but I am getting there.

Adm. Barrie—I have asked for it. I do not know what he may or may not have said on what occasion and when. So I cannot confirm or deny that.

Senator FAULKNER—Fair enough. I accept that. I do not expect you carry around in your back pocket every transcript of the minister's media performances. But I know, Admiral Barrie, that you would keep, and Defence would keep, a weather eye on it—and I am not critical of that. Of course that is the way it works, isn't it?

Adm. Barrie—Of course.

Senator FAULKNER—Of course. And responsible officers in Defence are keeping a weather eye on this issue because it is very prominent in the public arena. So I think it is fair to say that, given the unqualified nature of the advice that you provided to him and the fact that it seemed to be testily or very frostily received, the minister is under no illusions about its significance, particularly in the context of what is happening in the political arena. I know that is not your priority but for some of us sitting around the table, and also ministers for defence, it is a priority. You would appreciate those sensitivities.

Adm. Barrie—I appreciate the sensitivities, but of course it is an answer that only the minister himself can give.

Senator FAULKNER—I have to ask you, Admiral, because, as you would probably know from reading some of the press transcripts and press coverage, the minister is very reluctant to come. So, when you have a conversation with the minister, I do not know whether I will be able to ask Minister Reith. This committee has invited the minister to attend. I hope he accepts that invitation, which we have pressed with him, but he might not. So perhaps my best chance of really getting to the bottom of this is to ask you.

Adm. Barrie—I think, Senator, that I have helped you as much as I can.

Senator FAULKNER—You are here, and the minister has certainly indicated publicly that he does not want to come. You talk about management, and I thought it was an interesting approach to management. The approach to management basically is to have an agreement that you will never discuss the thing again, isn't it?

Adm. Barrie—Not without making sure we were talking about the same material.

Senator FAULKNER—And do you ever discuss it again?

Adm. Barrie—On photographs?

Senator FAULKNER—Yes.

Adm. Barrie—Only in the context of advising the minister the week later about the doubts.

Senator FAULKNER—Yes. And that is the only other discussion you have had?

Adm. Barrie—I think so.

Senator FAULKNER—Again, you know and you understand why I ask you this and why I may not be able to ask Minister Reith these very questions. We also have a situation where, on 11 October, you got a phone call from Rear Admiral Ritchie. He told you that Hampton from the minister's office had told Brigadier Silverstone he wanted to speak to Banks about the 'children overboard' matter. Are you aware of that communication?

Adm. Barrie—I seem to recall that, yes.

Senator FAULKNER—Rear Admiral Ritchie actually told you that he refused to give permission to Hampton to call Banks directly and that Banks had been informed that evidence should go through the chain of command?

Adm. Barrie—I think that is correct, yes.

Senator FAULKNER—That is appropriate, wouldn't you say?

Adm. Barrie—Yes.

Senator FAULKNER—Absolutely appropriate in fact. Do you recall Rear Admiral Ritchie telling you that he had spoken to Minister Reith and told him that the photos were not of the 7 October SIEV4 incident—that is, the 'children overboard' incident—and that there was probably no evidence to support the 'children overboard' claim during that conversation?

Adm. Barrie—No.

Senator FAULKNER—What Rear Admiral Ritchie of course says in his submission is, ‘The CDF said that he had advised the minister and the minister had agreed to drop the issue.’ Is that a fair reporting of at least part of that conversation?

Adm. Barrie—Yes, I think that is right.

Senator FAULKNER—And I think it does accord with evidence you have given previously and with the opening statement you gave today. That would be fair, wouldn’t it?

Adm. Barrie—I think that is right.

Senator FAULKNER—There is also the situation where Brigadier Bornholt receives the HMAS *Adelaide* signal from Headquarters Australian Theatre on 11 October at 12.16. That is by email and dated 10 October. Are you aware of that background?

Adm. Barrie—I think that was part of the evidence in the estimates committee.

Senator FAULKNER—What happens is that Brigadier Bornholt tells your chief of staff that he had received ‘a chronology and that has indicated that there were no women or children in the water’. Are you able to confirm that your chief of staff received that information from the brigadier?

Adm. Barrie—I think you would have to ask the chief of staff that.

Senator FAULKNER—I thought you may have checked it with him.

Adm. Barrie—I have. I think he would not say it precisely in those words.

Senator FAULKNER—Could you just report to the committee what you think is a fair reflection of the opinion?

Adm. Barrie—I think he is a bit concerned that that indicates a more positive action on Brigadier Bornholt’s part—and these would be my words—in thrusting this message in front of him, as opposed to what really occurred.

Senator FAULKNER—I understand the point you make about thrusting the message in front of him. A copy of the signal is provided and it may be thrust in front of him, the point of this being the signal is in black and white, isn’t it? It is a written message. You are making the point to me, I think, that your chief of staff is receiving this advice strongly. That might be because Brigadier Bornholt was testy like the minister—I do not know.

Adm. Barrie—Again, I think it would be better if the chief of staff answered for himself, but my understanding is that on one hand Brigadier Bornholt, as he is trying to indicate, thrust this message in front of us. I am given to understand that in actual fact it was done in quite a different way from that, and no particular attention was drawn to it other than it being a piece of information.

Senator FAULKNER—I will take you to your opening statement again. On page 16 you talk about the conversation you actually had with the minister. You say:

Prior to my departure (and possibly on 17th October)—

I am sorry, I should have qualified that ‘possibly on 17th October’—

I had a conversation with the minister in which I informed him that I had been told by CN and COMAST there were doubts about whether children had ever been thrown over the side of SIEV4. I said to him the doubts seemed to be based on what the photographs showed or did not show, and an inconclusive video.

So, again, you have a direct communication with the minister—is that right?

Adm. Barrie—That is correct.

Senator FAULKNER—And again you express doubts to the minister about this issue?

Adm. Barrie—That is correct.

Senator FAULKNER—But you do actually raise the question of photographs, although I am not sure whether you and the minister had the same photographs in front of you.

Adm. Barrie—I am quite hazy as to whether this was 17 October or what day it was. My recollection is we were not in our offices. We were actually together walking somewhere. I traversed this with him. We are not talking about, in my view, the photographs he had in his hand on the day of 10 October. What I am talking about is the collection of photographs that was now held by the ship or held by other people and which pertained to the entire events of 7 and 8 October.

Senator FAULKNER—But still it is a direct contact with the minister, and you take the initiative in this—don’t you?

Adm. Barrie—Yes, I did. I thought it was important that the minister knew about these issues.

Senator FAULKNER—Exactly, you take the initiative. So you think the doubts are serious enough to warrant you raising them with the minister in a phone call?

Adm. Barrie—No, it was not a phone call. That was actually when we were together.

Senator FAULKNER—I am sorry, I just assumed that it was a phone call. So that was a face to face meeting?

Adm. Barrie—Yes, face to face.

Senator FAULKNER—The reason I jumped to the conclusion that it was a phone call is that you did not know the date.

Adm. Barrie—We were together on many occasions over this period, not in association with these matters but, in my view, with much more important things. I had this conversation with the minister. I did not recall that conversation when I put in my submission to the Powell report, but I do have a recollection of us being together and walking in the sun, and I raised this issue with him because I thought he ought to know about it.

Senator FAULKNER—Fair enough, Admiral. I assumed it is a phone call because of your uncertainty about the date. I understand now. So it is important enough for you to raise with the minister in a face to face meeting that you have with him.

Adm. Barrie—Yes.

Senator FAULKNER—Why is it so important?

Adm. Barrie—Because I regard it as my duty to keep my minister informed as to anything that is significant associated with my command of the ADF.

Senator FAULKNER—But if it is important enough to do that, is it important enough for you to ensure that these concerns are checked further within Defence. I understand why you raise it with the minister but, if it is important enough to do that, why not go further?

Adm. Barrie—I think that, in 20/20 hindsight on this whole issue, if you were to ask me is there something think I should have done that I did not do, I would say that on 11 October when Rear Admiral Ritchie had that conversation with me, rather than leaving it loose and hanging and waiting for him to come back to me, I should have directed him to have resolved it and reported back.

Senator FAULKNER—Nevertheless, that does not happen. But on 17 October you raise it with the minister. Can I ask this: given the significance of this in the political context—and by that I mean this is now occurring slap-bang in the middle of an election campaign—and given the application of the caretaker conventions, did you give any consideration to raising it with Mr Beazley, because you properly point out in your opening statement that you had some discussions with Mr Beazley during the campaign? I was travelling with Mr Beazley; I am well aware of that, as you know.

Adm. Barrie—No, not at all. This was not uppermost in my mind. A lot of this getting together with people was associated with our potential commitment in Afghanistan. The date of 17 October was indeed in the same week that I think those announcements were made and the briefings occurred. Quite frankly, we had a lot of concerns about the discontinuities created by the events of 11 September and what the future might hold for us. I had a huge amount of concern about would Australia now get itself into another Vietnam War and, if that were to be the case, what are the safeguards I needed to have in place to make sure that would not happen to us—and on and on. I had Air Marshal Houston flying around the Middle East looking for bases for troops. It was just a very frenetic period. So this was not uppermost in my mind. This was an issue that was over. But I did appreciate, because I regarded it as my duty to keep my minister fully informed—

Senator FAULKNER—Just to be clear on this, when Brigadier Bornholt raises this matter, thrusts the signal if you like in front of your chief of staff, do you hear from your chief of staff about the brigadier's concerns?

Adm. Barrie—No.

Senator FAULKNER—So there are a number of occasions when this is drawn to your attention, there are two occasions when you directly addressed this issue with the minister.

Adm. Barrie—Yes.

Senator FAULKNER—On the first occasion you decide on the management approach of not talking again about this unless you both have the same set of photos in front of you.

Adm. Barrie—And that was a photograph management issue, not an event management issue.

Senator FAULKNER—Was the 17 October face to face discussion a photograph management issue, an event management issue or both?

Adm. Barrie—No, that was an event management issue. He just needed to know that these doubts had been raised and what I had done about them.

Senator FAULKNER—You asked yourself, I suppose, a hypothetical question that you thought I might ask you about how you might respond to this in retrospect. Would you accept that you were told on a number of occasions that children were not thrown overboard and that the photographs that had been published did not depict that event?

Adm. Barrie—Yes.

Senator FAULKNER—In that circumstance, given that you had had that information—and those matters had been drawn to your attention in the way they were—do you think, beyond what you said to us a moment ago, that you should have taken other action before February to adequately inform government of what had occurred in this incident?

Adm. Barrie—No, I would not say so. To go back to it, if I had directed Rear Admiral Ritchie to get to the bottom of the issue and make a positive determination one way or the other, in my view that issue would have been resolved within a few days and then I would have reported to government.

Senator FAULKNER—Could you indicate to the committee what you did do to ascertain for yourself—in other words, to satisfy yourself—what actually happened? Admiral, you would recall that I asked you a number of questions at the Senate estimates committee hearings some time ago about this matter. You told the committee at that stage your view of how important it was to rely on the commander on the spot, which was Commander Banks on HMAS *Adelaide*. What action did you take to ascertain for yourself what the views of the commander on the spot were? Was that adequate?

Adm. Barrie—I did not take any special steps to find out. I ought to say of the telephone call I finally made to Banks on 24 February that, in the operations I have commanded as CDF, that is the first time I have spoken to a commanding officer. I am exceedingly sensitive to the issue that, if the Chief of the Defence Force starts ringing COs all the time to find out what is going on, it undermines dramatically the effectiveness of the system.

It was in my mind all the time that my duty as the chief in the circumstances—because the reports as I had heard them were not any special surprise—ought to support the commanding officer. In my view, the handling of those doubts—of course, we have doubts about all sorts of things at all sorts of times. We had lots of doubts in East Timor about what did or did not take place. So there is nothing unusual in people saying to me, ‘I am not sure what happened.’ In dealing with Rear Admiral Ritchie particularly—because Rear Admiral Ritchie is in the chain of command I regard his conversation with me as slightly more important than that of Vice Admiral Shackleton, simply because Ritchie is the man with the command authority—and in dealing with that issue, leaving it open for him to come back and persuade me otherwise was in my view the right thing to do.

Senator FAULKNER—So this is the first time you ever went directly to a commanding officer on a matter?

Adm. Barrie—Yes.

Senator FAULKNER—Why did you do it on this occasion?

Adm. Barrie—In Commander Banks’s case?

Senator FAULKNER—In relation to this incident, to Commander Banks.

Adm. Barrie—Simply because, having been through the experience of the estimates committee, having spent the weekend trawling through what I had in front of me and having in mind a range of questions that simply were not answered in any of the material that I had, I knew that I had to make a final and absolute judgment one way or the other quickly because this was an issue that was spinning out of control quite quickly. So, in spite of all my reservations about doing it, I decided I had no choice but to call him.

Senator FAULKNER—You were not satisfied that the written sit reps and op reps and so forth which did not mention children being thrown overboard were satisfactory?

Adm. Barrie—No. I was worried that a child may have drowned—that something might have happened that was not covered in those chronologies—and I wanted to have Banks’s absolute assurance there was no such eventuality.

