

give you the context, I am trying to work out how it would be that a news outlet could report such a thing in those circumstances, when the time lines are so tight. The only way it could happen, it would seem to me, is that someone along the line leaked the story to them. Did that story come from your committee or from you?

**Ms Halton**—No. On the assumption that you are right—that there was a news report prior to the 9 a.m. convening of that meeting—my evidence has been quite consistently that I became aware of that issue either immediately on the commencement of or immediately prior to. All our other corroboration now suggests it was in a phone call at 9.15 a.m. I was not aware of that issue. I think I also gave evidence last time that I did not communicate that issue to anyone other than in the discussion in that meeting, of which you are aware. I think I confirmed last time that my phone call to the Prime Minister's office on this issue was at 1532.

**CHAIR**—Let me be a little laborious about this. I understood you to say that you did not know of this story until at least 9.15 a.m. on 7 October.

**Ms Halton**—What I have said to you is that I am confident I first heard it from Air Vice Marshal Titheridge. Other sources suggest that his phone call to me was at nine. I think Katrina's record showed 9.15 a.m. His phone record showed 9.17 a.m., so that is consistent with my memory that it was at the beginning of that meeting. I think I said last time that I could not be quite confident whether it was immediately preceding the meeting or whether it was just as the meeting was convening, but we are talking here in the order of a 15- or 20-minute difference. In terms of any ABC report, I know from the security swipes that I walked into the building at 8.54 a.m. I would certainly not have heard a news bulletin on my way there. I live approximately a two-minute drive from that office.

**CHAIR**—And there would have been no news bulletin at all. Would that be that you heard no report—not of children being thrown overboard necessarily—of what turned out later to be SIEV4 arriving in the zone?

**Ms Halton**—I am not aware of there being things in the public domain prior to our being advised of it.

**CHAIR**—That is a blanket answer no, that you are not aware of the news bulletin either? You are confirming that.

**Ms Halton**—Mmm.

**CHAIR**—That 'mmm' is a yes?

**Ms Halton**—It is a yes.

**Senator JACINTA COLLINS**—Ms Halton, starting on the SIEVX issue, I think it is useful if we go back to the *Hansard* from the last occasion.

**Ms Halton**—Can you tell me what page, Senator?

**Senator JACINTA COLLINS**—In particular page 947, where you are responding to questions from Senator Bartlett. There are two references there. I take you to the second part of your comment in the middle of the page, the section starting with ‘Not necessarily’. You say:

It is fair to say that sometimes we had a vague knowledge that maybe somewhere something had left. But to say that we had categorical knowledge of individual vessels leaving a particular place at a particular time in a categorical way I think is to misstate the truth.

In response to the next question, the second part of your answer reads:

I have certainly read something in the newspapers in the last little while about our state of knowledge of particular vessels which, I have to say to you, from where I sat, is absolutely not correct.

**Ms Halton**—That is correct.

**Senator JACINTA COLLINS**—I am aware that in some of the reports it has been mis-suggested that you had denied knowledge—

**Ms Halton**—Which is not what I said here.

**Senator JACINTA COLLINS**—That is why I have come back to here. The way I read the first of those two comments, it is almost the two extremes of the situation. There is vague knowledge and there is categorical knowledge. My concern is that, now that we have had the opportunity to look at the People Smuggling Task Force notes, the truth of the matter seems to fit somewhere between the two.

**Ms Halton**—The point I was making here, and this is a very condensed point—

**Senator JACINTA COLLINS**—Which is why I have taken you back there so you can elaborate now.

**Ms Halton**—That is fine. We should probably talk, if it assists, in terms of the nature of the briefings that were provided about anticipated departures—one boat, two boats, several boats. I think I have said this on the record but certainly publicly on a number of occasions: for every time we were told that a boat was leaving, about to leave, had left, what have you, I would say probably one in 10 turned up. Maybe that is an exaggeration but it is of that order of magnitude. There were a lot of intelligence reports. Sometimes that was because the boat did not exist, sometimes that was because the boat had returned to Indonesia, sometimes the boat had stopped at several places along the way. We almost never had a clear understanding of exactly who was organising what, where it was and where it was up to.

I think the point I was making here is that there had been allegations made in the press that we categorically knew about the vessel that subsequently became known as SIEVX, that we absolutely knew it existed. We knew where it was and we knew when it had left and, therefore, there was the allegation made about dereliction in relation to not having gone and found it. The point I was attempting to make here, albeit a very concatenated version, was that that was never the case. In terms of our experience, sometimes vessels that people thought had left turned up. It may well be that in terms of the chain of information—accepting, if you will, that this is a bit like Chinese whispers—someone at the top end of the chain knew something categorically, but

it was not presented to us by the time we heard it, and we did not get great detailed catalogues in relation to all of this. These were not absolute facts, and our experience was very frequently that even things that people thought were a reasonable prospect did not eventuate.

**Senator FAULKNER**—Did you identify the vessels, Ms Halton? We know that when the Navy intercepted a vessel there was a numbered—

**Ms Halton**—Sequence, basically, the order that they turned up.

**Senator FAULKNER**—A numbered sequence of suspected illegal entry vessels. I wonder if you could assist us by informing us how at this much earlier stage the task force dealt with identification. In the case of SIEVX, we know that the people smuggler was Abu Qussey. Was it done by smuggler, by location or in some other way?

**Ms Halton**—Essentially that was not the task force's role. We started on that line of questioning before lunch. The intelligence agencies did tend to, I think, have a listing of them by smuggler. I have to say I would not think that nearly anybody, other than the people involved in the detail of intelligence, was cognisant of who the smugglers were. It was not germane to what we were doing. This goes back to the conversation we just had about disruption—

**Senator FAULKNER**—Yes, but it is mainly an identifier, if you like. I assumed it would mainly be by people smuggler, but I wanted to check that.

**Ms Halton**—And essentially I think that was their way of keeping track. Our principal interest was in relation to what might be turning up tomorrow and whether we were going to have a problem in terms of accommodation or other issues. So our interest was in what was imminent.

**Senator FAULKNER**—Did you try to identify the boats in any way so that you could keep tabs on this sort of thing yourself?

**Ms Halton**—No. There is one boat which got itself a rather unfortunate title, and I would be hard-pressed to find it in the minutes right now—

**Senator FAULKNER**—The poison pill boat.

**Ms Halton**—That is the one. Because there was a specific view about tactics that might be employed, it was one that was separately identified for precisely that reason. But the rest, no, I would not say that they were separately identified. Again, it goes back to those comments, that SIEVX as we now know it was explicitly identified by that group. It would have been part of the panoply of vague maybes, sometimes more likelies, in the suite of things that might turn up.

**Senator FAULKNER**—The task force was really updated through August, September and October about the activities of the people smuggler Abu Qussey, who in fact was the person responsible—

**Ms Halton**—No, regular updates on the activities of individuals were not a feature other than perhaps by way of peripheral relevance; in other words, the fact that there might be a particular person behind a particular series of activities. I think there was a discussion at one point about somebody giving up people smuggling, and there was a more robust discussion about that and that therefore meaning that anything he might have had in the pipeline was not likely to now emerge. I should add—otherwise I will mislead you—that there was also a discussion about one particular individual. Again, I think this is recorded in the contemporaneous notes. He was operating out of a different country other than Indonesia, and there was some traffic around that particular individual being in custody and working with the government of that particular country.

**Senator FAULKNER**—Just for the record, before we go back to Senator Collins, what were the tactics involved in the poison pill boat?

