

[4.51 p.m.]

EDWARDS, Ms Katrina Mary Rubenach, former First Assistant Secretary, Social Policy Division, Department of the Prime Minister and Cabinet

CHAIR—Welcome to the inquiry, Ms Edwards. Is it your wish to make an opening statement of any sort?

Ms Edwards—Yes, it is. I held the position of First Assistant Secretary, Social Policy Division until 15 December 2001, when I went on leave prior to commencing work in Centrelink. I would like to facilitate the committee's deliberations by providing some details in relation to the events around suspected illegal entry vessel 4 and SIEVX.

On the evening of 6 October 2001, Ms Halton called me to advise that another SIEV had been sighted and that the occupants seemed to be prepared to sink their boat, as they were all wearing life jackets. She asked me to assist in contacting members of the task force for a meeting the next morning, in accordance with what was, by then, our standing practice. The meeting commenced at nine o'clock the next morning. According to my notes, Mr Farmer informed the meeting that his minister, Mr Ruddock, was doing a media appearance later that morning and would need an update on what was happening. The meeting was largely devoted to situation updates as events continued to unfold, and consideration of options on how the potential unauthorised arrivals might best be accommodated. A number of people were commissioned to obtain information in order to pull together a decision note for the Prime Minister that evening.

My notes indicate that at 9.15 a.m.—although this time would have been approximate—an update on the situation was received, to the effect that the potential unauthorised arrivals were jumping in the water, and children were being thrown in. As I indicated in my statement to Ms Bryant, I did not record who the information first came from, but I had thought it was Group Captain Walker. I do recall that, around this time, a number of members of the group—including, I thought, Ms Halton—received calls to the effect that people and/or children were in the water. In response to Mr Farmer's initial request for 'media lines', a term which we used to refer to factual talking points and reiteration of standard lines, the group started assembling the information that had been received into a logical order. My notes indicate that the group also noted that the government's position was that any new unauthorised arrivals would not be brought to mainland Australia.

Before this process was complete, Mr Farmer received a phone call that he announced was from Minister Ruddock. Mr Farmer pulled back somewhat from the table, but intimated that he wanted members of the group to listen in to check that he was reporting what we had been told correctly. I recall that a number of members of the group, including, I think, Ms Halton, were engaged in other mobile phone conversations at this point. As has previously been advised by her, Ms Halton developed a draft template of the note for the Prime Minister prior to the commencement of the evening meeting, and the group spent the time redrafting it, adding additional information and making corrections. The meeting started at around 5.30 p.m., with the same group as in the morning. Air Vice Marshal Titheridge arrived somewhat later. I have since established from Department of the Prime Minister and Cabinet security records that he

entered the building at 6.25 p.m. My recollection, verified by the editing record of the document, as well as building security records, is that the paper was completed and cleared by all of those present. Group Captain Walker remained after Air Vice Marshal Titheridge's arrival for the bulk of the meeting, but left shortly before the end, once the Defence related material had been completed.

As I indicated in my statement to Ms Bryant, over the next day or so I and my group contacted Strategic Command to confirm the original advice and to obtain further details. Having reviewed the records to refresh my memory, I am confident we started our inquiries on 8 October, following receipt of DFAT sit rep No. 59. I can remember being concerned about the lack of mention of children or people being pushed overboard. While it is not unusual for sit reps to be short on the details of events, Ms Halton and I agreed that, in the circumstances, we should follow up to obtain further details of the incident.

Between 8 October and 10 October my group made vigorous inquiries of Defence, including seeking a full chronology of the events. As I recall, Defence asked that we clear the request with the office of the Minister for Defence, which we did. In response to these requests, Strategic Command forwarded a chronology to the Social Policy Division at lunchtime on 10 October. Ms Halton was not contactable at the time that the chronology was received; she was absent because she was at a meeting in Melbourne that day. In the course of the afternoon, my staff advised me that there were a number of inconsistencies in the document, which we then pursued with Strategic Command. We did, I think either at this point or possibly earlier, ask that Strategic Command attempt to confirm the events directly with HMAS *Adelaide*. This request was rejected.

In the light of this, I asked Ms Halton's executive assistant to let me know as soon as Ms Halton arrived in the building. Once called, I hurried to the office with a copy of the chronology and some talking points we had prepared that reflected the apparent uncertainty about the events. I vividly recall reading out the words of the footnote to her and then handing her the chronology. She indicated some surprise at the wording of the document, as she seemed to be aware of other supporting evidence for the original claims. She then made a series of phone calls, which I understood were to members of Mr Reith's office. In the course of these calls she was advised that there was no doubt that the incident had occurred and that a video of the incident existed, although it was of poor quality, that there were photos and that statutory declarations were being gathered from crew members. This follow-up occurred at the expense of my being able to brief Ms Halton effectively on the other substantial developments of the day, which were to be the subject of discussion at the evening task force meeting.