Senator FAULKNER—Let me take you to the bottom of page 22 of your opening statement:

Hence there was an obvious discrepancy between what the CO was reporting in writing when the events were occurring and his message of 10 October, which was obviously a reconstruction of events sometime after events had taken place and was not a transcribed log.

I must say, with respect, that when you delivered your opening statement I was surprised at those words, particularly the words ‘between what the commanding officer was reporting in writing when the events were occurring.’ There seems to me to be a consistency in relation to what was received in writing and electronic messages and signals and the like from *Adelaide*. The only inconsistency—the only contradiction I am aware of—comes as a result of the disputed telephone call, doesn’t it?

Adm. Barrie—No. I draw your attention to *Adelaide* sit rep No. 7, which talks about SUNCs being thrown or jumping overboard. That was made at the time of the events.

Senator JACINTA COLLINS—They either jumped or were thrown overboard.

Adm. Barrie—That is right.

Senator JACINTA COLLINS—We now know they jumped. You are reading it all the wrong way.

Adm. Barrie—I am saying contemporaneously that on 7 October that was a message from the *Adelaide*.

Senator JACINTA COLLINS—And it was not erroneous.

Adm. Barrie—It said they might have been thrown overboard.

Senator FAULKNER—No.

Adm. Barrie—It does.

Senator FAULKNER—The point that Senator Collins made, which I think is an accurate one, was that they were thrown or jumped. That is one element. What about children?

Adm. Barrie—I do not think it says children.

Senator FAULKNER—That is right.

Adm. Barrie—The point I am trying to stress here is that there was a discrepancy between that sit rep and the message of the 10th. So you still face this issue of the events being recorded on the date.

Senator JACINTA COLLINS—Admiral, logic 101 tells you how to read an or-construct, and that is not erroneous. We do know that they jumped, so the statement that they either jumped or were thrown was accurate.

Adm. Barrie—Why would you add ‘or thrown’ if it were not a possibility?

Senator JACINTA COLLINS—Because, at the time, the commander did not know, and he was waiting until he got further information. So he was more general, rather than specific.

Adm. Barrie—That may be so, but that is a judgment after the event and not the judgment at the time of the event.

Senator JACINTA COLLINS—The two comments are not inconsistent.

Adm. Barrie—I understand that.

Senator JACINTA COLLINS—But you said he was erroneous.

Adm. Barrie—The point I am trying to make here is the difference between a contemporaneous record and what came out on 10 October.

Senator JACINTA COLLINS—But on page 23, on your final dot point, you say it was erroneous. This is a very serious point here, Admiral, because you are saying that the commander provided erroneous information.

Adm. Barrie—No, I am saying I wanted to clarify in my own mind by way of example.

Senator JACINTA COLLINS—So he did not provide erroneous information?

Adm. Barrie—Please read it in context. These are the sorts of issues that are in my head and frame the sort of reason why I had to have a conversation with the CO of *Adelaide*.

Senator JACINTA COLLINS—But your comment on this final dot point at the bottom of page 23 says:

What led to the CO initially to provide the information both orally and in writing that he said days later was erroneous.

Nowhere has Commander Banks said that he provided erroneous information. Nowhere.

Senator BRANDIS—It does not mean it was not erroneous; it means Commander Banks did not concede that it was.

Senator JACINTA COLLINS—And the Admiral just said he also did not concede, on revisiting the issue, that an or-construct in a sentence actually means that it was erroneous

Adm. Barrie—I am not saying any of that is a fact. What I am saying is that these are the sorts of questions that led to me having the conversation with Banks.

Senator JACINTA COLLINS—But the statement of SUNCs jumping or being thrown overboard is not inaccurate.

Adm. Barrie—I agree.

Senator FAULKNER—Admiral, what you do do, back on 11 October, is ask Strategic Command and/or Rear Admiral Ritchie to get evidence and witness statements?

Adm. Barrie—Yes.

Senator FAULKNER—Do you think that was a good move?

Adm. Barrie—Yes.

Senator FAULKNER—I do not disagree.

Adm. Barrie—I am well aware that if you come back four months later and ask what happened everybody has forgotten. So it just seemed to me a sensible precaution to say to people, ‘Go round and get all the stuff together so that if there is any reason to go over it we have got it.’

Senator FAULKNER—I think your initiative was right; I am not critical of it at all. I agree with you it was the right thing to do. Having got them, though, what happens? Do you think your actions adequately reviewed those witness statements and allowed the matter to be cleared up?

Adm. Barrie—I did not send for the material. I did not read that material. As far as I was concerned, I was satisfied that the action had been done and the material was in one place.

Senator FAULKNER—You took the initiative to check or ensure that this had happened—that is right, isn’t it?

Adm. Barrie—That is right. It was a direction I gave COMAST. I wanted to make sure it had been done.

Senator FAULKNER—Yes, it was a direction and you wanted to make sure it was done. But wouldn’t you accept that even a cursory reading of those witness statements would have made pretty clear what the situation was and this matter could have been cleared up?

Adm. Barrie—There are a couple of qualifications I would have to put on that. Firstly, I think the EOTS operator, Able Seaman Gerrits, had some element in his witness statement about the possibility. Secondly, of course, those witness statements were only of the witnesses the CO of *Adelaide* chose to collect. If I was doing it I might have collected a whole range of other witness statements too.

Senator FAULKNER—But the truth of the matter is that the witness statements do not confirm the incident at all; they are not helpful to the case that has been manufactured by the government—not by Defence—in this and that has been progressed in the sensitive political environment in an election campaign. Would you accept that?

Adm. Barrie—I do not have a view one way or the other. The witness statements were assembled, as I had directed. They were available to Major General Powell and in subsequent proceedings.

Senator FAULKNER—As you reflect some months after the event, what action could you have taken or should you have taken that might have meant the government was not able to have this matter uncorrected in the public arena? What could and should have been done?

Adm. Barrie—I think that is impossible for me to say. I act under the direction of the minister. That is my duty; that is what I do. So it is not possible for me to say whether I could subvert any intention in that way. I do not think there is anything other than, as I said earlier, getting Rear Admiral Ritchie to positively determine one way or the other. The report about children not being thrown over the side would undoubtedly have helped, and I would have had to then provide that advice to the government, but that is all.

Senator FAULKNER—But in so many areas the government is insisting on the telephonic advice, verbal advice, not written advice, isn't it?

Adm. Barrie—Insisting on the telephone advice, yes, but not in the absence of any other advice. I think the government's concern and, indeed, all our concerns in today's age are speed of communications and getting information around.

Senator FAULKNER—Yes, but this is absolutely advantageous, as it turns out, for the government. I have asked a number of your senior colleagues—

ACTING CHAIR (Senator Brandis)—It may well be right because it is true.

Senator FAULKNER—We know it is not true.

ACTING CHAIR—We do not know it is not true.

Senator FAULKNER—You might be the only person in the world now who still thinks children were thrown overboard but, fair enough, you are entitled to your view. The admiral does not.

ACTING CHAIR—I think everybody in Australia believe that children were thrown overboard in the fullness of these events.

Senator FAULKNER—The admiral does not, for one, and he made that clear some time earlier. I assume you heard that I asked both Rear Admiral Ritchie and Rear Admiral Smith about this important issue of the chain of command. In a probably fairly ineloquent way, I asked them if the chain of command worked or failed. They said to me that they passed information that they had available to them up the chain of command to their superior officer. They say—and this is fair enough, I suppose—'We fulfilled our responsibilities.' There is an absolutely massive failure. The problem that I have to raise with you, Admiral—and I do not think this is going to surprise you, given the nature of my questioning to some of the other witnesses—is that you are at the top of the chain of command, and you accept that.

Adm. Barrie—Yes.

Senator FAULKNER—Of course you do. You know that; I know that. It is hardly a state secret. The information is passed up to you and there it stays. In a formal sense, it is not passed to government. Yes, you have two discussions with Reith: one about the photographs and one about the event on approximately 17 October. Do you see that there is a failure here in the chain of command? It is a real concern because more junior officers—albeit very senior officers in Defence but more junior to you—are able to say, ‘We passed it up the chain of command.’ It is almost as if these matters go into a vacuum.

Adm. Barrie—I think what you are tilting at is what I have said was a failure in the element of the command and control system about reporting back. The command and control system itself is a forward-looking thing. It is about what we are going to do tomorrow. There is a weakness in the command and control system on the reporting-back issue. There is a range of reasons why that occurs. Frankly, it is my view that in October last year the command and control system dealing with these issues, dealing with what we were going to do in Afghanistan, dealing with all the other operations that we had on our plate was under more stress than at any other time I can remember. We have exposed a problem here. We have to make sure that we can solve that problem. I admit that. I say that that is definitely an area where we have to do a lot better.

Senator FAULKNER—Rear Admiral Ritchie and Rear Admiral Smith say that it is the CDF’s responsibility to determine when the chain of command fails to communicate advice clearly enough to government to leave no room for error. When I asked them questions about this, they say, ‘Well, that is the CDF’s responsibility. It is his responsibility to correct this.’ You do accept that responsibility, don’t you?

Adm. Barrie—Absolutely.

Senator FAULKNER—Why did you not decide that the chain of command had clearly not worked, at least at the top level? Isn’t that the only conclusion a reasonable person can come to, given the fact that—

Adm. Barrie—I agree absolutely. Now that I know what took place—and I have said that—the only conclusion I can draw is that it did not work for the reasons I have just said, in reporting back. But I did not know at the time that it was not working.

Senator FAULKNER—What ‘it was not working’ means is that then Minister Reith was able to maintain the fiction of the photographs and the ‘children overboard’ story after 11 October, on which you were definitively advised through the chain of command that there was no evidence that children had been thrown overboard. That is the result of it.

Adm. Barrie—That is putting it far too strongly. Doubts were raised about it. Those doubts were never eradicated, in my view. You simply cannot say that it was positively and universally dealt with, as far as I was concerned.

Senator FAULKNER—But why couldn’t you provide clear advice, advice in certain terms, to the minister, written or otherwise, that either there was no evidence or at minimum there were serious question marks about evidence in relation to the children overboard issue? Why couldn’t you have done that?

Adm. Barrie—Well, I do not interpret the conversation of 17 October in any other way.

Senator FAULKNER—It did not work.

Adm. Barrie—I cannot comment on that.

Senator FAULKNER—You also argue, of course, that the chain of command working the other way actually prevents you from contacting Commander Banks to confirm the facts.

Adm. Barrie—I think that is accepted. To respond in the way I did to Rear Admiral Ritchie I think was to leave it open for him to come back to me and be persuasive. He in turn could have gone to his subordinate commanders, and we might have got a different story. I will readily say that, had I directed him to come back and make a positive finding, we might have resolved it much more quickly. But I do not see that of itself as an oversight or a failure in the command chain.

Senator FAULKNER—What you are saying is that the chain of command at all levels in Defence works perfectly adequately, apart from yourself.

Adm. Barrie—No, what I am saying is that the record of performance of the chain of command over 60 operations is outstanding. Those operations have been conducted to the highest professional standards and admired throughout the world. If we have a problem at a time of great stress in the organisation it is in the reporting back of elements of that command chain.

Senator FAULKNER—I have to say, Admiral, that the problem here is that those more junior to you in the chain of command passed this information on appropriately—you agree with that?

Adm. Barrie—No, I do not agree with that.

Senator FAULKNER—What, inappropriately it is passed on to you?

Adm. Barrie—I recall on the night of Senate estimates, for example, looking at the message of 10 October from HMAS *Adelaide* which went to Maritime Headquarters Australia. That message was never formally passed to CDF Australia. So it was not always appropriately done. That is actually the purpose of this inquiry, isn't it?

Senator FAULKNER—Rear Admiral Ritchie informs you clearly and Admiral Smith had informed him clearly. He passes it up the chain of command to Rear Admiral Ritchie, Rear Admiral Ritchie passes it up to you—and there it stays.

Adm. Barrie—But Rear Admiral Ritchie himself said, on the night of 20 February, 'If I'd had that message in my hands earlier on, on 11 October, I would have had what I needed to come back to you.'

Senator FAULKNER—Do you regret that formal advice in writing from yourself or someone more junior to you in the chain of command does not go to the minister?

Adm. Barrie—I think part of the outcome of this whole process is to look at those procedures and just make sure we have got it really tight. To go back to the essential point, this is an organisation, particularly at the strategic and operational levels, undergoing a great deal of stress. There is no doubt that telephonic communications these days have become the hallmark of the way things are done, and I think there has become a laxness in the follow-up procedures. I think that is one of the reasons the task force has got a lot of work to do.

Senator FAULKNER—I accept that. But you know that on the first day of this committee's hearings Dr Hawke, the secretary of the Department of Defence, indicated to this committee that he had actually offered to resign as secretary of the Department of Defence.

Adm. Barrie—Yes.

Senator FAULKNER—I do not know whether or not you were aware of that prior to it being made public here.

Adm. Barrie—I heard it for the first time.

Senator FAULKNER—On this occasion, as an admiral, you are in the same boat as the rest of us. Look at that issue: do you think Dr Hawke was correct in offering his resignation?

Adm. Barrie—That is not a fair question. You have to ask Dr Hawke.

Senator FAULKNER—Well, I think it is, because it goes to this point. You understand why Dr Hawke made the comment to the committee he did. You understand the context of the offer of his resignation.