**Ms Halton**—I think as you would probably guess from the title.

**Senator FAULKNER**—As you would appreciate, Ms Halton, I try not to guess. It is better if you explain it to us.

**Ms Halton**—I think there was an expectation that the people concerned might be prepared to take drastic action if their requests to be taken to particular places were not realised.

**Senator FAULKNER**—Including the possibility of causing self-mutilation or possibly even taking their own lives, effectively.

**Ms Halton**—That was the suggestion. As it happened, that did not eventuate.

**Senator BRANDIS**—Was that name meant to be a literal description of what was feared? When you say ‘poison pill’, was there an apprehension that there might be some drug ingested by the asylum seekers?

**Ms Halton**—That was my understanding.

**Senator BRANDIS**—Was that ever verified subsequently?

**Ms Halton**—As I said, we never had a vessel that met that description and we never saw that behaviour. I think had we seen it that is probably what we would be discussing in a committee like this rather than the other issue.

**Senator BRANDIS**—Indeed. Perhaps you are not at liberty to disclose this, but what was the source of information that that tactic may have been at risk of being employed on the vessel?

**Ms Halton**—I think it would be not appropriate for me to say.

**Senator BRANDIS**—That is fine. I will not press it.

**Ms Halton**—Sufficient to say that people thought it was a genuine likelihood.

**Senator JACINTA COLLINS**—If these issues were peripheral to what the task force did, where were they managed from?

**Ms Halton**—You probably know, Senator, that there had been work done under the aegis of the Coastal Surveillance Task Force in mid-1999, which sought to more properly focus and coordinate intelligence work across agencies who were responsible in this particular area. My understanding is that joint work was done throughout this period between DIMIA, the AFP and Coastwatch.

**Senator JACINTA COLLINS**—Was that the genesis of the DIMIA-AFP strike force?

**Ms Halton**—I think its genesis is a little bit later, but it comes from the same original wellspring, if we can describe it that way.

**Senator JACINTA COLLINS**—Going back to your earlier comments about the nature of the intelligence coming to the task force, once these minutes became available—and I will come back to this page later; but I think this one clarifies the point best—the concern was that on 22 October, in relation to the mischaracterisation of SIEVX as SIEV8, there is the comment:

Not spotted yet, missing, grossly overloaded, no jetsam spotted, no reports from relatives.

**Ms Halton**—Yes.

**Senator JACINTA COLLINS**—There is not another SIEV throughout all of these minutes where that characterisation is ever reflected.

**Ms Halton**—And that reflects a particular conversation on that day.

**Senator JACINTA COLLINS**—But for this particular SIEV to then be characterised along with the rest as the subject of limited and non-categorical reports and for this statement to exist in the minutes—can I put to you at least on the public record—demonstrates a clash of concepts?

**Ms Halton**—I think we need to be clear that there was a general uncertainty about all of the reporting. Let us take that as the foundation. There were a couple of things that were unusual about this period. Firstly, there was the reporting about multiple boats, which was unusual. Secondly, there was a fair amount of accommodation pressure on Christmas Island. So there was a level of attention being paid in terms of what might happen and of managing the logistics if it did happen, which probably meant there was a greater level of discussion at this point than there was at another point. In terms of this particular issue being something of which we were more certain, you will see in the notes that there was multisource reporting. Some of the other vessels were single-source reports. In our experience, single-source reporting was less reliable than multisource reporting. Therefore, if you wanted to come down to a confidence interval about what was more likely than what was not likely, this one was more likely.

The conversation on the 22nd—and it goes to the things that are explained there—was actually a discussion about whether in fact this boat existed. Essentially, what that reflects—it goes back to the conversation about memories and what have you—

**Senator JACINTA COLLINS**—Just before you go on with that point, how can it be about whether the boat existed if the comment refers to it being ‘grossly overloaded’?

**Ms Halton**—That reflects what the DIMIA people, from memory, thought: whether or not it was on its way, as in on the water, heading towards Christmas Island. That was what they understood in terms of their intelligence, from whatever sources it came. The conversation went on and the ‘no jetsam’ and ‘no reports from relatives’ followed a conversation—I remember this because I was frankly a bit startled. What the DIMIA people advised was that they were now starting to think that the boat was not on the water. So to say that it did not exist—

**Senator JACINTA COLLINS**—Just before you go on, what time of day was this meeting? It is not on the minutes is why I ask.

**Ms Halton**—I would have to take that on notice. I have not got that with me.

**Senator JACINTA COLLINS**—3.15. Sorry, we know that from earlier evidence.

**Ms Halton**—The DIMIA people advised that, if a vessel had departed and had not arrived—that is, if some tragedy had befallen it—they tended to get phone calls from relatives, because the relatives in Australia knew that the vessel had left. They reported that they had not had any reporting. There was a report that no jetsam had been spotted. In fact, the conversation turned on whether in fact it existed, whether it had returned to Indonesia or what have you. My memory is that the balance of view at that point—we now know that, tragically, this was not the case—was that the vessel was not on the water.

**Senator JACINTA COLLINS**—Sorry?

**Ms Halton**—That it was not en route to Christmas Island. This was as a consequence of the DIMIA experience. This was a conversation to which, I have to say, we were largely observers, because this is not our technical area.

**Senator JACINTA COLLINS**—So who was involved in this conversation?

**Ms Halton**—Principally, it would have been the DIMIA people, who were talking about their experience of vessels leaving Indonesia and particularly vessels that were overdue, and principally, also, people from Coastwatch about what you tended to see in the event that a vessel foundered—that is, flotsam. So there was this dialogue about whether or not this vessel was actually en route.

**Senator JACINTA COLLINS**—Was there AFP participation in that conversation?

**Ms Halton**—From memory, the AFP were actually at that meeting. I do not particularly recall any active participation in that conversation. I actively recall this issue about no calls from relatives as being the kind of thing that they would use to assess whether in fact the vessel had foundered.

**Senator JACINTA COLLINS**—So your view, then, is that this discussion here reflected a view that this ship may not be en route to Christmas Island?

**Ms Halton**—Mmm. And there was a balancing, which I think is reflected in that item, because that item is reflecting, on the one hand, some information that was obviously available to DIMIA—and again, we know with hindsight that this was in fact accurate and that the vessel was overloaded. So on the one hand there was information that said, ‘We think there is a vessel. We can’t confirm it; we didn’t see it leave.’ It is back to categorical: no government person actively saw this thing and could say with categorical assurance, ‘It left from here with this many people on it.’ They did not know that; that was the import. But they balanced—

**Senator JACINTA COLLINS**—The other problem we have is that at this stage the two principal parties to the discussion that you are referring to were not aware of the AFP confirmation of the departure, which arrived on the 20th.

**Ms Halton**—I cannot say I am aware of that either, Senator.

**Senator JACINTA COLLINS**—It is in the intelligence summary that we have been provided with: the telephone conversation that went from the strike team to Defence confirming, through an additional source of intelligence, that the ship had in fact departed. I appreciate what you have said about not having had the opportunity or the time to peruse the *Hansard* of other evidence, but the evidence we had on the last occasion from DIMIA was that it was not until after the 22nd—sorry, it might have been on the 22nd—that they actually received the information that the AFP was confirming that a departure had occurred.

**Senator FAULKNER**—Ms Halton, don’t Defence, Coastwatch and the AFP know on the 20th that the boat has departed?

**Ms Halton**—I cannot comment on that, Senator, because I am not aware of this. I have my handwritten notes here. You are saying that in fact DIMIA are saying that they were not told until the 22nd. That was not something that was ever reported here, to my knowledge.