The next morning, photos that appeared to support the original claims were in the newspapers, and I do not recollect actively pursuing the matter further as it appeared to have been settled. Neither then nor at any time subsequently did any Defence officer directly, or through my staff, advise me that the photos had been incorrectly attributed, that the video had been inconclusive or that the statutory declarations were inconsistent and, on balance, did not support the original claims made.

In coordinating exercises of this kind, the Department of the Prime Minister and Cabinet necessarily relies heavily on advice and input from all the relevant agencies through their official representatives on task forces. It is for this reason that task force meetings almost

invariably start with a run around the table, seeking updates from each agency. Accordingly, in the absence of any advice, formal or otherwise, and the publication of the photos, I understood there to have been a considerable weight of evidence gathered, including a video and crew statements, that supported the original claims.

At the time I spoke to Ms Bryant last year, I could not pin down the date when I learned of doubts around the photos and around the incident itself. In the light of subsequent evidence, I am confident that it was 8 November. I was absent on leave on 7 November and, on arriving at work, was informed of the Defence tearoom gossip relating to the incorrect attribution of the photos. I also read the media reports that naval officers had told Christmas Islanders that the incident had not happened. I then heard Admiral Shackleton's comments on that day.

In relation to SIEVX, I was absent on leave in the week prior to 22 October. At the People Smuggling Task Force meeting of 22 October there was a discussion about SIEVX. My recollection is that Coastwatch was seeking to test the assessment of whether or not it had in fact departed. As others have testified, it was not unusual for multiple departure dates to be reported for the same boat, for boats to divert en route or to otherwise be delayed. The meeting was told that the boat had not been spotted and that there had been no calls from relatives, who are often well briefed on when to expect an arrival. On the other hand, the original report had seemed firmer than some. As I recall, on balance, the conclusion was drawn that the assessment was not sufficiently firm as to warrant passing the information to AusSAR at that point. The Coastwatch subsequently advised that it had in fact passed the information that the boat was overdue to AusSAR that day and, indeed, while the meeting was in progress. On 23 October the task force was briefed on the sinking by, I think, the AFP representative who was able to provide accounts of the voyage from survivor testimony. According to that the brief, the boat had in fact sunk on 19 October.

CHAIR—Thank you very much.

Senator FAULKNER—Could I take you back to the People Smuggling Task Force meeting of 7 October, where I think you were the note taker or minute taker?

Ms Edwards—That is correct.

Senator FAULKNER—I want to deal with this issue about the phone call between Mr Farmer and Mr Ruddock. I am just trying to get this clear. Mr Farmer had indicated that he stayed at the table, effectively, so people could listen to the conversation that he was having. Ms Halton, in her testimony, indicates that she did not hear or overhear the conversation—or Mr Farmer's end of the conversation; obviously she could not hear Mr Ruddock's end of the conversation. To what extent were you able to listen to Mr Farmer's end of the conversation that he was having with Mr Ruddock at that time?

Ms Edwards—I heard a large part of it, but I would not say that I heard all of it. There was a lot of movement around the table, and I was a little bit separated from Mr Farmer.

Senator FAULKNER—Was it your impression that Mr Farmer was making efforts to try and ensure that people were able to hear what he was saying?

Ms Edwards—Yes.

Senator JACINTA COLLINS—Do you recall any of the others?

Ms Edwards—I believe there were some timing issues about when the shots were fired, but I have to say that I cannot now recall the detail. It was not me personally who had been hunting through the details of it; it was one of my staff.

Senator JACINTA COLLINS—Moving on to the ‘tearoom gossip’, how was that described to you when you returned from leave?

Ms Edwards—I do not have a strong recollection of it other than to the effect that we had heard there was some gossip from Defence that the photos were not in fact what they were represented to be, and I was made aware that Ms Halton was handling the issue, so I did not pursue it further.

Senator JACINTA COLLINS—But it was described to you as gossip.

Ms Edwards—Yes, it was.

Senator JACINTA COLLINS—So you can corroborate that at that stage it was being treated within the department as gossip?

Ms Edwards—Yes.

Senator JACINTA COLLINS—You also say that you then heard Admiral Shackleton’s statements on that day—both statements?

Ms Edwards—Yes.

Senator JACINTA COLLINS—What else did you understand about Admiral Shackleton’s statements on that day?

Ms Edwards—I heard the statements and I noted the wording of them.

Senator JACINTA COLLINS—You had no other knowledge about those statements?

Ms Edwards—No.

Senator JACINTA COLLINS—Moving on to SIEVX—I am having this checked in the *Hansard* at the moment.

Senator FERGUSON—I hope you are not just padding out until Senator Faulkner finishes briefing the press.

Senator JACINTA COLLINS—No, I am not.

CHAIR—I hope not, because I have some questions I would like to ask. Is that what Senator Faulkner is doing?