Adm. Barrie—I think I understand the context, but again I am not Dr Hawke so I do not know.

Senator FAULKNER—Is it your understanding that Dr Hawke offered to resign because he did not inform Mr Reith about his concerns about photographs in writing?

Adm. Barrie—It is for Dr Hawke to say, but my recollection is that Dr Hawke offered to resign because he felt some responsibility for not clarifying the matters as they should have been.

Senator FAULKNER—Do you think he was correct in offering his resignation?

Adm. Barrie—I am not going to answer that question. I was not privy to the conversation.

Senator JACINTA COLLINS—That was not part of the question.

ACTING CHAIR—I am the acting chair. I will take that as a point of order. There is no point of order.

Senator FAULKNER—There is, actually. Anyway, my question was: was Dr Hawke correct in offering his resignation, in your view, in the circumstances?

Adm. Barrie—Senator, I am not going to answer the question because I was not privy to the conversation. I do not know what the issues were that were canvassed between him and the minister.

Senator FAULKNER—Did you give consideration to offering your resignation?

Adm. Barrie—I did—for 30 seconds.

Senator FAULKNER—When did you give that consideration?

Adm. Barrie—After the events of the Senate legislation committee.

Senator FAULKNER—After the estimates committee?

Adm. Barrie—Indeed.

Senator FAULKNER—For 30 seconds?

Adm. Barrie—Yes.

Senator FAULKNER—That is not much of a consideration.

Adm. Barrie—No.

Senator FAULKNER—But nevertheless you gave some thought to it, so you should share with us why, for 30 seconds after the estimates committee, you did give that consideration.

Adm. Barrie—I gave consideration to it because I thought it was an option that needed to be considered, it was an option that was open to me, I guess, as CDF, to make the offer, but I have to say I dismissed it pretty quickly because, frankly, it is not in my nature to walk away from a problem, it is not in my nature to leave something unsolved. I think it is my duty to get in there and solve this so it does not recur.

Senator FAULKNER—Understanding that, what was the reason you gave consideration to that?

Adm. Barrie—Because I reflected and thought, somehow or another, maybe I should have done better.

Senator FAULKNER—And do you think—

Adm. Barrie—I do not have the concept of the infallible CDF. That has never been in my lexicon. I make quite a lot of mistakes from time to time, but I do place a lot of emphasis on learning from mistakes so we can improve things.

Senator FAULKNER—We all make mistakes, as you know. We all make mistakes: that ought to be acknowledged. I think it is also fair to say, when you look at the question of failures or mistakes, be it a witness on that side of the table from the Defence Force or the Public Service or whether it be politicians on this side of the table, in making an assessment about whether a mistake is a resigning offence or not, it goes to how severe the failure is and to what extent the actions of the individual concerned warrant that level of response. That is the issue. It is not a question of making mistakes, is it?

Adm. Barrie—No.

Senator FAULKNER—So surely what crossed your mind was: to what extent did you in your role as CDF feel that your failures were of such a degree that they warranted the course of action that Dr Hawke as secretary not only considered but in fact caused him to go further and also offer his resignation?

Adm. Barrie—As I say, I thought about it briefly. While I would now—again with 20/20 hindsight—say I should have given more firm direction to Rear Admiral Ritchie, on the rest of those issues I do not think I misled my minister in any way. I do not think I acted without due direction. I did my best to keep my minister informed. I regard that as my duty as the CDF. So I just do not see that so far as I am personally concerned that should be proceeded with. But I also feel quite strongly about making sure that if the system, for whatever reason, has failed in these circumstances then we have got to get to the bottom of it and we have got to make sure it cannot recur.

Senator FAULKNER—In offering his resignation you would not be suggesting that Dr Hawke was trying to walk away from the problem, would you?

Adm. Barrie—I was not privy to the conversation between Dr Hawke and the minister.

Senator FAULKNER—When you look at the role of others in the ADF—and I am sure you have given considerable thought to this—when you reflect for example on the actions in relation to SIEV4 by Air Marshal Houston and Lieutenant General Mueller when they were acting CDF, do you think their actions were correct and appropriate in the circumstances?

Adm. Barrie—Yes.

Senator FAULKNER—Do you support the actions that were taken by the two acting CDFs?

Adm. Barrie—Yes.

Senator FAULKNER—When did you first learn of Air Marshal Houston's actions in terms of his advice to Minister Reith on 8 November 2001?

Adm. Barrie—As I say in here, he told me about that in a return to office brief on Monday, 12 November. I would have to say it was not the main topic of conversation. We canvassed a whole range of issues. But he did tell me there had been the conversation between him and Minister Reith and what it was about.

Senator FAULKNER—Did you take any particular action in response, having been back briefed by Air Marshal Houston?

Adm. Barrie—No, not that day. I do say, again in the statement that on the Wednesday, I think it is, when I started to assemble the Powell inquiry to get to the bottom of it I did take that into account as one of the factors.

Senator FAULKNER—Have you given any consideration to whether the actions that were taken by Air Marshal Houston and Lieutenant General Mueller when they were acting as CDF actually should have been actions you took earlier as CDF, particularly in early October?

Adm. Barrie—No.

Senator FAULKNER—You see, this is in one sense, I suppose, a really important element of this: did they take actions the chain of command was requiring and expecting of you that you did not take but when they were acting in your position—in other words they were at the top of the chain of command—

Adm. Barrie—My understanding is they took their actions in response to a particular set of circumstances. For example, I think Air Marshal Houston took his actions in response to something that appeared in the *Australian* newspaper about events in Christmas Island and I think the need to advise the minister. Similarly, I think the actions Lieutenant General Mueller took were in response to a particular set of circumstances. I was not here. I did not have the authority of the CDF for the day. I think what they did was entirely appropriate and I venture to say had I been sitting in the chair I would have acted similarly.

Senator FAULKNER—But the thing is you were sitting in the chair.

Adm. Barrie—No, I was not, Senator.

Senator FAULKNER—You were not at that specific time but you had been for a very long time.

Adm. Barrie—Yes. But when there is an acting chief of the Defence Force he has all the authorities and powers of the Chief of the Defence Force, and they are taken away from me.

Senator JACINTA COLLINS—Admiral Barrie, the problem is that Minister Reith indicated that he did not accept what Air Marshal Houston had put to him because it was not consistent with what you had put to him. So Minister Reith is actually saying in reality he regards you as still in the chair.

Adm. Barrie—Well, that is your version of events. I could not comment on that. You would have to ask Minister Reith.

Senator FAULKNER—We can't. I have told you that, Admiral. This is the problem.

Adm. Barrie—Minister Reith has advice. He has got it from all sorts of sources. He is getting it from the task force. He is getting it from me. He is getting it from Air Marshal Houston. He has got to weigh up in his mind what he thinks about sources of advice, as we all do. I am not going to comment on whether he thought that was more relevant than what I had said.

Senator FAULKNER—But you talk about politicisation. I take very seriously the comments that you made in your opening statement, but I also look at the reaction to some of these events. You become a bit jaundiced, I have got to say. How did you feel when the Prime Minister went onto the floor of the House of Representatives and used your estimates testimony to ridicule Air Marshal Houston? How do you feel about that?

Adm. Barrie—How do you think I feel?

Senator FAULKNER—I do not know—that is why I am asking you. I know how I think you should feel.

Adm. Barrie—I am not going to answer the question. I think it is improper for me to comment on that.

Senator FAULKNER—You say, 'How do I think you feel?' I think I know how you feel. But you see this is why the point that you make—and properly so—about politicisation is so important. There you have got the Prime Minister of this country ridiculing a man that you say acts absolutely properly—and I agree with you—and you say that you would do exactly the same thing if you were in his shoes, don't you?

Adm. Barrie—Yes.

Senator FAULKNER—But he is ridiculed by the Prime Minister on the floor of the House of Representatives and that causes, I do not doubt, significant problems in the fabric within Defence. How are we in the opposition in this country supposed to react to that?

Adm. Barrie—That is not a question I can answer.

Senator FAULKNER—When you properly refer to politicisation in your opening statement! That is politicisation from the Prime Minister on the floor of the House of Representatives.

Senator FERGUSON—Acting Chair, the Admiral is not here to be lectured by Senator Faulkner on politicisation.

ACTING CHAIR—I do direct you to the terms of reference, Senator Faulkner, and ask you to keep your questions relevant to the terms—and to make them questions, not statements.

Senator FAULKNER—Let me ask this, Admiral, because I can understand why the government senators do not want me to ask this, and I would not have asked it—

Senator FERGUSON—Because you were being a bully, Senator Faulkner.

Senator FAULKNER—I beg your pardon?

Senator FERGUSON—You are putting a proposition of your own and asking him to comment.

Senator FAULKNER—You know the statement I mean—

ACTING CHAIR—Senator Faulkner, just proceed.

Senator FAULKNER—I am glad that the government senators have raised this. Let me go on: are you aware of the fact, Admiral Barrie, that in the House of Representatives on 21 February 2002 the Prime Minister, in answer to a question on notice, said:

Last night, they thought they had an Exocet from the air marshal. I think you have had a decent torpedo from the admiral. This was going to be the big one.

Are you aware that the Prime Minister said that?

Adm. Barrie—I saw that reported in the press.

Senator FAULKNER—Do you agree with the Prime Minister's characterisation of your testimony?

Adm. Barrie—I do not have a comment to make on the Prime Minister's characterisation; I do have a comment to make on the media reporting of it. The reporting of it was that there was a rift between the senior leadership of the Australian Defence Force. Any suggestion that there is a rift in the senior leadership of the Australian Defence Force is of enormous concern to me. One of the very important items on my agenda as the Chief of the Defence Force was to manage my chiefs of staff and the Vice Chief of the Defence Force in a thoroughly professional and collegiate way. So any reporting in the press that there is a rift in the senior leadership of the ADF is always of great concern to me and personally quite worrying.

Senator FAULKNER—What about the characterisation by the Prime Minister of Air Marshal Houston's testimony? I appreciate that you may not want to comment about your own. What about the statement: 'an Exocet from the air marshal'?

Adm. Barrie—I do not know how to put that in context. I think that is a question that can only properly be put to the Prime Minister. But in all natures of warfare, of course, Exocets, torpedoes, guns and all sorts of other items of military hardware are often pitched against each other.

Senator FAULKNER—But you are saying that there is no rift. That is an important point—

Adm. Barrie—I think there is no rift.

Senator FAULKNER—Let me say that, if there were a rift, these sorts of statements would certainly exacerbate it, wouldn't they?

Adm. Barrie—I guess that is one of interpretation. I could see that as a quite jocular comment.

Senator FAULKNER—Oh, come off it! You cannot be serious saying that.

Adm. Barrie—I was not in the House; I did not see—

Senator FAULKNER—If the Prime Minister—

ACTING CHAIR—Order, Senator Faulkner! Admiral Barrie, you were in the middle of completing an answer to a question. Would you complete your answer, please, and then Senator Faulkner can ask his next question.

Adm. Barrie—I was not in the House at the time. I have no means of understanding precisely what the atmosphere was so I do not know how to interpret for you those comments. But you could interpret those comments as being rather jocular in nature. They were not reported that way, but you could.

Senator FAULKNER—I think a reasonable person could say that they were in fact characterising a rift in lurid terms. When you say to me, 'You know what I feel,' in answer to my first question, of course I know what you feel. I understand why you feel that. But I hope you understand the way that some of us on our side of the parliament feel when we see some of our colleagues who are not returned in a federal election. Maybe just one or two of them may have been, or may have done a little bit better, if the record had been correct.

ACTING CHAIR—Senator Faulkner, this ad misericordiam on behalf of the defeated Labor candidates is far beyond the terms of reference. You know I have been very liberal about the terms of reference. Please make your questions relevant.

Senator FAULKNER—With due respect, the terms of reference of this committee are, as you yourself have pointed out, quite broad.

ACTING CHAIR—They are indeed, but they do not extend to feeling sorry for defeated Labor candidates at general elections.

Senator FAULKNER—Of course they do not, but Admiral Barrie is well aware of, and perfectly able to look after himself on, this. You and I both know what he said to the committee today, and you also know what his opening statement says about politicisation.

ACTING CHAIR—Proceed to your next question, please.

Senator FAULKNER—Admiral Barrie, I think a fair observer—and I think I am a fair observer; you may not, but I think I am reasonably fair—might say, and I would say, that you took a long time to change your mind on this—in other words, the issue of the status of the event. Is that fair criticism?

Adm. Barrie—Again, with 20/20 hindsight, I think that is fair criticism. The question I have had to ask myself on a number of occasions is this: in all the circumstances, were the actions I took reasonable? My answer to that question is yes, with that one single exception.

Senator FAULKNER—And it was the estimates hearings that drove you to reconsider your position?

Adm. Barrie—To put that in context: I was not here in the days preceding estimates. I returned to Australia to find to my surprise a great deal of controversy about a range of matters concerning the events. The experience of the estimates—

Senator FERGUSON—You had just got off the plane.

Adm. Barrie—having just got off the plane, left me in the situation, when estimates finished, of absolutely knowing that this question had to be resolved one way or the other. It was quite clear, as part of that process, that it could not linger on in any way—waiting for this select committee to start, for example.