**Senator FAULKNER**—I said Defence, the AFP and Coastwatch knew on 20 October—

**Ms Halton**—I cannot comment on that, Senator, because I do not know.

**Senator FAULKNER**—which of course was a corroboration, effectively, that the vessel had left.

**Ms Halton**—That was not the advice that I received—or we received—in this context. As to what was transpiring between those agencies, I just cannot comment.

**Senator JACINTA COLLINS**—So this was not part of the advice that fed into the report, for instance, on 20 October, that the second boat was expected to arrive the next day?

**Ms Halton**—Yes, and again this goes to the balance of probabilities. If you read that particular sentence, it goes on: ‘if arrives, assessment to be made whether’. So we are planning

prudently for things that may or may not happen. There is a greater probability with things that are multisource—we just discussed that—but here we are still saying ‘if arrives’. There is no categorical assurance or understanding in our minds that it is absolutely on its way. It had not been spotted. The confirmation that we always relied on in terms of vessels was them actually being found by an aircraft. Our experience of however many SIEVs beforehand was that sometimes they got unnervingly close to Ashmore or to Christmas Island before they were actually spotted.

**Senator FAULKNER**—But let us just go back a step. Senator Collins is methodically working through some of the material that is available out of the task force notes or minutes—or about to methodically work through it. When, in your view, do the task force notes or minutes first record the existence of or reports of SIEVX? Maybe that is a better place to start.

**Ms Halton**—If we go back to the question you just asked me about whether we identified separate boats, I would have to say that you would be hard pressed in the task force concept to say we ever identified a particular boat at a particular time. So to say that that one was separately and categorically identified, I think, is very difficult. There is no doubt that we had reports of likely arrivals a week before this, but I will have to go back and have a look.

**Senator FAULKNER**—There is 18 October 2001. That seems to be a reasonable starting point to me.

**Ms Halton**—Yes, and I have a memory that, in fact, there was reporting prior to this. It goes back to that broad update that people do about a range of possibilities. It is not possible to say whether one of those vessels in the range of possibilities was categorically this vessel. On the balance of probabilities that is likely. From memory, when we reviewed this immediately after the event, there was a conversation that, when they actually looked back—and I think that this was advice that DIMIA gave—and tracked that particular vessel back from the time they had actually seen it, they had had reports of it leaving five or six times, but I do not think you can say that the task force was aware of ‘it’.

**Senator FAULKNER**—The whole role of the task force, as I understand it, in part, is to share information on these important issues, including boat departures from Indonesia.

**Ms Halton**—The role of the task force is not to sieve through intelligence. As I have already outlined, there was a separate arrangement which brought together the intelligence processes that had its origins in an earlier review of all of these exercises. The task force got, basically, a high-level summary of what might be in prospect in terms of the numbers of people that would need to be managed, rather than a kind of categorical catalogue of every single possibility, every single people smuggler et cetera. As I have said, this particular period was unusual because, with something other than the single-source reporting, there seemed to be more boats in the ether and with a significant number of people. The task force was very focused on the accommodation issues and particularly on how, if that number of people turned up, they would actually be accommodated. If you look at the contemporaneous notes, there is quite a lot of traffic in here about when people could be moved from Ashmore, people being moved, the use of the *Samson Explorer*, the issues around C130s going to Manus et cetera, and that was because the principal focus was on the logistics if they turned up.



**Senator FAULKNER**—Prior to the task force minutes or notes of 18 October, are you able to point out to the committee any of those references of boats that may have included SIEVX?

**Ms Halton**—I do not believe there is an explicit reference in here, no.

**Senator FAULKNER**—I was talking about non-explicit references, if you like. Are you able to point out any non-explicit reference to us?

**Ms Halton**—No, other than that there are a couple of occasions on which there were briefings given. For example, on 12 October there is just a one-liner: ‘Assessments of risks of further boats provided by Coastwatch’. I have just said to you that my memory is that DIMIA told us that the boat that eventually became titled SIEVX had been assessed at various points as being likely to leave about five or six times. My expectation would be that as part of that—the quick canter through what might be in prospect—that would have been one of the features there. You will have noted that the minute-taker changed and the detail in the notes changes.

**Senator FAULKNER**—Let’s move then to 18 October 2001. Under the subheading ‘Further prospective arrivals’ are those two dot points that exist in the minutes there:

Intelligence re two boats with total 600 PUAs expected at Christmas ...

and it goes on to say:

... some risk of vessels in poor condition and rescue at sea.

Second dot point:

No confirmed sightings by Coastwatch but multi-source information with high confidence level.

Are you able to say to us that that, in part, refers to what is now described as SIEVX?

**Ms Halton**—No, I cannot confirm that because the vessels were not identified in that level of detail. I think, in retrospect, yes, one of them was, but in terms of at the time were we tracking particular vessels and did we know categorically which vessel was which here, no. So we knew—

**Senator BRANDIS**—You couldn’t have done at that early stage in the proceedings, could you?

**Ms Halton**—No, our principal issue and our principal interest was, in fact, in the 600 and 600. What we were actually worried about were the total numbers not—

**Senator FAULKNER**—Are you able to say though whether one of these was an Abu Qussey vessel?

**Ms Halton**—Not categorically, no.

**Senator BRANDIS**—Is that so for the same reason—because you just could not have known at that point in the sequence of events?

**Ms Halton**—What I cannot comment on is what Coastwatch and DIMIA would have known. It is very likely that they actually did have them tagged in that way but, in terms of what was canvassed here, I do not believe that it was canvassed in that level of detail.

**Senator BRANDIS**—So those pieces of information if they existed had not come up the chain to you by that stage?

**Ms Halton**—Yes, I would believe that they would have existed in terms of likelihoods of particular smugglers and particular vessels. Whether, particularly in this environment where there were a number of vessels mooted, people knew categorically which one belonged to whom, I cannot comment on.

**Senator BRANDIS**—I suppose we should not lose sight of the fact, Ms Halton, that at the level at which you operated you were at the end of a filtering process whereby information was filtered and filtered again, so that what came to you was a subset of the totality of all the information at the beginning of the filtering process. Is that right?

**Ms Halton**—I think ‘highly digested’ would be the—

**Senator BRANDIS**—Highly digested!

**Senator FAULKNER**—If you cannot say categorically that one of these vessels was an Abu Qussey vessel, are you able to say with a reasonable degree of certainty that that was the case?

**Ms Halton**—No, not really. There was a lot of publicity about that particular people smuggler after the event, and I remember that there was a lot of coverage in the press. It would be creating a memory, Senator, if I were say to you that we categorically discussed and/or had drawn to our attention a particular people smuggler. There would be no reason for that to have happened. As I have already explained to you, the intelligence was being dealt with elsewhere, and so our principal issue was an assessment of what numbers might be about to turn up, rather than who was the orchestrator of this, other than the unfortunately titled ‘other boat’.

**Senator JACINTA COLLINS**—The first dot point here refers to ‘some risk of vessels in poor condition and rescue at sea’. What we know of from DIMIA is the concern that some of the disruption activities had in a sense led to the encouragement of a less experienced people smuggler—which this Qussey person was described as being, perhaps in relation to the ultimate demise of the ship—due to the indirect impact of the disruption activities. None of that was discussed at the People Smuggling Task Force at that stage?