Senator FERGUSON—I imagine.

Senator MASON—You saw him walk out the same time as you.

CHAIR—Perhaps Senator Brandis might call a point of order on you.

Senator BRANDIS—I do not think Senator Ferguson was quoting from a document or misquoting it. He was engaging in a bit of reasonable conjecture, I thought.

Senator FERGUSON—Mine was one of observation, Chair.

Senator JACINTA COLLINS—My recollection of Ms Halton's evidence was that she does not recall being advised of SIEVX. Yet you in earlier evidence we heard today clearly recollect a discussion in the People Smuggling Task Force meeting of 22 October.

Ms Edwards—Yes, that is correct.

Senator JACINTA COLLINS—Do you recall Ms Halton chairing that meeting?

Ms Edwards—I believe she did chair that meeting, yes.

Senator JACINTA COLLINS—Can you explain why Ms Halton might not have recalled that?

Ms Edwards—No, I cannot.

Senator JACINTA COLLINS—Can you describe for us how you understand that material was dealt with on that occasion?

Ms Edwards—As I said, the report came to the group in the usual updating process that occurred at the beginning of each meeting. Coastwatch seemed to be trying to get a sense of how strong a report it really was and whether at this point it was appropriate, based on the weight of the report, to report onwards to AusSAR that the boat was overdue.

Senator JACINTA COLLINS—You have said in your statement, on the other hand, that the original report seemed firmer than some.

Ms Edwards—Yes. I think the discussion went along the lines—and I had not been privy to the earlier discussions—that this had seemed to be a reasonably firm report. But we were also aware that a large number of reports were continually being made of boats that were going to come but did not appear—because the same boat was reported as leaving on different days, or the boat diverted to an island along the way, or the original report was not a good source or another reason. The discussion, as I recall it, was around those kinds of issues.

Senator JACINTA COLLINS—Did the discussion at that stage include the additional report that confirmed the original report?

Ms Edwards—What additional report?

Senator JACINTA COLLINS—Coastwatch indicated to us today that they had the original report of 20 October indicating that the vessel had departed from Sumar in Indonesia. That was unconfirmed. Then, on 22 October, they had a further report that confirmed that the vessel had departed Sumar and indicated that it was likely overdue and there might be an issue over—I will not use the term ‘safety of life at sea’ because that is debatable—whether it might founder or had foundered.

Ms Edwards—I was not aware of the earlier reports because I had not been at work; I had been on leave the previous week.

Senator JACINTA COLLINS—What I am asking you is: do you recall, from the discussion on the 22 October, that Coastwatch felt that they were dealing with a confirmed report or was the discussion prior to their having received that confirmation?

Ms Edwards—My sense would be that it was prior but I do not have any particular basis for that. My sense was, as I said, that they were wondering what the strength of the report was.

Senator JACINTA COLLINS—What time was the IDC meeting that day?

Ms Edwards—I understand it started around 3.15 p.m.

Senator JACINTA COLLINS—As we understand from Coastwatch today, they had their original report confirming the earlier report at 10.03 that morning but the AFP put a stay on their furthering that information—until they worked out the precise wording so as to deal with any sensitivities with the intelligence—until 1.50 p.m.. So, if the IDC meeting was at 3.15 p.m., it should have incorporated the fact that this was a confirmed report.

Ms Edwards—As I said, I do not recall a sense of that, but I had not been privy to the earlier information and it may have been that different people were in the information loops at the task force meeting than had been making decisions in the morning—I do not know.

Senator JACINTA COLLINS—Was there any discussion about whether surveillance should be initiated?

Ms Edwards—Surveillance?

Senator JACINTA COLLINS—Yes.

Ms Edwards—By Coastwatch?

Senator JACINTA COLLINS—Given the zone, as we heard this morning, it was actually RAAF aircraft that were responsible for aerial surveillance in that region.

Ms Edwards—My understanding—and I may be mistaken, not having been party to the earlier discussions—is that surveillance was occurring and people were looking for this boat. It was part of the nature of the discussion that we had not found it yet.

Senator JACINTA COLLINS—This is one of the problems for the committee. We have material from Rear Admiral Smith that indicates that surveillance was occurring at and around Christmas Island and Ashmore Reef and that Navy was very busy with three different SIEVs during that time. But we have no indication that surveillance was occurring closer to Indonesia at that time. So it is unclear, when we hear a report—for instance, like yours—that the boat had not been spotted, whether it was actually being looked for.

Ms Edwards—I have no information that I can add; you would need to ask Defence.

Senator JACINTA COLLINS—Okay. On 23 October when the task force was briefed by the AFP representatives on the sinking, do you know the source of their material?

Ms Edwards—No, I do not. I think they had people on the scene. I believe they may have been liaising with the local police.

Proceedings suspended from 6.00 p.m. to 8.06 p.m.