Senator FAULKNER—The reason I ask you that is that I wonder if it was something specific that Commander Banks said that changed your mind. That might have been the case; it is all in context—you rang Commander Banks shortly after the estimates hearing; I appreciate that. Commander Banks, in evidence to this committee, indicated that you had said words to the effect—I think I can correctly quote him—‘That changes everything’ in relation to the addressees on the op rep signal. Are you aware of that?

Adm. Barrie—I certainly made the comment, ‘That changes everything.’ But to go back to the detail of the conversation, we had traversed a range of issues, then we got to a point about, let us say, three-quarters of the way through and I said to him, ‘Are you absolutely sure no children were thrown over the side? Are you absolutely, 100 per cent, sure?’ And he said, ‘Yes.’ Then I said, ‘Well, that changes everything.’

ACTING CHAIR—Is that right: the question to which the affirmative response was was: are you 100 per cent sure?

Adm. Barrie—My notes do not indicate precisely the words we used, but certainly on my notes it is recorded at that point, ‘No children over the side. That changes everything.’

ACTING CHAIR—That was the level of certainty Commander Banks was prepared to speak to on 24 February 2002?

Adm. Barrie—It was in answer to a whole range of questions about weapons firings, about how could he be sure nobody had drowned, how did he know how many people were on the vessel, did he have it under total surveillance, was there any possibility at all that perhaps

people not wearing life jackets had drowned—all of those sorts of issues. We had traversed all of that and then we got to that point and I asked him again, and that is the point where I said, ‘Okay, on the basis of what you have now told me, and you have answered a range of those questions, that changes everything.’

ACTING CHAIR—So you understood Commander Banks to be affirming to you to that level of certainty on 24 February 2002 that there were no children thrown overboard from SIEV4.

Adm. Barrie—Absolutely.

ACTING CHAIR—Thank you.

Senator FAULKNER—You made the public announcement about your changed view after the Defence senior leadership group—

ACTING CHAIR—No, in the opening hours of the Defence leadership group.

Senator FAULKNER—I am sorry, I think I was right to say you made your public statement—

Adm. Barrie—Yes. Not after, as part. It was on the same morning that we started, the press conference.

Senator FAULKNER—I appreciate that. Could you briefly indicate to the committee the background to your statement to the senior leadership group and then your public statement a little later in the day?

Adm. Barrie—Certainly. Because we were assembling 240 of Defence’s band 1s, band 2s, one stars and two stars in one place—actually in the Great Hall of the Parliament House, as it turns out—it was quite obvious, not just to me but, frankly, to me and the chiefs and the secretary, that we had to take head-on this whole issue in the opening phases of that leadership conference. To have persisted with an agenda framed more for management rather than leadership issues would have just derailed the whole of the conference.

Senator FAULKNER—But isn’t that an indication of how serious this matter was?

Adm. Barrie—It had become a very serious matter, yes. We had had estimates the previous week. I had changed my advice on the Sunday night. We were going to meet on the Wednesday morning. We had lots of media commentary about rifts in the senior leadership of the ADF. These comments were not just of concern to me but to Air Marshal Houston and the chiefs and all of us. We really had to take it head-on and deal with it.

Senator FAULKNER—Have you assured Air Marshal Houston, who is of course the Chief of the Air Force, that your relationship with him remains unchanged as a result of these events?

Adm. Barrie—Absolutely.

Senator FAULKNER—You can satisfy the committee completely about that?

Adm. Barrie—Air Marshal Houston I hope will have a chance to speak for himself—

Senator FAULKNER—Yes, but most importantly you are his senior officer.

Adm. Barrie—As far as I am concerned, I have the utmost confidence in Air Marshal Houston.

Senator FAULKNER—And can you satisfy the committee that the statement of the Prime Minister in the House of Representatives about you and the air marshal and various pieces of military weaponry has not affected that relationship?

Adm. Barrie—Absolutely not.

Senator FAULKNER—Have you worked hard—I mean—

Adm. Barrie—Oh yes. After I spoke with Banks on the Sunday I basically caucused with my chiefs of staff for two days and we conducted what I would regard as CDF's informal inquiry: following up on photographs and on what we were going to do with the senior leadership group, setting up the task force—all of those sorts of issues. The chiefs—these are my words—were adamant that I should not resign, I should continue to serve, I should sort this problem out and they would work with me in sorting this problem out. We involved the chiefs directly in two things, really: transmitting to the senior leadership the solidarity of the top leadership team, and also putting out to the single services the key message I wanted them to hear from me. In other words, the message to the armed forces about what I said on the Wednesday was not put out by CDF; it was put out by each of the service chiefs.

Senator FAULKNER—Who raised the issue of resignation with that group?

Adm. Barrie—I did.

Senator FAULKNER—You did?

Adm. Barrie—That is part of my 45 seconds.

Senator FAULKNER—So it was not 30 seconds? It is just that you said you had a very brief consideration of 30 seconds. Now you are telling me you are raising it with a senior leadership group.

Adm. Barrie—I did; I did raise it with them.

Senator FAULKNER—That is slightly different, I think. It warrants clarification because I just accepted it—

Adm. Barrie—Let me clarify it this way. I had gone through in my own mind before talking to them where I thought I stood. I said to them, 'It is my intention to serve on, to sort this

problem out and to exit,' but I said, 'If any of you feel it is a better thing for me to go, you should come and tell me so.' That is what I said.

Senator FAULKNER—And no-one has?

Adm. Barrie—No.

Senator FAULKNER—You seem to be very critical of the media in relation to the recent events—in other words, the coverage of what has occurred in the parliament—and I think a particular concern to you is the media coverage of a rift at the senior levels of the Defence Force. I think that is what you are saying to us. Is that right?

Adm. Barrie—Yes, I never read the *Hansard*. I have read the media reports.

Senator FAULKNER—What was your reaction to the media reports?

Adm. Barrie—Enormous concern, because of the way this was articulated and—

Senator FAULKNER—But it was articulated by the Prime Minister; it was not articulated by the media.

Adm. Barrie—I know. But the way that whole event in the House was articulated in the press reporting was that this was an indication of a serious rift in the senior leadership. That is of great concern.

Senator FAULKNER—So have you told the Prime Minister or the Prime Minister's office or the Minister for Defence that this should not have been said?

Adm. Barrie—No.

Senator FAULKNER—Don't you think in the circumstances it warrants you, as Chief of the Defence Force, saying, because you stress with us—properly—the solidarity that you have amongst your senior defence officers—

Adm. Barrie—No, I have not said whether or not anything should be said in the House. I have regarded that as beyond my brief. But I have reported and discussed with the minister at length that it was the press reporting and the effect that was having on the senior leadership team.

Senator FAULKNER—So prior to your decision in relation to this, in a general sense you raised this with the service chiefs at a formal meeting of the senior leadership group. I think that is what you are saying.

Adm. Barrie—Yes.

Senator FAULKNER—Is there a separate formal structure?

Adm. Barrie—Because this was clearly an issue we ought to focus on, I asked the chiefs to clear out their diaries for the two days. I said, ‘We’ve got a whole bunch of work to do between now and Wednesday morning. We, the top team, just need to get our minds around what it is we want to do, what are the things that we are going to inform people about.’ That is what we did. Basically, we sat together for two days and we went over a whole bunch of this material ourselves, and out of that came the creation of the task force headed by Rear Admiral Gates, the briefing for the press conference on the Wednesday and the briefing for the senior leadership team on the Wednesday.

Senator JACINTA COLLINS—In relation to the Prime Minister’s statements about the Exocet missile, is it fair to say that significant concerns have been raised with you from within Defence about that characterisation?

Adm. Barrie—No, I haven’t heard that. I am aware that people were concerned about this so-called reported rift. Anytime there is a picture like that portrayed in the media it is going to be of concern to people inside Defence.

Senator FAULKNER—This is a thing that perplexes me a bit: you blame the media—fair enough—and I blame the Prime Minister. I think that is even more fair.

Senator JACINTA COLLINS—Within the senior leadership group was the issue raised?

Adm. Barrie—About Exocets and torpedoes?

Senator JACINTA COLLINS—About the nature of the Prime Minister’s comments?

Adm. Barrie—Not that I remember.

Senator JACINTA COLLINS—I am curious about that, because it has certainly been raised with me by a number of Defence related people. It surprises me that it has not actually been canvassed within Defence.

Adm. Barrie—In going into the conference on the Wednesday morning, I took it head on. I took the first hour. I went through the whole of the material. I had the view that many of those people would be concerned about my leadership of the ADF, and I thought I should take that head on, deal with it and offer them the opportunity to come back and attack me if that is what they wanted to do. So I did that. I have to say that served the purpose, I think, of settling a whole range of issues in people’s minds. I then left it there and went off and gave the press conference. It was important to me that they heard it from me first before it was put out in the public domain.

Senator JACINTA COLLINS—But you are not responsible for the Prime Minister’s statements.

Adm. Barrie—Far be it from me to pretend that I am responsible for any of the PM’s answers.

Senator JACINTA COLLINS—I am curious about one aspect here—

CHAIR—Can I just ask: have any of our allies raised it either formally or informally with you?

Adm. Barrie—No.

Senator JACINTA COLLINS—Admiral, we heard in earlier evidence that the Prime Minister first became aware of the nature of Air Marshal Houston's evidence the Friday before, I think it was, the Wednesday afternoon estimates. When or did you at all advise the Prime Minister about the nature of your evidence to estimates?

Adm. Barrie—Of my evidence to estimates?

Senator JACINTA COLLINS—Yes. What position you would put?

Adm. Barrie—I never informed the Prime Minister.

Senator JACINTA COLLINS—You never did?

Adm. Barrie—No.

Senator JACINTA COLLINS—I am curious, because you indicated that you did advise the Prime Minister of the statement you would be making the following week.

Adm. Barrie—That followed the call from Banks. I had the view that I could ring Minister Hill and talk about it but I thought that in the circumstances, and given that there was a new Minister for Defence, the most appropriate thing to do was to tell the Prime Minister.

Senator JACINTA COLLINS—Did you advise Minister Hill that you at that point in time—and this is during the estimates week—did not accept the Powell conclusion?

Adm. Barrie—I had a meeting with Minister Hill before we went into estimates.

Senator JACINTA COLLINS—So he was aware at that stage of your torpedo, so to speak?

Adm. Barrie—Well, he was aware of my position.

Senator JACINTA COLLINS—I am just interested in that, because the Prime Minister characterised Air Marshal Houston as something the opposition would think was an Exocet missile. I think it is important we put on the record that the opposition were not aware of the Exocet missile in fact until it was launched, yet the government was aware of the Exocet missile the previous Friday and, indeed, of your torpedo before that was launched.

Adm. Barrie—That is all news to me, Senator.

Senator JACINTA COLLINS—Yes, well, you certainly had no indication we were aware of Air Marshal Houston's evidence before it was presented, did you?

Adm. Barrie—I only became aware of Air Marshal Houston's evidence the evening before estimates started. I knew this was going to be difficult because it was different advice from what I had been giving the government. But, to be quite candid, our duty was to go to estimates and tell the story truthfully.

Senator JACINTA COLLINS—Yes, and I appreciate that is what has transpired. There are a couple of other issues I would like to go through very quickly. Page 16 of your statement reads:

I directed COMAST to ensure that while this was fresh in everyone's mind that witness statements and any other evidentiary material should be collected.

That was, I think, on 11 October.

Adm. Barrie—Yes, that is correct.

Senator JACINTA COLLINS—Then before the *Adelaide* departed you recall checking to see whether this had been done. You were advised that the material was assembled and being held in Perth, but you were not advised on the outcome of the collection of that material.

Adm. Barrie—No. I simply wanted to make sure that my direction had been followed. I knew the *Adelaide* was about to go away. I cannot even be sure whom I asked to check that, but I certainly made the inquiry and I was satisfied that it had been done.

Senator JACINTA COLLINS—So you were satisfied that the evidence existed, but you did not seek to apprise yourself of what that evidence indicated?

Adm. Barrie—No.

Senator JACINTA COLLINS—That is the part of this whole situation that, with respect, seems truly bizarre.

Adm. Barrie—Senator, let us go right back to this. This was not on the media scope at the time. This is the week afterwards. The *Adelaide* is about to go off to the Gulf. As I said earlier, we have got an organisation which at the strategic and operational level is under more stress in terms of operations about to be conducted and being conducted than at any time since I have joined the outfit—in 41 years. We have got a lean and mean organisation. Successive governments have sought to change, transform and reform the way we do our business in Defence and particularly the tail ratio as opposed to the tooth ratio. So this was not high on anybody's scope. The whole issue of my direction to COMAST was just as a back-up: if there are going to be any further proceedings let us not be in a situation where, three months later when somebody really wants to find out what happened, none of us can remember. So I saw no compulsion, no reason, to send for all of this and trawl through it because, frankly, I had much bigger fish to be fried. This was just not important to me.

Senator JACINTA COLLINS—But you had a view that the outcome of this process of collecting evidence might in the future become important?

Adm. Barrie—Yes. We do this on a lot of occasions.

Senator JACINTA COLLINS—But surely a view about what that process achieves is as important, when it does?