**Ms Halton**—No, I have no knowledge of the experience or otherwise of people smugglers.

**Senator JACINTA COLLINS**—What about this reference to ‘some risk of vessels in poor condition and rescue at sea?’

**Ms Halton**—You will recall that, by this point, the Navy's instructions about return if that were possible were well known. Certainly that was therefore an issue in terms of the seaworthiness of vessels, so the likelihood that a particular vessel might be seaworthy for a return trip was something that became of interest at this time. Clearly people were making an assessment here, and I have to say that, as we well know, some of the vessels that came were not in good condition. Some of them were in very good condition; some of them were not. It varied. So, clearly, the advice here is in the context of whether or not a return would be possible with some of these vessels.

**Senator JACINTA COLLINS**—Did the condition of the ships deteriorate significantly after the decision to return?

**Ms Halton**—Not that I am aware of. I think it was variable.

**Senator FAULKNER**—Surely, though, if you have multisource information at the high confidence level—and that is recorded in your own notes and minutes—that must have had some status and significance?

**Ms Halton**—It did, and I think I have indicated that to you. Our experience was that multisource information tended to be more reliable than single source. If multisource information suggested that 1,200 people or thereabouts were likely to turn up, that was to be considered in a more serious way than a single source that said that 1,200 people were about to turn up. We have gone through the point that the categorical confirmation that individual vessels had left was not the advice that we were provided. Senator Collins clearly has some information in relation to other issues which I am not familiar with. But in terms of what we were advised—and you can see this here—we thought that there was a reasonable prospect that 1,200 people were going to turn up. There was a particularly wry sense to the discussions at several points because vessels had the habit of turning up on Friday afternoons and ruining everyone's weekend. This seemed to happen with monotonous regularity. I think the 18th was a Thursday, and my memory is that people said, 'Here we go again; another weekend.'

**Senator FAULKNER**—But are you able to say what 'No confirmed sightings by Coastwatch' means here?

**Ms Halton**—That Coastwatch had been unable to identify any of these anticipated vessels; so they had not spotted any. I made the point earlier that the objective—I did not make this point, but I will go on to the point I made—was to identify these vessels before they were on the edge of the contiguous zone, to enable people to consider their response to the vessel and to be positioned to respond to the vessel. Sometimes vessels got quite close to Christmas Island or Ashmore Island before they were spotted.

**Senator FAULKNER**—But do you know if Coastwatch was looking for particular vessels on 18 October?

**Ms Halton**—My understanding generically was that the agencies who were tasked with looking for things were out looking for things. It was certainly our understanding that in a period of heightened likelihood, if I can describe it that way—we are talking here about

multisource information—there was an active process of trying to identify any vessel that might be on the water heading to either Christmas Island or Ashmore.

**Senator FAULKNER**—But they have indicated to this committee that they did not search the area around Christmas Island, that they were a thousand nautical miles away.

**Ms Halton**—I have to say that was not communicated to us, Senator. I think you will see it in that point on the 21st, where explicitly we have had a conversation about it. You will see that in the reference, where it says ‘Check Defence P3 is maintaining surveillance’. It was certainly our understanding that that is what they were doing. Did they show us flight patterns? Never. Did they give us any of the details of those operations? No, never. Did we have an understanding that they were out looking? Absolutely.

**Senator FAULKNER**—When did you get the DIMIA intelligence notes—say, the DIMIA intelligence note of 18 October? When would that ordinarily have come to you and the task force?

**Ms Halton**—They would not have come to the task force. They would have been talked about by someone from DIMIA, if the person from DIMIA had them with them. The discussion about intelligence was most commonly run by Coastwatch in those meeting, so it was most normal for Coastwatch to have a sort of sheet with plottings of vessels that they thought may or may not be in prospect. The officer from Coastwatch would basically give a commentary on that.

**Senator FAULKNER**—Were those sheets kept on file by the task force?

**Ms Halton**—No, they were not. They were not provided to other people around the table.

**Senator FAULKNER**—They were in the possession of the Coastwatch representative on the task force?

**Ms Halton**—That is correct.

**Senator FAULKNER**—And that representative took those with them?

**Ms Halton**—Yes.

**Senator FAULKNER**—But they plotted the suspected location of the SIEVs?

**Ms Halton**—Not the location. Let us be clear about what I mean by ‘plotted’. Essentially, they had a time line. I suspect it would have been smuggling rings of some sort or other. They were plotting information such as they knew it about what might be in prospect: ‘We might get something in a month’s time; we might get something in two weeks’ time.’ Possibly, saying that only one in 10 of those turned up is too extreme, but it would not have been one in five.

**Senator FAULKNER**—Do you have available a copy of the status report that was prepared for the Prime Minister on the issues that were dealt with on 18 October?

**Ms Halton**—I do not think I have a copy, but I will check.

**Senator FAULKNER**—I wonder if that could be provided. If it cannot be, could you read to us—

**Ms Halton**—I do not think I have it, Senator; I am sorry.

**Senator FAULKNER**—I am interested in understanding the form in which these matters are communicated from the task force to the Prime Minister. Could you assist us with that?

**Ms Halton**—The first thing I should say is that a status report on the 18th would, I think, have been a departmental status report rather than a task force report. My officers will just go and find out. My memory is that there was a brief to the Prime Minister done from the Department of Prime Minister and Cabinet, not from the task force. But that brief would, I imagine, have canvassed particularly this likelihood of—

**Senator FAULKNER**—The task force notes say: ‘Status report to be prepared for PM on above issues; copy attached.’

**Ms Halton**—You might be right; it might be a task force paper. I will stand to be corrected on that. If it is a task force paper, it would be my suspicion that it would have said it in probably almost the same terms as those listed here. But someone has just gone out of the room and we can come back and confirm that for you.

**Senator FAULKNER**—Okay, we might come back to that. Dr Toloni from Defence was present at that meeting.

**Ms Halton**—That is correct.

**Senator FAULKNER**—What was his position? Do you know?

**Ms Halton**—His name is Toloni, Dr Paul Toloni. I cannot tell you precisely what his classification or title was. He was certainly there with Air Vice Marshal Titheridge, who also attended that meeting. Air Vice Marshal Titheridge was certainly the senior officer, in my understanding.

**Senator FAULKNER**—So he was probably from Strategic Command.

**Ms Halton**—I would not want to say that categorically, but that would be my guess. Sometimes people from the public affairs area came.

**Senator FAULKNER**—Those from the Defence task group who are assisting the committee might be able to establish that. I was just wondering, given that his name was there and he did not appear to be at any of the other meetings.

**Ms Halton**—I think he did come here on other occasions.

**Senator FAULKNER**—I may have missed it—I just wondered what area of Defence he was from.

**Ms Halton**—I am sure we can find that out for you very simply.

**Senator FAULKNER**—Okay.

**Ms Halton**—Yes, he did come on a number of other occasions. But where he was from, precisely, I would not want to be categorical about. We can probably find that out.

**Senator JACINTA COLLINS**—When was the first ship returned? Was that the SIEV5, which is discussed on the next day in the minutes?

**Ms Halton**—I believe that is the case.

**Senator JACINTA COLLINS**—I am following on from your earlier comments that the issue of rescue at sea was discussed in terms of returning ships.

**Ms Halton**—Last time we canvassed the whole process of advice about return, and my memory is that that was the previous week. So the notion that there would be the possibility of return was well known amongst the key players for the entirety of that week.

**Senator JACINTA COLLINS**—Then there is a discussion on the 18th. Was the nature of it that some of these ships that were anticipated would not be suitable candidates for return because of their poor condition?

**Ms Halton**—There was always an understanding in that respect. Again, it is reflected at least somewhere in these notes that whether a vessel was a candidate for return was always a matter for the judgment of the commanding officer of whatever vessel was engaged in that particular activity. The question of seaworthiness was absolutely something which had to be judged operationally by the people who were there at the time.