Adm. Barrie—If there is an incident in East Timor which involves something like this, we will say, ‘Collect all the evidence and put it in one place.’ If nothing comes of it we then dispense with it. If something does come of it, at least it has been done.

Senator JACINTA COLLINS—And you are suggesting it was not important to ensure that the outcome of that evidentiary process was conveyed to the minister?

Adm. Barrie—I had made no effort to have a look at it. I saw no reason to.

Senator JACINTA COLLINS—No. That is patently obvious. If we go to the incident with the minister regarding his agreement not to raise the photographs further—I think you cover that in your statement at page 15—

Adm. Barrie—Yes.

Senator JACINTA COLLINS—Correct me if I misheard what you said earlier today. You said during that discussion Minister Reith was adamant about his requirements. What were those requirements?

Adm. Barrie—That never again would we discuss photographs without making sure we both had them.

Senator JACINTA COLLINS—Related to that, on page 14 you say that you had asked Air Vice Marshal Titheridge to vet the photographs. Were you aware that Air Vice Marshal Titheridge never conducted that task?

Adm. Barrie—No.

Senator JACINTA COLLINS—You were never aware?

Adm. Barrie—No.

Senator JACINTA COLLINS—Have you heard his evidence recently to the committee on that point?

Adm. Barrie—No. I was busy finishing this opening statement.

Senator JACINTA COLLINS—Okay. So this is another example of the reporting-back element of—

Adm. Barrie—Yes. Immediately the minister and I had had a conversation proposing release of these photographs I did call Air Vice Marshal Titheridge. I conveyed those instructions. I think it was actually done but I do not know the fact of that. Only he can tell you.

Senator JACINTA COLLINS—Yes. Air Vice Marshal Titheridge claims ‘no recollection’ of that.

Adm. Barrie—I would not find that very surprising.

Senator JACINTA COLLINS—He only recalls the four photographs involving asylum seekers on the deck of the *Adelaide*. They are the only photographs he recalls at that point in time. I am just asking you: is that an example of the concerns you related to earlier of where a lack of a reporting-back mechanism is perhaps a problem within Defence?

Adm. Barrie—It could be. We do need to be clear the only photographs I think were relevant to that would be those that Minister Reith was actually holding in his hand at that time. I do not know whether they are the same photographs or whatever that somebody else might have been seeing, but my instruction to the Head Strategic Command was quite clear: ‘The minister is proposing to release some photographs in the public domain.’ I have told him, ‘That is all right providing you are satisfied about the operational security aspects and about the identities of any of our people involved in operations. You are to conduct that vet and let him know.’

Senator JACINTA COLLINS—And this is the process that HPACC usually conducts, is it not?

Adm. Barrie—No, I do not think it is always HPACC. HPACC is not an operational entity. It is a public affairs entity. From an operational security perspective I would expect somebody in a uniform to do it.

Senator JACINTA COLLINS—But with respect to public affairs they have a protocol about the release of material that has not been followed in this instance.

Adm. Barrie—Yes. It is the sort of job that Brigadier Bornholt might have taken on.

Senator JACINTA COLLINS—Yes. And would you ordinarily expect that someone like Air Vice Marshal Titheridge would consult HPACC on the release of material?

Adm. Barrie—Always, yes.

Senator JACINTA COLLINS—You would expect that that would ordinarily occur, and in this incident it did not?

Adm. Barrie—As I say, I do not know the answer to that.

Senator JACINTA COLLINS—That is not to your knowledge.

Adm. Barrie—That would be the normal expectation.

CHAIR—Could I ask a question here? Was this discussion, Admiral, between you and the minister, the discussion on 17 October?

Adm. Barrie—No, this is now on the 10th.

CHAIR—This is the discussion in which it had been drawn to your attention that the photographs that appeared in the paper purporting to be—

Adm. Barrie—No, this is about releasing these photographs.

CHAIR—About releasing those photographs. And it had been drawn to your attention that those photographs were about the rescue of the people in the water.

Adm. Barrie—No. I did not have any photographs to see. It was simply a question about can I release photographs that I had about SIEV4 into the public domain. That was the course of the conversation.

CHAIR—At some point—and I have been out of the room for a while so it may have been covered, and I apologise for that—

Adm. Barrie—That night, after the *7.30 Report*, there was an issue raised about what photographs went out to the public domain and what relationship they had to the events portrayed.

CHAIR—That night, the 10th, you were at home working in your study—

Adm. Barrie—I was.

CHAIR—and you were rung at home and you were told about the minister's interview on the *7.30 Report*. This is my recollection of the events.

Adm. Barrie—Yes.

CHAIR—And you were told in effect that the photographs that had been displayed on that program were not of the so-called 'child overboard' affair; they were of the day after.

Adm. Barrie—Yes.

CHAIR—It was because of that that you spoke later to the minister. Is that right?

Adm. Barrie—On the following day, the following morning.

CHAIR—And the outcome of your discussion with the minister on the following day was—in what you have described in your opening statement as a 'testy' exchange—'Well, the next time we had better make sure that we're both talking about the same photographs.' That is the evidence. What confuses me, I have to say, is that you commenced your discussion with the

minister in order to alert him to the obvious and significant fact that he had referred to the wrong photographs on public television.

Adm. Barrie—Yes.

CHAIR—Did you tell him that directly?

Adm. Barrie—I think it is more or less as I have set down in this opening statement.

CHAIR—Could you just tell me what that was again?

Adm. Barrie—I told the minister I had been advised that the photographs he had put out did not describe the events portrayed on the *7.30 Report*. I cannot remember his precise response, save that we had a discussion about there being a great deal of confusion about the photographs. I do not know whether he understood—or I cannot recall that.

CHAIR—Let us just pause at that point because this is a critical point. You were motivated to hold this discussion because, on public television, the minister had—

Adm. Barrie—No, it has been reported to me that on public television the minister has.

CHAIR—Yes, but then, when you had a chance to check at whatever time that was, it was also a fact that he had presented these photographs as if they were of one event when they were of another event entirely.

Adm. Barrie—Yes.

CHAIR—Your obligation, as I understand it—

Adm. Barrie—To draw that to his attention.

CHAIR—is to draw that to his attention.

Adm. Barrie—True.

CHAIR—And that is what you promptly set about doing.

Adm. Barrie—Yes.

CHAIR—We all agree that an omission or a failure to correct is equivalent to allowing an untruth to stand, and honesty, accuracy and prompt correction of error is fundamental to efficient operation. We all understand that.

Adm. Barrie—My duty was to draw it to his attention.

CHAIR—So those words you have quoted in your opening statement are fairly direct about saying, are they not, that this was wrong. Your tone would have reinforced that.

Adm. Barrie—Well, there has been an error made, shall we say.

CHAIR—Yes. Do you have any reason to believe that the minister did not understand that reasonably direct comment from you?

Adm. Barrie—As I say, I cannot remember his precise response—in other words, what words he might have said—but I had no reason to believe that he did not understand that. Indeed, in my frame I would say that was the reason we then went on to have a discussion about the photographs that was a bit testy. That all seemed to line up for me.

CHAIR—But if you were of the view that he did not understand, your mission in raising it with him in the first place would not have been accomplished and you would have needed to have reinforced it in some other way so that you got across to him the purpose you were holding the discussion in the first place.

Adm. Barrie—Yes.

CHAIR—So we can be confident, can't we, that you were satisfied that the purpose for this discussion had been achieved—

Adm. Barrie—Yes.

CHAIR—and that the minister had understood and received the message?

Adm. Barrie—That was the impression I gained.

CHAIR—That is why the discussion then turned to, 'Well, next time we'd better get the photographs right.'

Adm. Barrie—Yes.

CHAIR—In looking at the consequential problems created by that transmission and understanding of information, the first consequence was, 'For God's sake, next time let's get it right.'

Adm. Barrie—Yes.

CHAIR—That is understandable and reasonable. The other consequence was: what are we going to do to correct the mistake that has been made now. That would also have been an understandable, reasonable and proper thing to have done. Did that occur?

Adm. Barrie—I do not know.

CHAIR—Did you have a discussion with the minister along those lines?

Adm. Barrie—No.

CHAIR—Did he indicate to you, having understood your message, that there was anything he required of you or that he was going to do to correct the impression?

Adm. Barrie—He required nothing from me.

CHAIR—Did you suggest to him how it could be corrected?

Adm. Barrie—No.

CHAIR—Do you think that is a failing?

Adm. Barrie—No. It has to go back in the context: the direction is pretty clear that the minister's office is running the media reporting for Operation Relex. I have drawn it to his attention. As far as I am concerned, he understood that. We had an agreement about how to manage photographs in the future, and that is where it lay.

Senator JACINTA COLLINS—So it was not in this conversation that former Minister Reith indicated that he was going to drop the matter?

Adm. Barrie—We were not going to talk about photographs again. We now had an agreement about how we would manage it; that is right.

CHAIR—I know I am imposing on you, Senator Collins, and I will cease doing it because it is your call and I apologise—

Adm. Barrie—I am sorry; you may have gained the wrong impression from that. In a context that we were going to drop this matter, it was at the end of this conversation when we had an agreement about how we would manage this in future. So I was now acting under direction from the minister that this is what we would do.

CHAIR—Going to the consequential subjects that you went to after it was established that these were the wrong photographs, the first consequence was: next time we had better make sure that we get the same photographs and that we all know what we are talking about. The next consequence was: we will now drop the matter. Is that what the evidence is saying?

Adm. Barrie—Yes. We had an agreement; we would drop this matter, and it was not said but it was my understanding that he would deal with the consequences.

CHAIR—I will come back to this later because I do want to talk to you about why you would be satisfied at that point that the discussion had been properly conducted. What worries me is that the photographs were of naval ratings in the water rescuing people during an incident in which at least one naval rating that we now know of—it was a female midshipman, I think—displayed quite courageous action and dived off the deck, 20 feet above the water, and prevented a mature age woman and a child from being swept under the propellers of the ship and maybe dying.

Adm. Barrie—Yes.

CHAIR—That was quite heroic, and I think it is quite important for Australians to know of the competence, professionalism and courage of the defence forces. Was this subject not mentioned at all?

Adm. Barrie—No.

CHAIR—Did you not feel an obligation to at least prompt or suggest to the minister that the record as it stood publicly should be corrected?

Adm. Barrie—I was not privy to everything the minister was doing. Indeed, as I said earlier, I still wait to see transcripts of everything the minister said. The only thing I was privy to was the press reporting of what the minister was saying and, indeed, I was not spending my day reading all the press reports either. So I am not in possession of the knowledge about whether or not the record was corrected. What I can say is: as far as I was concerned, this matter was not on my scope.

CHAIR—We have just gone into another area. I am still back at the area. I am sorry to be dogmatic about it, but I am still back at the area.

Adm. Barrie—I did not say to him, ‘What are you going to do about it?’ I did not.

CHAIR—Did you prompt him in any way?

Adm. Barrie—No, I did not.

CHAIR—Do you think it is satisfactory then, for the record? Your senior officers had reported to you, ‘On TV tonight, the minister said this. It was wrong.’ You ring the minister and tell him that it is wrong and then you think, ‘Next time, we had better make sure that the photographs are right,’ and then we drop the subject?

Adm. Barrie—The minister directs and I advise. I have only served four ministers for Defence in four years. I have not met one that really appreciated me telling him what his job was.

CHAIR—I am not suggesting that you tell him what his job is.

Adm. Barrie—I have fulfilled my duty. I have brought it to his attention. We have had a discussion to make sure it does not recur. As far as I am concerned, because he is now managing the public affairs aspects, that is where it lies.

CHAIR—I was a minister for eight years and I had at least eight heads of department, most of whom were not afraid of saying fearlessly to me, ‘We think you have got it wrong, Minister,’ if that was what they thought.

Senator FAULKNER—I do not think that ever had to be said very often at all.

CHAIR—I would like to believe that, but I am human and I make errors. The interaction between fearless advice from the department, as a minister has to balance his responsibilities, is quite an important—

Adm. Barrie—I understand the point you are making, but I did not pursue it. I regarded my duty as fulfilled.

Senator JACINTA COLLINS—Just closing off on that issue, until Senator Cook comes back to it, did Minister Reith put it to you in this conversation that, whilst his comments might lead people to reach false impressions, technically what he said was correct?

Adm. Barrie—No, I do not think so.

Senator JACINTA COLLINS—I want to also go to your comments about the discussion with Mr Max Moore-Wilton. Was that also a testy one?

Adm. Barrie—No, one does not have a testy discussion with Mr Max Moore-Wilton.

Senator JACINTA COLLINS—But one does with the minister!

CHAIR—It is a personality difference.

Senator FAULKNER—I have had a couple of testy discussions with Mr Moore-Wilton.

Senator BRANDIS—Perhaps people have testy discussions with you, Senator Faulkner.

Senator FAULKNER—That is probably the reason.

Adm. Barrie—Some might describe the discussion as heated. That would be the way I would describe it.

Senator JACINTA COLLINS—It is just that I have a recollection of earlier comments where you were indicating you were having to be quite adamant—

Adm. Barrie—I was being quite adamant.

Senator JACINTA COLLINS—about safety of life at sea issues.

Adm. Barrie—I was.

Senator JACINTA COLLINS—Is that why also you then immediately afterwards spoke directly to the minister?

Adm. Barrie—Yes.

Senator JACINTA COLLINS—You felt the need to convey to the minister that you were being put into this situation?

Adm. Barrie—I was not put into this situation, because, frankly, I command the Defence Force. The Defence Force will do what I command, but I did want the minister to understand that there was this view, if you like, that somehow or another we were in absolute control of where people would end up, even though they were all in the water. I just wanted the minister to be quite aware that we were not able to guarantee any of those sorts of results.

Senator JACINTA COLLINS—And it was not Mr Max Moore-Wilton's purview, so to speak, to ensure that everyone rescued went onto the *Adelaide*?

Adm. Barrie—That is a view that others have about how good our Defence Force is, but the practical issue is that, in these circumstances, our priority is on saving people's lives. The CO had called for as much help as he could get from Christmas Island. We could not give any guarantees where these people were going. I tell you one thing: we had to be absolutely sure that nobody's life should be lost. That was the priority.

CHAIR—Sorry, Senator Collins, but I understood that, by prearrangement between Senator Faulkner and Senator Brandis, the call would rotate to government senators at about this hour.

Senator JACINTA COLLINS—I have one more question and that concludes all that I am doing.

Senator BRANDIS—Always indulgent of you, Senator Collins.

Senator JACINTA COLLINS—Thank you, Senator Brandis.

CHAIR—This outbreak of politeness is stunning. I hope it remains.

Senator BRANDIS—It must be because it is Senator Faulkner's birthday.

Senator FAULKNER—I knew you would get that in some time.

Senator JACINTA COLLINS—Admiral Barrie, I want to go back to the issue that was canvassed earlier, which was the dot point at the bottom of page 23 of your statement and the comments earlier on page 22 where you indicate a belief that there is an obvious discrepancy in relation to Commander Banks's evidence. At the dot point at the end of page 23 it seems there is expressed a view that information he had provided in writing was erroneous. Do you still stand by those statements?

Adm. Barrie—As I said earlier, coming out of the estimates I had a whole bunch of material thrust in front of me. I had a view that there was a set of messages like this and a chronology that looked like that, and they seemed to me to be quite different in nature. As I trawled through that material over the weekend, it was just one of those sorts of issues that I wanted to clarify. You can say that those words, given what is said in sit rep 7, are—your words—a matter of logic 0101. Fine, but that is not meant to be a criticism of Banks; that is meant to illustrate the sorts of questions I wanted to resolve with him.

Senator JACINTA COLLINS—Yes, I know. But the part I picked up was more what was reinforced by this point on page 23, which was that he had provided erroneous information. I concur with Senator Faulkner—and I am interested in your view—which is the written information that came from Commander Banks has been completely consistent and the question, really, is the difference in view about the oral communication between Commander Banks and Brigadier Silverstone, which is yet unresolved.

Adm. Barrie—No. I understand the one about the oral bit. But on the one in writing, I was shown a whole range of material during estimates which was not consistent with that message of 10 October. It is the reason why I persisted in maintaining my view about the events—because I could not be persuaded of that chronology. By way of logic, as I think I said in estimates: some people went over the side; we picked up 14 people; there were no children in those people; therefore no children went over the side. Those are my words. That was the picture I had in my head. It was inconsistent with this other material that I was reading, and I just wanted to make sure for myself about the reality of events that occurred on the 7th.

Senator JACINTA COLLINS—I suppose what I am asking you, though, is that the example of what you have provided on page 22 does not indicate a logical inconsistency. Is there some other inconsistency, then, that you are referring to?

Adm. Barrie—Sorry, can you just explain that again.

Senator JACINTA COLLINS—The example that you have provided on page 22:

... "suncs" jumping or being thrown overboard.

is used here as an example of what you see as an obvious discrepancy. We have been through how that is not logically a discrepancy. I am asking : is there something else that led you to believe there was a discrepancy?

Adm. Barrie—No. That is the sort of item I am on about.

Senator JACINTA COLLINS—Okay. I think it is very important to clarify this on the record, because the commander of the Defence Force indicating that a commanding officer of a ship has provided erroneous information, without being put in the context that we have just discussed, would be quite concerning.

Adm. Barrie—I think it is important to see it in the context. It was a reason for calling Commander Banks.

Senator JACINTA COLLINS—Yes. So it was an impression in your mind rather than an established fact.

Adm. Barrie—It is an impression in my mind. That is important.

Senator JACINTA COLLINS—Thank you.

Senator BRANDIS—Admiral Barrie, I would be right—would I not?—in thinking that the reliability of reports received up a chain of command or a chain of reporting is a very important value for the Navy—

Adm. Barrie—Yes.

Senator BRANDIS—that one of the professional skills in which naval personnel and in particular commanding officers are trained and in which they accomplish a high level of expertise in fulfilling is the ability to provide reliable reporting—

Adm. Barrie—Yes.

Senator BRANDIS—and the Navy relies heavily upon that capacity in order to make operational and command decisions?

Adm. Barrie—Correct.

Senator BRANDIS—Would I be also right in thinking that it follows from that that when a report has been received, in particular from a commanding officer in an operational situation, that report would not lightly be disregarded or set aside or changed?

Adm. Barrie—I think I can agree with that, with the only proviso being: provided his superior commander was not in receipt of other information.

Senator BRANDIS—Quite. I understand that. There seems to me, I must say, a degree of artificiality about a lot of this discussion because it assumes that there was not a status quo about the reportage of the SIEV4 incident, whereas from the time the first report went up the chain, through Brigadier Silverstone to Air Vice Marshal Titheridge, there was in fact a status quo as to the reporting. And that status quo was the initial report that suggested a child had been thrown overboard. Do you follow me?

Adm. Barrie—The events begin with the initial contact.

Senator BRANDIS—Yes. So that initial position, the reliability or, if you like, the authority of that initial report, would not lightly be set aside. It might ultimately have to be, as indeed, in this case, it was. But it would not be lightly set aside—would you agree?

Adm. Barrie—I agree.

Senator BRANDIS—Nor should, as a matter of proper procedure, such a report lightly be set aside?

Adm. Barrie—No.

Senator BRANDIS—And you as the ultimate commanding officer of the military would in fact be—may I suggest to you, with respect—behaving quite inappropriately were you to disregard or set aside a report on the basis of which decisions had already been made, unless you were well satisfied that it was wrong?

Adm. Barrie—Yes.

Senator BRANDIS—I do not want to fall into lawyers jargon but I may have to be forgiven for doing so once. There is sort of an onus of proof on those who seek to establish a contrary version of events to demonstrate that the initial report is wrong, and until that is demonstrated the initial report stands?

Adm. Barrie—These would be my words: as a concept that was what underpinned my response to the raising of doubts—that is, unless you can persuade me that is wrong I will stand by my advice.

Senator BRANDIS—Yes, absolutely.

CHAIR—Onus of proof is not the construct, though, is it?

Adm. Barrie—No. I was just saying, in my words—

CHAIR—I will get my chance later, so I will not interfere with Senator Brandis now. I just want to mark this spot, because I think this is a very contestable argument.

Senator BRANDIS—Whether we use the language of onus of proof or degree of persuasion or degree of satisfaction, you need to be persuaded—

Adm. Barrie—I need to be satisfied.

Senator BRANDIS—or satisfied that the initial report is wrong before you abandon it?

Adm. Barrie—Yes.

Senator BRANDIS—And until you reach that level of persuasion or satisfaction, all you can do is continue to act upon it—would you agree?

Adm. Barrie—That is correct.

Senator BRANDIS—And I must say, with respect, Admiral Barrie, I am not a military person but I, for the life of me, having read your statement, cannot see what else you could have done in these circumstances. Let me take you through the chronology very quickly, if I may. You start off by saying—this is at page 11—that when you first received the information:

I assumed that the information had come through the chain of command, obviously initiating with the Commanding Officer of the *Adelaide*, Commander Banks.

So when you first received the information, you had no reason to believe that what was reported to you was controversial or doubtful?

Adm. Barrie—No.

Senator BRANDIS—As I follow your statement, the first occasion upon which evidence comes to you to suggest that there is an element of controversy about the information that has been passed up the chain of command is on 11 October, when you were telephoned by

COMAST, who told you that ‘there were now doubts about whether children were ever thrown overboard’, and you do not remember him being more definite than that.

Adm. Barrie—Yes.

Senator BRANDIS—That is the first occasion—that is 11 October—when somebody raised a doubt.

Adm. Barrie—Yes.

Senator BRANDIS—COMAST was not a witness to any of these events of course, was he?

Adm. Barrie—No—nor was I.

Senator BRANDIS—And of course we know that you were not. COMAST, during the 11 October conversation, advanced no specific basis of fact why it might be that there was controversy about the initial report. He simply alerted you to the fact that there was a controversy.

Adm. Barrie—Even ‘controversy’, I think, is a strong word.

Senator BRANDIS—What word would you choose?

Adm. Barrie—I go back to ‘doubts’—simply for the reason that this was not a raging controversy. The picture that I was left with as an impression was that somebody who had, let us say, access to photographs could not find in those photographs any evidence of somebody being thrown overboard. Therefore, there are doubts whether this event actually happened. This was all verbal, as I am aware of it.

Senator BRANDIS—Am I right in understanding you to be saying that on 11 October you for the first time learnt that some people entertained doubts about the accuracy of the original report but that by 11 October you yourself had been apprised of no new fact or piece of information which would satisfy you that the initial report was wrong?

Adm. Barrie—That is correct.

CHAIR—Nor had you sought any information to corroborate the doubts.

Adm. Barrie—As I said earlier, I had left it open for COMAST to come back and to refer back to our conversation of 20 February. I am left in no doubt: he understood that opening. I think, in retrospect, I should have said to him, ‘I want you to sort this out by Friday.’

CHAIR—I will curb my enthusiasm; Senator Brandis does have the call.

Senator BRANDIS—I do not want to be too judgmental about this; I just want to establish what you knew at various times, Admiral Barrie. So you were told on the 11th that doubts had

been raised in the minds of some, but you yourself had no basis at all to abandon or cease to rely upon the authority of the original report?

Adm. Barrie—Yes.

Senator BRANDIS—You briefed the minister prior to your departure overseas—you say it was possibly on the 17th—and you mentioned that there were doubts. This is in the last paragraph of page 16 of your statement. But may I take it that by that stage you knew nothing further to contradict or countermand the initial report beyond having been told in some unspecified way that doubts had been cast on the report?

Adm. Barrie—That is right.

Senator BRANDIS—And that is where it stays until after 10 November?

Adm. Barrie—For me?

Senator BRANDIS—For you.

Adm. Barrie—Until 12 November in fact.

Senator BRANDIS—So from the time that you had received the initial report—which you had, at the time you received it, no reason to doubt and, according to the ordinary operational procedures of the Navy, you had every reason to regard as a reliable report—you were in fact told once by an officer who was not a witness that there were unspecified doubts about it, but nothing was put before you to give you any ground to abandon or vacate that which you had initially been told?

Adm. Barrie—No—although it has to be said of course that the Chief of the Navy raised the same doubts with me.

Senator BRANDIS—But he was not a witness either.

Adm. Barrie—He was in no better circumstance than Rear Admiral Ritchie.

Senator BRANDIS—No witness in fact had expressed doubts to you, certainly by 10 November. I am taking 10 November as a line in the sand because that was the election day and there are some senators here who think this has something to do with politics. So come 10 November no witness to any of these events has raised any doubts with you at all, but two people who were not witnesses have reported the fact that doubts exist in the minds of some.

Adm. Barrie—That is correct.

Senator BRANDIS—May I suggest to you, Admiral Barrie, that by that stage your proper professional course and professional judgment would have suggested that you do precisely what you did do—that is, continue to uphold or adhere to the initial report?

Adm. Barrie—That was certainly my judgment.

Senator BRANDIS—Then Air Marshal Houston, the head of the Air Force, who was also not a witness to any of these events, has a conversation with you on 12 November—

Adm. Barrie—Yes.

Senator BRANDIS—at a time beyond any political materiality in this for the purposes of the election campaign. So, having heard what he has to say, you establish an inquiry.

Adm. Barrie—That is right.

Senator BRANDIS—And you forbear from concluding a position at variance with the initial report while the inquiry is doing its work.

Adm. Barrie—Yes, that is correct.

Senator BRANDIS—And—I ask only rhetorically—what else could you have done?

Adm. Barrie—I cannot see anything else that I could have done. I think the importance of commissioning Major General Powell's inquiry was I wanted to get to the bottom of whatever it was that took place. I wanted to be able to correct anything that was at fault inside our system.

Senator BRANDIS—Yes, absolutely.

Adm. Barrie—I thought that was a good purpose for it.

Senator BRANDIS—May I sum it up in this way, Admiral Barrie: certainly beyond 10 November you had no basis to vacate your reliance on the report as it was originally received by you up the chain of command.

Adm. Barrie—No, not in my opinion.

Senator BRANDIS—You go on to say that you became aware during Senate estimates of the cable of 10 October. May I take you, please, to the statement of Commander Banks. I am just going to put Commander Banks's statement before you, Admiral. It contains some extracts of signal traffic from the *Adelaide*.

Adm. Barrie—Yes. This was to the Powell inquiry?