**Senator JACINTA COLLINS**—Yes, I understand that, but when I was listening to your answer earlier about the discussion of the vessels being in poor condition and the risk of rescue at sea, as I understood it at the time it was, again, akin to the comments about this particular people smuggler not being particularly experienced and that others had stopped smuggling because of the potential for return. But, in fact, none of that occurred until after the 19th.

**Ms Halton**—No, I did not make any comment about people stopping people-smuggling. I think you made that comment.

**Senator JACINTA COLLINS**—Yes, but I am trying to understand the full context of the situation. It may be that I misunderstood your earlier comments as dealing with safety issues that were the result of the response by the people smugglers to the knowledge that ships would be returned to Indonesia—that response being that they sent less seaworthy vessels.

**Ms Halton**—No, and I think I said to you that I do not think there was any material change in the quality of their vessels; some were good, some were bad. But certainly I think there was a consciousness once there had been an agreement to return vessels if possible; there was certainly a high level of awareness amongst the task force members about safety of life at sea issues. Safety of life at sea was always something which people had at the forefront of their mind. So a more regular discussion of those kinds of issues as boats arrived and the getting of advice from whoever was the commanding officer about whether a vessel was actually robust in terms of return then became part of the more normal *modus operandi*.

**Senator JACINTA COLLINS**—But this is talking about rescue at sea issues prior to these boats being accepted.

**Ms Halton**—SIEV5 was under way on the 18th.

**Senator JACINTA COLLINS**—I am talking about the comments on the 18th, which relate to the two boats to Christmas Island, the three boats to Ashmore, the assessment of their being in poor condition and the rescue at sea. That is quite independent of anything that a Navy commander would have been assessing.

**Ms Halton**—Absolutely. The point I am trying to make—and possibly I am poor at making the point—is that we tended from that week onwards to take more interest in information about the seaworthiness of vessels. On the 18th SIEV5 was under way, on its return to Indonesia. We all knew that. People in this meeting actively knew that SIEV5 was on its way.

**Senator JACINTA COLLINS**—I thought SIEV5 was on its way on the 19th.

**Ms Halton**—I think it was delivered on the 19th.

**Senator JACINTA COLLINS**—The minutes of the 19th say:

... (SIEV5) reloaded with women and children and proceeding to Roti.

**Ms Halton**—Yes, and I think you will find that women and children were offloaded on the vessel en route. I think they returned to their vessel on the edge of the territorial sea.

**Senator JACINTA COLLINS**—So you are saying that SIEV5 was on its way back on the 18th, although it is not covered in these minutes?

**Ms Halton**—That is my point. The conversation about returns had happened the previous week, and there had been a policy decision taken by the government in that respect. People in this group were very conscious of that decision. People in this group were very conscious of issues in respect of safety of life at sea. I think there was a greater interest in those issues from that time on.

**Senator JACINTA COLLINS**—The final issue in relation to this day that I want to try to clarify a bit further is one of the references to Coastwatch that I alluded to this morning.

**Ms Halton**—Which date are we on?

**Senator JACINTA COLLINS**—The 18th still, ‘no confirmed sightings by Coastwatch’. Coastwatch was not conducting surveillance at Christmas Island at that point in time; it was Defence.

**Ms Halton**—I cannot comment on the precise words that are written here in terms of the specifics of an individual agency. My belief would be that that reflects advice that none of those surveilling had seen any vessels.

**Senator JACINTA COLLINS**—Yes, and that is consistent with what you said this morning. But what I am trying to understand is that, if on the approaches to Christmas Island and Ashmore Island the principal agency conducting surveillance was Defence, why—as you said a few moments ago—was it Coastwatch that was providing the information to the task force about surveillance?

**Ms Halton**—I cannot answer that. At the end of the day, the advice was coming in from agencies in relation to the responsibilities they had adopted. I think we have just canvassed that there were separate external relationships between a number of these agencies, and there were working arrangements between the officers of those agencies which led them to collectively form views or share information, whichever way you want to describe it. Essentially, we asked reflexively and rhetorically, ‘Has anybody seen one of these vessels yet? Have we found one?’ I think I told you last time that the thing that you could almost guarantee was that as soon as one of the agencies found a vessel there would be a peal of telephones all around the room. So this is just a reflection that a vessel had not been seen. As to the particular reference to Coastwatch, you would have to question the person who wrote those notes.

**Senator JACINTA COLLINS**—What I am trying to sound out, though, is your comment that from this week on, once the decision had been made to look at returning their ships, there was a greater keenness as to the safety of life at sea issue or the seaworthiness of the ships. With this keenness at this stage, I cannot understand from the minutes or from any of the earlier evidence why it was that the principal agency conducting surveillance was not reporting directly to the task force but was coming through Coastwatch.

**Ms Halton**—I cannot answer that other than to say to you that Defence provided relevant briefings as supplements and other things to individual comments made by other agencies in all of those meetings. So, when we went around the table and said what updates there were from particular agencies, they always made their contribution. I cannot comment on the coordination arrangements between them and Coastwatch.

**Senator JACINTA COLLINS**—Do you recall Air Vice Marshal Titheridge ever referring to surveillance matters?

**Ms Halton**—I cannot think of a particular instance off the top of my head.

**Senator JACINTA COLLINS**—I ask this question because, from the minutes of the 18th, it does not even look as though Coastwatch were present.

**Ms Halton**—No, that is true. There were occasions on which, when an agency was not going to be present, they rang prior to a particular meeting.



**Senator FAULKNER**—So this is all second-hand information from Coastwatch?

**Ms Halton**—I cannot say that. I cannot say whether this particular reference is to a report from someone else or whether, for example, it was from Air Vice Marshal Titheridge. It was certainly a matter that was canvassed at the meeting. If you hang on a second I will check something to see whether I can throw any other light on this. I believe that was something that was said at the meeting but I cannot tell you who it was.

**Senator FAULKNER**—Was that also reported to the Prime Minister?

**Ms Halton**—We are getting the advice about what that particular piece of advice said. We always knew—I cannot say it was within a matter of minutes, but I can say it was within very short order—when a vessel was spotted. As I said to you, when a vessel was seen I think just about every phone in the city went off. In a sense it is probably a bit tautological to say that at that point there was some prospect of 1,200 people arriving but not one vessel had been seen, because had a vessel been seen that vessel would have been referred to.

**Senator FAULKNER**—Yes, but there was this comment in relation to Coastwatch:

No confirmed sightings by Coastwatch but multisource information with high confidence level.

We know that Coastwatch was not within 1,000 nautical miles of Christmas Island. It was, I think, in the Torres Strait. We know that there was no Coastwatch representative at the task force meeting. We also know about the fate of SIEVX. I wonder what was passed on in the status report to the Prime Minister.

**Ms Halton**—We will find that out shortly and I will be able to tell you.

**Senator FAULKNER**—Admiral Bonser was present at the task force meeting on 20 October. I will check whether he was there on the 19th. Yes, he was there on 19 and 20 October.

**Ms Halton**—I now have this piece of advice, which was departmental advice, not task force advice. It sourced information from the ADF, DIMA, as they were at that point, DFAT and A-G's. It does not source any of this information as being from Coastwatch. It refers to the information in that point: two boats, three boats, 600, 600.

**Senator FAULKNER**—Did you say three boats?

**Ms Halton**—It is almost a carbon copy of that particular point, that first dot point, but it does not duplicate the second dot point.

**Senator FAULKNER**—I see. That information came from DIMA, AFP and DFAT—is that what you said?

**Ms Halton**—In terms of the information about what is coming?

**Senator FAULKNER**—Yes.

**Ms Halton**—The intelligence, yes. Not DFAT.

**Senator FAULKNER**—What were the agencies?

**Ms Halton**—DIMA is my understanding.

**Senator FAULKNER**—Yes. And other agencies?

**Ms Halton**—No, that is not my understanding.

**Senator FAULKNER**—So just the one agency?

**Ms Halton**—On this particular occasion. Again, that is consistent when we know that the strike force is working cooperatively across a series of agencies, and we know they were sharing intelligence in terms of predicting what may or may not be.

**Senator FAULKNER**—On the meeting of the task force's High Level Group on 19 October, can you identify in the notes or minutes of that meeting any reference to SIEVX?

**Ms Halton**—Again, there is no particular boat identified at that point. If you look under 'Current state of play', the fifth dot point reads:

... 2000 still linked to boats. Next boat to CI could be 250. More arrivals could come to Ashmore in next five days.

That is I think an extension of the point from the earlier day. That is the only boat that is identified separately there, and I do not believe we would be in a position to say that that is this particular vessel.

**Senator JACINTA COLLINS**—We know from what DIMIA said to us that it was their original assessment as to the numbers that would be on that vessel.

**Ms Halton**—Yes.

**Senator FAULKNER**—There are four representatives of the then DIMA: Mr Farmer, Ms Godwin, Mr Killesteyn and Mr McMahon.

**Ms Halton**—That is right.

**Senator FAULKNER**—As well as, of course, Mr Castles from the AFP.

**Ms Halton**—And Admiral Bonser from Coastwatch.

**Senator FAULKNER**—Yes, but, given that you have indicated to us that the source of the information on the 18th was exclusively for the task force from the DIMIA representatives—

**Ms Halton**—I suppose the point I am making to you is that my understanding is that they had a shared view, that they were sharing that information. If you go further down in this particular

note, the last sentence of the second last dot point says 'if third boat arrives'. This is the point about the lack of clarity of our understanding, because it is all 'could be' and 'if it arrives'.

**Senator FAULKNER**—If we go through to the next meeting on the 20th, again Mr Farmer, Mr Killesteyn and Mr McMahon are there from DIMIA and Mr Castles is there from the AFP.

**Senator JACINTA COLLINS**—If I can just interrupt for a moment, could we also be apprised of what the status report prepared for the PM indicated on the earlier day, the 19th?

**Ms Halton**—This is because SIEV6 had been spotted. SIEV6 was spotted on the 19th. The principal issue that was being canvassed here was in relation to handling of numbers. The point I made earlier is that the principal focus was what we were going to do with these people if they all turned up, and the question of handling the numbers of people concerned is the principal subject of this particular note, and also what is currently at that point happening in respect of SIEV6.

**Senator JACINTA COLLINS**—Is there nothing discussed about the additional accommodation options that might be necessary if there were further arrivals?

**Ms Halton**—Yes, there is. So that is consistent with these notes.

**Senator JACINTA COLLINS**—And at this stage it is still talking about a potential third boat to Christmas Island?

**Ms Halton**—No. Let me just be completely categorical: it talks about an aggregate of numbers. It is about capacity—total numbers that could be accommodated.

**Senator JACINTA COLLINS**—So the minutes on that day were talking still about the possibility of a third boat, which intelligence had been talking about for a little while prior to this date, but the note to the Prime Minister is simply referring to capacity?

**Ms Halton**—Capacity—and SIEV6.

**Senator JACINTA COLLINS**—And no further SIEVs?

**Ms Halton**—The point about capacity is that it is in anticipation of what happens in the event others turn up, but it is not a status report which does an assessment.

**Senator JACINTA COLLINS**—Can you describe that anticipation?

**Ms Halton**—I beg your pardon?

**Senator JACINTA COLLINS**—Can you read for us what the comment was in relation to the anticipation?

**Ms Halton**—No, I cannot read it for you. I do not have authority to do that. What I can tell you is that it talks about Manus, which I think is consistent with some of the stuff in here, and it talks about the transfer of the SIEV4 group from Christmas Island to Manus.

**Senator JACINTA COLLINS**—What does it refer to as the capacity issue for Christmas Island?

**Ms Halton**—The capacity to manage 600 to 700.

**Senator JACINTA COLLINS**—From Sunda?

**Ms Halton**—If necessary.

**Senator JACINTA COLLINS**—We should ask formally for a copy of these documents. We might need to do that directly to PM&C. I appreciate that is not your authority.

**Ms Halton**—Thank you.

**Senator FAULKNER**—The task force met on 20 October, I think at 4 p.m. That is right, isn't it?

**Ms Halton**—That is right.

**Senator FAULKNER**—By that stage, there had been a phone call from the AFP to Coastwatch about the Abu Qussey vessel. Was this issue raised at all on 20 October?

**Ms Halton**—Not that I am aware of. I suppose the point I would make to you is that these notes are still framed in terms of 'if it arrives'. There was not—and I think that is reflected here—a categorical piece of information introduced into this meeting that said that it had left. From what I understand you to be saying—and I am not aware of this particular piece of evidence—there is some other conversation about this issue to which I am not privy. If your question is, 'Were we told in here about some phone call?' then no.

**Senator FAULKNER**—Colonel Gallagher told the committee—

**Ms Halton**—Sorry, who is Colonel Gallagher?

**Senator FAULKNER**—He is the head of the Australian Theatre Joint Intelligence Centre. I hope I am getting that correct.

**Senator JACINTA COLLINS**—ASTJIC.

**Senator FAULKNER**—ASTJIC, yes.

**Ms Halton**—Who I have never heard of and never met.

**Senator FAULKNER**—He has been offered up to the committee as one of the witnesses instead of Admiral Gates, because Senator Hill does not want Admiral Gates to come before us.

**Ms Halton**—I suppose I have seen his name as one of the people you have questioned.

**Senator FAULKNER**—Anyway, that is who he is. I am very pleased I could remember that acronym!

**Ms Halton**—How do you say it?

**Senator FAULKNER**—I think it is ‘Aust-jic’, but I stand to be corrected. Is that about right? It is close. I gather that is not quite right.

**Ms Halton**—There is probably a Brisbane versus a Sydney version.

**Senator FAULKNER**—It is better than saying A-S-T-J-I-C, I suspect.

**CHAIR**—You can only get it right if you are wearing a khaki uniform, I think.

**Ms Halton**—There is a bunch of them next door, so maybe we should ask them.

**Senator FAULKNER**—They will be able to tell us. But the point is that Colonel Gallagher informed this committee that the report from the AFP of 20 October was a confirmation that the vessel—in this case, SIEVX—had departed. ASTJIC reported this immediately along its normal reporting line—to all those who receive such intelligence—and this occurred on the morning of 20 October. Let me quote him directly from *Hansard* on 11 July this year. He states:

Once we were advised by Coastwatch on 20 October that the vessel was reported to have departed at a time and from a place, as you have heard in previous testimony, we reported it immediately to all the people who received the normal distribution of intelligence.

It is true, isn’t it, that the task force—your task force; the task force you chair—met at 4 p.m. on 20 October?

**Ms Halton**—That is correct; but, to be complete, I have never heard of this acronym I cannot pronounce. We have never had, to my knowledge, any communications with them. So if you are suggesting that we were told this—

**Senator FAULKNER**—No. Let us just work through it.

**Ms Halton**—Okay.

**Senator FAULKNER**—There does not appear to be any mention of this Australian Federal Police report in the notes of that meeting.