Senator BRANDIS—Yes. While it is being looked at, perhaps I could ask you this question: when did you first read the witness statements?

Adm. Barrie—I read most of them, but not all of them, on 20 February.

Senator BRANDIS—When did you first become aware that witness statements had been taken?

Adm. Barrie—From Powell?

Senator BRANDIS—No, witness statements of the crew of the *Adelaide* had been taken. They were all taken, I understand, on 10 October.

Adm. Barrie—I think that was a consequence of my direction that witness statements were to be taken.

Senator BRANDIS—But they did not come to you until February?

Adm. Barrie—No.

Senator BRANDIS—All right.

Adm. Barrie—Sorry, they did come to me as part of Powell's report in December. I read Powell's report; the enclosures I did not go through at that time.

Senator BRANDIS—So you did not read the witness statements—

Adm. Barrie—As I say in here, I basically set Powell aside, apart from making sure that the Bryant inquiry would have the benefit of Powell's findings.

Senator BRANDIS—Do you have before you now, Admiral, the Banks statement to the Powell inquiry?

Adm. Barrie—Yes.

Senator BRANDIS—I would like you to go, Admiral, to an inclusion in that, which is embodied in the text a bit, which is a cable by Commander Banks dated 11 October. Its reference number is 110330Z. It is about three or four pages in.

Adm. Barrie—Right, got it.

Senator BRANDIS—Commander Banks gave evidence at some length of the circumstances in which this was created. May I remind you that it was prepared by him four days after the event, and his evidence was quite explicit that at the time he prepared this document he had not read the witness statements, although the witness statements—

Adm. Barrie—He had not read the witness statements?

Senator BRANDIS—He had not read the witness statements—that was his evidence—although the witness statements had been prepared the day before.

Adm. Barrie—Yes.

Senator BRANDIS—May I take you to the second page of it, paragraph 11. He is now recording on the basis of his memory, this not being a contemporaneous record, what he saw, and his evidence was also that this was broadly sequential. It says this:

11. At some stage I saw a young male teenager estimated at 13-15 leap over the side from the SIEV's superstructure. I also witnessed 2-3 adult males do a similar leap. UBAS were also entering the water from the vessel's stbd side out of my view but I could later see their heads bobbing in the water.

I interpolate to say that it was also Commander Banks's evidence that he did not see the people go into the water; he saw them when they were already in the water. It continues:

I received frequent radio reports about these manoverboards and "possibly"—

presumably an intended emphasis of the word 'possibly'—
heard that children were also in the water.

So possibly that was reported to him while the incident was taking place.

Adm. Barrie—Yes.

Senator BRANDIS—He deals with the incident of the little girl in the pink jumper being held overboard and deals with that in paragraph 12. If you go to paragraph 14, he says:

14. Throughout my boarding party and the other witnesses on the bridge wings—

so that is two groups of witnesses—

were advising that they could see more jumpers, some men, some boys and some children. Reports of the number who entered the water varied greatly.

Those pieces of information relevant to the question of children in the water as opposed to a child being held over the water were in Commander Banks's mind at the time he speaks to Brigadier Silverstone, which he deals with a couple of paragraphs on. When did you first become aware of this cable?

Adm. Barrie—I saw this material the day of Senate estimates.

Senator BRANDIS—May I suggest to you that, if one were to look at that cable in isolation—and I am not saying you should have looked at it in isolation but I want to take it step by step, as it were—that cable is evidence that there were children in the water, not evidence that there were not.

Adm. Barrie—That is right.

Senator BRANDIS—May I take you then to the witness statements. I do not need to take you to any others than Able Seaman Gerrits, to which you have also referred. He is one of the witnesses. He says:

... I believe one child also went overboard.

CHAIR—He goes on and says:

All persons who dove overboard did so by their own accord ...

Senator BRANDIS—May I ask my own questions, please.

CHAIR—Yes. I just want to get it right.

Senator BRANDIS—He said:

... I believe one child also went overboard.

That, as far as it goes, is evidence to support that proposition, that there was one child overboard.

Adm. Barrie—Yes.

Senator BRANDIS—So far as it goes.

CHAIR—No, that is evidence that he believed one child was overboard.

Senator BRANDIS—The fact that he had that belief is evidence that the belief was founded in empirical fact.

CHAIR—It is not.

Senator BRANDIS—Mr Chairman, I am not going to debate this with you now. We have only got half an hour left.

CHAIR—I know, and I do not want to intrude, but it is not, because there are so many other conflicting pieces of evidence about the facts.

Senator BRANDIS—I am not suggesting this evidence can be taken in isolation, and that is not where these questions are going. Can you bear with me, please, Senator Cook.

CHAIR—I will.

Senator BRANDIS—There are 15 other witness statements. We do not have time to go through them each one by one, but may I tell you that of the other 15 witness statements there are seven witness statements—those of Hynes, Naree, Nixon, Barker, Piper, Von Kelaita and Skells—which simply do not speak to the question of whether or not there were children in the water. It is just not mentioned. Certainly they provide no support for the view that there were, but they provide no support for the view that there were not. They are silent on that question.

Adm. Barrie—Yes.

Senator BRANDIS—Another six—that of Letts, Koller, Chapman, Blennerhassett, Black and Gullidge—say: ‘I did not see any children in the water.’ And there are only two—that is, those of Heedes and Walker—who assert affirmatively there were no children in the water.

Adm. Barrie—Yes.

Senator BRANDIS—So the suggestion that 15 of these 16 witness statements demonstrate that there were no children in the water is in fact quite wrong. Two of them are evidence that

there were no children in the water; 13 are silent on the matter or take the matter nowhere, and one of them is evidence that there were.

Adm. Barrie—Yes.

Senator BRANDIS—There is then the consideration that there was no report of a child having been lost or recovered from the water, and Commander Banks's evidence was that that was a factor he retrospectively took into account in arriving at the conclusion that there was no child in the water. My question to you, Admiral, is this: given the state of the evidence—that is, the existence of some evidence which I have taken you to, and I do not say it is all the evidence—that is supportive of or consistent with the initial report, and the existence of other evidence, including the circumstantial evidence that no children were recovered from the water, at what point do you consider you could have been satisfied that there were no children in the water?

Adm. Barrie—It comes from a telephone conversation that I had with Banks which reversed the issue of 'How can you be sure about the numbers of people who entered the water?' So, to go back to my frame of reference, 'How can you be sure people did not enter the water that you did not know about', he said—and these are his words—'We counted them off specifically and we counted them back on board.'

Senator BRANDIS—So your ultimate decision to have the press conference after Senate estimates was made having been persuaded, in effect, by Banks that this was a black and white issue.

Adm. Barrie—Absolutely.

Senator BRANDIS—Commander Banks on 11 October—which was only four days after the incident, not four months after the incident—said this at paragraph 21 of the cable of 11 October:

I HAVE SINCE BEEN QUESTIONED REPEATEDLY ABOUT THIS EVENT (AND TO A LESSER EXTENT OTHERS) AND I AM NOW SO FULL OF CONFLICTING INFORMATION OF WHAT WAS SEEN AND HEARD BY OTHERS AND ME AND STATED BY OTHERS AND ME THAT IT IS DIFFICULT TO RECALL WITH ABSOLUTE VERACITY. NEVERTHELESS I AM PREPARED TO ATTEST TO WHAT I SAW.

And he goes on to say, and this is not controversial:

I DID NOT SEE ANY CHILDREN IN THE WATER.

Nobody disputes that he did not see any children in the water. I wonder how Commander Banks, more than four months after the incident, having received no new information of which he was not in possession four days after the incident, could have been so much more certain four months afterwards than he was four days afterwards.

Adm. Barrie—I think that is a good question, and of course only Commander Banks can answer that. But to respond to where I think you might be leading, it was for me the positiveness of the statement that they had counted them off and they had counted them back on board. The witness statement does float around a bit about numbers. So there was that statement of his, and, secondly, the fact that there were professional people in the SIEV who they had specifically gone through with to assure themselves that they had on board that SIEV all the people that should have been there. He made the point to me there were doctors, chemists and

professional people who could speak good English and that they had a conversation and that. I put those two things together and said, 'All right; he on his own cognisance is now being 100 per cent absolutely sure this did not happen.'

Senator BRANDIS—I think everybody is persuaded that, at least on the balance of probabilities, as it were, there was not a child thrown into the water from SIEV4. But the point of my questions is to demonstrate to you that, in fact, it is not right to say that all the evidence was one way.

Adm. Barrie—No. That is right.

Senator BRANDIS—There was a body of evidence that there was a child in the water. I suggest to you, Admiral, that it would have been absolutely wrong and indeed, to put it bluntly, incompetent of you to have acted at variance from the initial report, particularly having regard to the conflicting state of evidence before the inquiries that you subsequently and quite properly commissioned had exhausted themselves.

Adm. Barrie—Thank you for that, but I think that—again this is in retrospect—if I had commissioned Ritchie to sort it out back in that week of October then, I guess, firstly, we would not be here and, secondly, the Australian Defence Force would have been saved a great deal of harm and potential questions about its reputation. That is something I do regret not having done. But, setting that aside, had I made my inquiry on 24 February and Banks had not been able to assure me absolutely that no children went over the side then I would be standing here today still defending my position.

Senator BRANDIS—Thank you, Admiral. I have questions on two other unrelated matters. I take you to some evidence that you gave to estimates—it is on page 72 of the *Hansard*—in response to some questions from Senator Faulkner. He refers to the initial report that people were thrown over the side on the 7th, and you said:

I was not surprised by the report, simply because this is the nature of this sort of work and it is the nature of the responses these people engage in. There is quite a long history of defence forces being involved in these operations, and that is certainly typical.

I pause there to ask you whether it is your evidence that the sort of behaviour described in the initial report of 7 October was, to your knowledge and on the basis of the operational experience of the Navy, typical?

Adm. Barrie—I am trying to seek some further clarification which I think is relevant to my judgment in this respect. I have had done a trawl of the naval history of these sorts of incidents.

Senator BRANDIS—While that is being looked for, perhaps I will move on to the next question that I want to ask you, again arising from your evidence in estimates. You went on in the same answer to say this:

... I think we were well aware that a considerable level of briefing was occurring at the ports of departure on how to try and counter our efforts to stop this activity.

Do you remember giving that evidence, Admiral?

Adm. Barrie—Yes.

Senator BRANDIS—I see you are distracted. Do you want to go back to the first question, or deal with the second now? The first proposition is that this behaviour is typical, and I asked you to elaborate on that, so perhaps you would like to do that.

Adm. Barrie—This is important because in a sense it does frame my attitude to this advice. I had a colleague in the Navy 20 years ago who commanded a Loch class frigate in the Mediterranean after the Second World War. I recall quite distinctly that, on one occasion, we had quite a long discussion about conducting operations just like these when Jews from Europe were trying to get back into Palestine. I will find this in a minute because it is highly relevant.

CHAIR—This is when the Stern gang was operating, is it?

Adm. Barrie—Yes, 1947. It was the arrest of the SS *President Warfield* on 18 July. It sets out in this little chronology a range of issues about that. There were five frigates attempting to deal with illegal immigrants and the tabular quotes of illegal immigrants entering Palestine in this way were: in 1945, 641; in 1946, 20,099; and 1947, 12,486. The point I am trying to drive at here is the sort of behaviour that desperate people in this situation get up to. I will quote from the last two paragraphs of this report:

The following factors caused the Jews to throw up the sponge before control of the ship had been lost. The crew did not know where they were, or even what course to steer; the superstructure damage caused many of them to think the ship was unseaworthy; a large number of casualties were crying out for medical attention; and finally they had had enough.

The Jews had three men killed, two by cosh and one shot by a ship's bren-gunner when in the act of shaping up to cleave a sailor with an axe. Twenty-eight were admitted to hospital and a further 200 were treated for injuries on board.

They were serious events. They were a consequence of the war; it was a serious operation for the Royal Navy. It is kind of interesting that the Royal Navy still has in its doctrine the requirement to conduct operations such as these. Those histories are important to understanding the nature of these types of operations.

Senator BRANDIS—So, when you said at the estimates hearings that 'that behaviour is certainly typical', that was an observation based on not merely this particular sequence of events to the north-west of Australia but also a long history of your knowledge of naval involvement elsewhere in the world in operations of this kind?

Adm. Barrie—I have assembled a range of things. If the committee wants to have a look at them, I am happy to table them.

Senator FAULKNER—I am terribly sorry but it has just been drawn to my attention—you might have tabled it a little earlier—that there is an inaccuracy. I just wonder if you would check. It says on your command of operations on 7 October 2001, under Admiral Gates's signature—there are 15 and one of them is Cranberry. I thought we were told that the lead agency for Operation Cranberry was Coastwatch or the Department of Immigration and Multicultural and Indigenous Affairs, or does that mean you were just commanding the Defence elements of that?

Adm. Barrie—Cranberry is the Defence operation in support of the civil authority.

Senator FAULKNER—I must admit that I misunderstood that, because I thought that Admiral Smith was indicating that the lead agency in Operation Cranberry was not Defence. I do not know if other senators understood that to be the case.

Adm. Barrie—I should be able to clarify that in a minute.

Senator FAULKNER—You can take it on notice.

Senator BRANDIS—Admiral Barrie, I want to take you to the next part of your answer, where you said:

... I think we were well aware that a considerable level of briefing was occurring at the ports of departure on how to try and counter our efforts to stop this activity.

May I take it that the activity to which you are referring is the activity on the SIEV vessels.

Adm. Barrie—No. The way I would see that is this: our mission was to try to stop these vessels entering the Australian migration zone. We had deployed the Defence Force to make sure that happened. What I am referring to there is that the behaviour on board those SIEVs varied from time to time. There was a range of methods used to try to frustrate our successful conduct of the mission. I think that it was these people being told how to try to thwart our objectives.

Senator BRANDIS—So your evidence is that the Navy became aware that the people occupying the SIEVs were being briefed at the ports of departure before they set out on these voyages to try to enter the Australian territorial sea as to what kind of conduct to engage in to frustrate the Navy's efforts?

Adm. Barrie—Yes.

Senator BRANDIS—And that includes the conduct of which we have heard so much evidence about in this inquiry, among other things, the threats to throw children overboard?

Adm. Barrie—That is right.

Senator BRANDIS—Finally—I think you have probably already covered this but just for completeness—are you satisfied that at all times throughout these events, and also in the reporting up the chain in the military and to government of these events, the Australian Defence Force behaved in a professional and non-political manner?

Adm. Barrie—I am satisfied that, as far as my advice to the government and the way in which our people have behaved is concerned, that statement is true. I am not satisfied that we got it right, and we will correct that, because these kinds of operations, as I said in my opening statement, will be important to us in the 21st century. We are on the record as saying that the nature of operations for the Defence Force is likely to change because the sorts of capabilities that we have and we can field will be needed to combat some of those more serious threats of transnational crime and so on.

Senator FERGUSON—I think it is fair to say that, when your other senior serving officers have appeared before this committee and have been asked to detail and dissect the events of 7 to 10 October, I cannot remember any of them not saying that it simply was not an issue at the time. I do not think I am putting words in Senator Cook's mouth when I suggest that he said that it is a highly political and sensitive issue which may have had some effect on the course of an election campaign. I jotted down some notes when Senator Faulkner talked about the sensitive environment of the election campaign and how it may have caused a couple of his colleagues to not be re-elected. I think you said in your statement—I am sorry, I missed some of it because I had to leave—that you had a number of formal and informal meetings with the Leader of the Opposition during that time. Can I ask you on how many occasions he raised with you this potentially election-losing issue that occurred between 7 and 10 October.

Adm. Barrie—On no occasion.

Senator FERGUSON—On no occasion?

Adm. Barrie—No.

Senator FERGUSON—On no occasion did he raise this issue which has been said affected the election chances or maybe helped the election chances of the government?

Adm. Barrie—To put it in context, on two occasions I conducted a formal briefing.

Senator FAULKNER—At his request.

Senator FERGUSON—I accept that.

Adm. Barrie—We were entering a major commitment, and clearly that had to occur. I also spent quite a lot of time with him in the farewell to the SAS squadron in Western Australia. I also shared some time with him on a VIP aircraft where we were the only two passengers.

Senator FERGUSON—And at no stage he raised the issue of the so-called 'children overboard'?

Adm. Barrie—No.

Senator FAULKNER—Because he believed Defence, and he believed they were being honest.

Senator FERGUSON—Senator Faulkner, I think I have the call.

Senator FAULKNER—Let us make it clear.

Senator FERGUSON—I am making it clear too, because it was such an important issue that on no occasion was it raised by the Leader of the Opposition during the election campaign. Is it fair to assume that this issue of SIEV4 has taken on far larger proportions, and far more public interest, post the election campaign than it ever did during the period of the election campaign?

Adm. Barrie—I regard with some concern the priority this matter is getting both in the public domain and with key decision makers in this country. We do have some very serious circumstances in front of us. We have a situation in the Middle East which, in my view, is out of control and which could easily lead to very serious consequences for us all. We have the spectacle of the events of September 11, and I think frankly we are seeing far too much complacency from people who think we have somehow solved this problem. I would just say to people, ‘What do you think is going to happen on 11 September this year?’ because I think we are all too easily persuaded somehow or another by our contribution in Afghanistan that we have dealt with this problem. We have not, and many of us are still very concerned about what is going to happen next. I do not have those answers.

I can tell you that there are some key analysts in the United States and there are analysts in this country who are forecasting a prospect of the third world war. I put it to you: these are serious times in that sense. I am not trying to underestimate the value of this committee’s work in making us a better ADF—I am not trying to say that—but, in that sense, we have to concentrate on what is really important.

Senator FERGUSON—In fact what you are really saying, in the light of how this issue has developed since the election campaign, is that at the time it was simply the reporting of an incident that occurred in the normal reporting that goes on on a daily basis from the Navy to the Head of Strategic Command.

Adm. Barrie—When I say in my evidence these issues are not uppermost in my mind, I have to run my life on a priorities basis; otherwise, frankly, the job would kill you. The priorities for me are: we are going to get engaged in a very serious coalition with the United States and other countries, we have some very heavy lifting to do in that coalition, we have invoked the ANZUS treaty for the first time in my career and in history, the Australian community is very strongly supportive of the United States action, and we had better make sure that our forces are going to be deployed in that coalition on conditions which we are in control of and in circumstances of which our community, our government and everyone would approve.

We do not want to have a repetition of a Vietnam War. I say to anyone who will listen that the legacy of the Vietnam War was finally overcome with the commitment in East Timor. I think that has been a very serious issue. Just look at the Vietnam vets; so many of them are still suffering from what they did. We have got to just focus on getting that right. So when I say that the headquarters was under a lot of stress in October, a quick way you can just check how stressful that might have been is to look at the coalition web sites of the war against terrorism in the United States just to see at that time what was going on.

We were having to put in place liaison through central command, Pacific command, Washington. We had to try to find out what the Americans were thinking of doing. They were very interested in talking to us about how we might shape the right Australian contribution. They offered all assistance short of real help in finding the basing in the Middle East, so I sent the Chief of the Air Force to do that. Then of course we had the priority for actually doing something. So it was enough for the government to say, ‘We’ve invoked the Anzus treaty,’ but here we are two weeks later and nothing is happening. And, of course, in our community—and I think this is very bipartisan in nature—the expectation that we were going out to do something about this was very high, and we really had to get going. So these were the sorts of issues that

were one set of focus. On top of that we had East Timor and all the other commitments we had on our plate, so I think the organisation focused on SIEV4 for the period of about two days and it then moved on to deal with the next priority—and that wasn't it.

Senator BRANDIS—I must say, Admiral Barrie, having heard what you have just said, I compliment you on the eloquence with which you have described the pressures under which the ADF was acting at the time. It seems almost self-indulgent of anyone to be concentrating so heavily on SIEV4 as if it were a particularly important matter. Plainly, in the context of the military's operations at the time, it was not.

Adm. Barrie—The operational perspective is that that was another ADF success—let there be no doubt about that. Let there be no doubt about the quality of the people that were involved out there dealing with that situation as it arose. Nonetheless, it is important that we sort out and we rectify our processes and procedures to make sure this does not recur.

CHAIR—But it would be of concern to you—wouldn't it Admiral?—despite—

Senator FERGUSON—Mr Chairman, we have only about six minutes left, and we have not had—

CHAIR—I know. But let us not get too sanctimonious up this end of the table. Admiral, it would be of concern to you, as someone whose job it is to defend Australian democracy, if an election were stolen or subverted by the failure of information that was highly emotional and coloured to be corrected? That would be of concern to you as a major issue, wouldn't it?

Adm. Barrie—Where I have a bit of difficulty with that is that it presupposes the way in which voters exercise their vote. I would have to be candid and say I do not think the Australian community is foolish.

CHAIR—Did you see the television, radio and newspaper coverage of this incident in full?

Adm. Barrie—No, I did not.

CHAIR—Have you seen it yet?

Adm. Barrie—No. I still have not seen the transcript of what was sent out.

CHAIR—Then perhaps you are not in a position to make a comparison.

Adm. Barrie—I accept that I am not a politician.

Senator FERGUSON—If we can return to my question and put this incident into perspective, I heard Senator Cook raise the issue of the brave sailor who dived overboard to save a couple of people, and he said that this should be made known to the Australian public. I would imagine that in the other 11 SIEV incidents there were very many other brave sailors who put themselves at risk to save people in the water—some 33 children in one instance—and

all those are not going to be made public. So this is just a normal course of events for serving personnel, isn't it?

Adm. Barrie—I have to say it takes a great deal of courage to be one of 15 people boarding a vessel like one of these that has got 200 pretty angry people on board. We are very fortunate that our people have a very good mix of downright courage, resourcefulness and compassion. I think that, as in East Timor, the way they are managed themselves in this situation is simply outstanding. I have a worry that if you leave people in these operational situations for too long, some of those elements start to disappear—the compassion starts to disappear or they become hard-nosed. I do have a worry about those sorts of things. On all information I have—and I do not have the complete record; you have a much more complete record than I have—our people are just outstanding.

Senator FERGUSON—The other question I want to ask is important. Much has been made of what information was given to the minister about the SIEV4 incident. Through the chain of command, did you then inform the minister fully of all of the other SIEV incidents in detail in the same way that SIEV4 has been mentioned?

Adm. Barrie—Yes.

Senator FERGUSON—So he was aware of all of that information of the activities that took place on the other SIEV vessels throughout the whole of the election campaign?

Adm. Barrie—No, I could not say that. What I can say is where there were important issues that I thought the minister needed to know about from me, he was informed.

Senator FERGUSON—For instance, on SIEV7, on October 24, would he have been fully informed then that a child had been dropped overboard?

Adm. Barrie—I would have to check; I do not know the answer to that. I can point to other circumstances where he and I were talking over most of the night in another example, where we had a very tenuous situation on our hands and we had boarding parties going on and boarding parties coming off and so on. Each case is different, each case has got to be managed in a quite separate way, and where it is appropriate I certainly inform the minister.

Senator FERGUSON—So in fact there were a number of other incidents that went on during the election campaign which the minister and/or the government chose not to make public?

Adm. Barrie—I cannot speak to that, but certainly there were other incidents that took place during the election campaign.

Senator MASON—The evidence, as I understand it, from Air Vice Marshal Titheridge and Rear Admiral Smith is that the Maritime Commander would create a synopsis of all the SIEV incidents that went to Air Vice Marshal Titheridge. He gave evidence earlier today that that information was copied to a whole list of people. Senator Ferguson is raising this issue because the evidence that the committee has adduced over the last several days is that, in terms of the

whole panorama of SIEV incidents, SIEV4 was in fact quite minor. They were much more serious in SIEVs 7, 9, 10 and 12.

Adm. Barrie—In terms of the operational circumstance, that is true.

Senator MASON—Yes. And threats to life.

Adm. Barrie—On one occasion we withdrew the boarding party because we thought the only alternative they would have would be to use lethal force.

Senator MASON—So what has been hidden somewhat but is starting to emerge is that, despite claims from the opposition that the government used SIEV4 for political purposes, the government had so much more information on quite serious threats to life, sabotage and a child dropped overboard in one particular instance, yet that was not made known to the public. Until Senator Brandis raised those issues a week or so ago we did not know about it. Why didn't we? There are two possibilities: either the minister knew about it and decided not to release it, and so he did not make political capital out of it; or he did not know. It looks like it was the former, which gives the lie to a lot of what the opposition is claiming.

Adm. Barrie—I think the minister was in possession of the knowledge. Certainly on a few occasions I can attest to that personally.

Senator MASON—One last question, if I may, just to wrap the future up. On page 26 of your statement, Admiral, you say that at the press conference on 27 February 'I also announced the establishment of a high-level task force headed at two- star level so that we could get answers about the problems we had and put in place solutions to them'. When will that committee report?

Adm. Barrie—The task force is not going to report; it is actually going to do things. The task force is going to run until such time as Dr Hawke and I are satisfied the work is complete. It certainly will run until this committee has delivered its report. It may not be constituted the same way as it is now. It is certainly going to run until I am satisfied we have got a public affairs handling system that is adequate to the task. It is impossible for me to say right now, but my guess is that, if the committee completes its work by the end of May, I ought to be reasonably confident about 30 June.

Senator MASON—So the onus of this task force is to reform the procedures such that an incident such as SIEV4 and the miscommunication does not happen again?

Adm. Barrie—Yes.

Senator MASON—And will you make public the results of that inquiry?

Adm. Barrie—The actions that we have taken?

Senator MASON—Yes.

Adm. Barrie—Some of that is in my evidence already, of course. I imagine, when the committee has reported, the government in turn will table a response to the report. In the normal course of events, I would expect our actions to be tabled then.

CHAIR—Thank you, Admiral. It is four o'clock. If we go beyond this hour, most of us will not get home tonight—or at least I won't—so we will terminate the hearing at this point. Regrettably, I have not had a chance to ask the questions I have, and I will find some way of getting those questions—

Adm. Barrie—I would be quite happy to take them on notice.

CHAIR—If that is the way they can best be dealt with, I will pursue that course. For the moment, thank you very much for your attendance.

Committee adjourned at 4.02 p.m.