**Ms Halton**—No.

**Senator FAULKNER**—I think you can confirm that for us, can’t you?

**Ms Halton**—That is right.

**Senator FAULKNER**—But it would seem to be credible to suggest, given its significance and the significance that was placed upon the information from organisations like the AFP and Coastwatch and Defence, that that may have happened. As you were chairman of the task force, I am keen to explore that with you. I think you can say to us, can't you, that Mr Castles from the AFP was at that meeting?

**Ms Halton**—That is correct; he was.

**Senator FAULKNER**—There were three representatives from the then Department of Immigration and Multicultural Affairs at the meeting.

**Ms Halton**—That is correct.

**Senator FAULKNER**—And they would have had access to this intelligence from the AFP?

**Ms Halton**—I cannot comment on that because I do not know what the arrangements inside each of those organisations were in terms of the communication of any material that was being passed around amongst duty officers, as to whether or not at the time that they came to that meeting they would have been in possession of it. What I can tell you is that I do not think—and it is consistent with what is reflected here—that there was any direct report of such advice. I have to say to you that these notes, I believe, would reflect that, had it been said, because, when we get to the section on further arrivals, 'if arrives' is not a 'when arrives'; it is an 'if arrives'. I have absolutely no recollection that we were told that a particular vessel had categorically left. That is not consistent with my memory of this meeting, and I think my memory is consistent with the terms in which these notes are drafted.

**Senator FAULKNER**—You can confirm that Rear Admiral Bonser was at the meeting of 20 October?

**Ms Halton**—I can.

**Senator FAULKNER**—Are you aware that he received a phone call that same morning from Federal Agent Pratt of the AFP, who offered Rear Admiral Bonser a personal opinion. Let me quote Rear Admiral Bonser's letter here, so that I do not do anyone a disservice. It states:

... a personal opinion that the vessel may be subject to increased risk due to the numbers reportedly on board.

**Ms Halton**—No, I am not aware of that conversation.

**Senator FAULKNER**—And you do not have any recollection of this matter being discussed at all at the task force?

**Ms Halton**—No, certainly not at that level of detail at all. I cannot speak for those people, but I think the point I made earlier was that there were multiple occasions on which we had been told that vessels had left, and they returned to Indonesia and went through multiple ports. I cannot speak for them, but there is a more than plausible explanation. Our focus in this meeting

was on accommodating people who were actually turning up and at risk of turning up. I think that point here under 'Further arrivals' is acknowledging the likelihood of something, but it is saying 'if it arrives'.

**Senator FAULKNER**—But if you are made aware of an AFP report which includes details that a vessel has 400 people on board, that a vessel was 'grossly overloaded' and that some people had refused to get on the vessel, do you think such details would have made you or the task force consider this a possible safety of life at sea situation?

**Ms Halton**—I think had that material been provided, yes. But as I have said, and in fact the thing that makes me quite confident about this is, when we actually had read to us the details of the cable—which is noted in here later, after the event; I think it is on the 23rd—there is the material provided about people leaving the vessel. There was not any sense, to my mind, and I have to say I did not think to the minds of my colleagues in the department, that this was a matter that was familiar—that it was something of which we were aware. I have made the point about issues around safety of life at sea.

I suppose the point I would make to you is that there is nothing in here which is consistent with them actually having gone through those facts as you have just outlined them. No, I was not aware of them. The point that I would make to you is that we were thinking in the previous days about the numbers of vessels and the total of 600 and the issue about the third vessel, which is back there somewhere or other. In reality I do not know that we were ever apprised of the fact—until after the tragic event—that there was a vessel with 400 likely. We had had the discussion about 250, in that early discussion, and I think it was the three in three scenario that had been painted; the second one being of the order of 250, the total leading to about 600, but the notion of a vessel of 400, and the thing I can say to you quite categorically is if we had had the notion of that number coming all at once it would have set every alarm bell—other than the safety of life at sea alarm bell—ringing, because we had a huge accommodation problem. We were debating bunks, security guards, food and everything else around a very fine margin of having people properly accommodated, so the notion that a vessel that we had been told was likely to be of the order of 250 might all of a sudden have blown out to 400 would have got every alarm bell going in the place.

**Senator JACINTA COLLINS**—Where does the reference to relieving possible overcrowding come from?

**Ms Halton**—Where are you reading from?

**Senator JACINTA COLLINS**—On the 20th under 'Further arrivals', at the end of that first dot point. We have the AFP report as the report referring to overcrowding and then we have this reference in the minutes here to overcrowding. If that did not come from the AFP report, I am asking where would it have come from?

**Ms Halton**—That would have been basically using the *Arunta* to house people temporarily; putting people on the deck of the *Arunta*. I have already told you that Minister Reith did not like it that we had to leave people on the decks of particular vessels—okay, the *Adelaide*—and that was one of the issues we were canvassing in the event that we had this—

**Senator JACINTA COLLINS**—Further arrivals?

**Ms Halton**—Yes.

**Senator FAULKNER**—I am going to qualify this question by the word ‘if’, but it is, nevertheless, a very important question. If the task force or you, yourself, as the chairman of the task force had identified a possible safety of life at sea situation—and I hear what you say: you say this is not the case; I hear that—but if you or the task force had identified a situation reported at the task force as a possible safety of life at sea situation, would the task force or you as its chairman have behaved any differently?

**Ms Halton**—I think there are two points to make here. Firstly, we did not interfere in the decisions that the relevant line agencies took. As far as I understood it, the declaring of a safety of life at sea issue was a matter, rightly, for the appropriate authority. So Mr Davidson would have alerted his Indonesian colleagues, and I think we canvassed that earlier. This goes back to a conversation we had earlier about a conversation that happened a couple of days later, and that was about whether or not this vessel was on the water heading to Christmas Island, and it goes to that issue about flotsam and relatives. I remember that discussion because there was this interchange about ‘You tend to get phone calls and you tend to be able to find flotsam,’ et cetera. That conversation was not in the context of ‘We know it is on the water.’ The conversation was, ‘Is it on its way?’ ‘Did it really exist?’ It was that kind of speculative conversation.

**Senator FAULKNER**—My question goes to whether the task force acts any differently if you are able to identify such a situation.

**Ms Halton**—I think it is always hard to answer hypothetical questions. I think hypothetical questions are impossible to answer.

**Senator FAULKNER**—I appreciate that. I did note that it is qualified and it is a hypothetical question. It can be answered only if you faced this situation in relation to other incidents.

**Ms Halton**—The things that I would say to you go back to my earlier comments. There was in our minds a concern about the safety of life at sea and making sure that there was no loss of life, and in the inquiries we had about how operations were going—I think I have already given you evidence—that was always basically the first question we asked: was everyone safe, had everyone been accounted for? It was at the forefront of my mind and of my colleagues’ minds. We would not have been able to take any action. Would we have questioned people in more detail and asked them what they were doing about it? Yes, I believe we would have.

**Senator JACINTA COLLINS**—Still on the 20th, we also know from the Defence intelligence report that:

NORCOM INTSUM—

Intelligence summary for NORCOM, I presume—



assesses there is a high probability of the vessel arriving vic Christmas Island from 21 Oct 01, and that due to its overcrowding and need to maintain stability it may be limited to a slow passage, and therefore a later time of arrival could be expected.

That information was not presented to the task force on that day.

**Ms Halton**—No.

**Senator JACINTA COLLINS**—So information from Defence, information from the AFP and information from Coastwatch was not presented to the task force on that day.

**Ms Halton**—I am not privy to what all of that information is. All I can tell you is what I am aware of. In terms of what you described, no, I was not aware of that.

**Senator JACINTA COLLINS**—All I am saying is that the evidence to the committee to date is that this information was the privy of Coastwatch, of the AFP and of Defence, and none of those agencies fed that information into the task force.

**Ms Halton**—There is nothing that I know that is inconsistent with what you have just said.

**Senator JACINTA COLLINS**—Okay. The other issue on this day that I want to clarify is under ‘further arrivals’ and it is the first dot point regarding the second boat expected. That is the one that I am assuming we can say, in retrospect, is SIEVX. Would you concur with that, in retrospect?

**Ms Halton**—I suspect probably. To say anything in this area categorically is, I think, to go too far, but I think on the balance of probabilities, given the three issue, likely.

**Senator JACINTA COLLINS**—You are still talking there about ‘if arrives’ and not reflecting, for instance, the NORCOM assessment of a high probability.

**Ms Halton**—No—other than going back to the earlier days when we had the multisource. On the balance of probabilities, we thought it was more likely than not.

**Senator JACINTA COLLINS**—‘Assessment to be made on whether possible to return the larger vessel.’ Can you tell us which was the larger vessel?

**Ms Halton**—‘Larger vessel’ simply meant the one with more people on it.

**Senator JACINTA COLLINS**—So it is not the size of the vessel, it is the numbers on it.

**Ms Halton**—Again, there was a conversation here about safety because, given the accommodation issue, the desire was to take as many people back to keep the pressure on accommodation down. But that was contingent on an assessment about safety.

**Senator JACINTA COLLINS**—But as far as the task force was aware at this stage—because you had not been apprised of this other information—the number of people on this second SIEV was around the same as the number of people on SIEV6.

**Ms Halton**—That is right.

**Senator JACINTA COLLINS**—So there was not a larger vessel?

**Ms Halton**—No, but it had been our experience that intelligence was badly wrong, so until it actually turned up and you physically did a headcount you did not know what you had. So it was the general principle that was being discussed that, if it were possible, you would return the larger, rather than the smaller, of two vessels.

**Senator JACINTA COLLINS**—So you still have the people on SIEV6 at that stage?

**Ms Halton**—That is correct. It is moored off Smith Point.

**Senator JACINTA COLLINS**—So you were waiting to see how many people came in on the second boat, to determine which was the larger, and then you would look at whether it was possible to return the larger?

**Ms Halton**—No, that is not true. SIEV6 was moored at Smith Point. SIEV6 was seaworthy and was in reasonable condition. It was then sabotaged, and the Navy were busy trying to find a mechanic who understood the ins and outs of a particular type of Chinese engine. So the assessment about what was possible also went to whether in fact SIEV6's motors were going.

**Senator JACINTA COLLINS**—So putting aside the seaworthiness issue, the point of this first dot point is that, all other things being equal, if this second ship arrives an assessment will be made between it and SIEV6 as to which was the larger and as to whether the larger could be returned.

**Ms Halton**—Correct.

**Senator JACINTA COLLINS**—It sounds a bit like a lottery.

**Ms Halton**—Yes, it was a bit.

**Senator JACINTA COLLINS**—You get to stay depending on whether you are in the larger ship or not.

**Ms Halton**—It came down to straight pragmatics, I think. Also, if SIEV6's engines had not been going, that would not have been a contest.

**Senator JACINTA COLLINS**—The bottom of this page also refers to 'documents circulated', and it is blacked out. I cannot remember whether (a) or (b) referred to security issues. Was that a standard way of depicting whether documents were circulated amongst members of the task force?

**Ms Halton**—We will find out what it was.

**Senator JACINTA COLLINS**—But in terms of just a notation at the bottom of it saying ‘documents circulated’, was that a standard way?

**Ms Halton**—I think it became more common with this set of notes than perhaps with the earlier sets of notes. They were very often, for example, copies of cables that were circulated and retrieved. You can see these notes are more complete than the earlier sets.

**Senator FAULKNER**—On the task force material of 31 October, I could not find any reference to the vessel described as SIEVX. I just wondered if you could.

**Ms Halton**—No. You will understand that it goes back to our understanding of what is definite, what is likely, what is probable and what is a vague chance. There was an understanding that it was multisource and that something may turn up—it might have been two—and you can see at this point we have already had the conversation about how those people would be accommodated in terms of some of those logistical issues. You can see that the last dot point under SIEV6 says:

Plans to be reviewed if further arrivals at Christmas Island ...

Again, it goes to the point that certainly at this point in my mind we were not categorically certain that there was anything more in prospect, and you can see that very last point under ‘other issues’:

Check Defence P3 is maintaining surveillance ...

I suspect that comes from an ‘Are-you-out-there-looking?’ kind of conversation, but at this point issues are in hand.

**Senator FAULKNER**—Understanding that, do you have any recollection of any discussion about the possible fate of the SIEVX vessel or matters relating to the SIEVX vessel at that meeting?

**Ms Halton**—No.

**Senator FAULKNER**—Does that mean that we had a situation where not only was the AFP contact with Coastwatch and other agencies—including DIMA and Defence—which are all represented at that meeting, not canvassed at the People Smuggling Task Force at 4 p.m. on 20 October 2001 but it was not canvassed at the meeting at 5.30 p.m. of Sunday, 21 October 2001 either?

**Ms Halton**—I think that is correct. As I think I have already indicated to you, I did not have any knowledge of that, not only on that Saturday but also on that Sunday. These notes are consistent with my understanding, which is that no-one had anyone categorical knowledge. That goes back to the comments I made last time I appeared here. It is consistent with these notes as written up by the note taker.

**Senator FAULKNER**—So there is no mention of either meeting.

**Senator JACINTA COLLINS**—Can I interrupt you for a moment. Ms Halton, the minutes of the 21st refer to you advising the Prime Minister's office. Was that written advice?

**Ms Halton**—No, I think that would have been a telephone call—I would have go back and look at my phone records; I can do that—in terms of where we were up to, particularly in relation to SIEV6.

**Senator JACINTA COLLINS**—Which was that you were waiting for the second one to determine which was the larger of the vessels.

**Ms Halton**—No—

**Senator JACINTA COLLINS**—That was the day before?

**Ms Halton**—No. Please go back and look at what I said. I said very clearly that we were not waiting with SIEV6 to see which one was better. The defence forces were actively working on SIEV6 to get a motor started. Had SIEV6 been ready before anything else happened—as was the case, as it happened—then it got the guernsey. There was no notion of waiting with SIEV6 for something else. In terms of what happened with SIEV6, you will see—and it is reflected in here on the 21st—that there were a range of issues about it: AFP, Customs, fuel rations, bottled water, life jackets, provisioning and all those kinds of logistical issues. My habit, particularly when one of those issues was in play, had been to keep the relevant people informed, which is what I did.

**Senator JACINTA COLLINS**—If we go back to the 20th, the minutes do not refer to a report going to the Prime Minister's office from that date. But it is being discussed on the 20th that there is an anticipated second boat for Christmas Island. The next day that boat is not referred to—

**Ms Halton**—Other than in the generality.

**Senator JACINTA COLLINS**—I am asking whether your report to the Prime Minister's office covered the issue of the second anticipated boat for Christmas Island.

**Ms Halton**—I do not believe so. The reason for that is that, as we have just canvassed, there were a couple of notes to the Prime Minister which went through the aggregate of possible arrivals. In other words, at the outside, we believed the total number we were looking at was 1,200. That issue had been canvassed in writing to the Prime Minister. There was nothing further to add to that. In relation to the point that has been made about a categorical understanding, we did not have that categorical understanding, so the issue on which I would have been providing a factual brief to the Prime Minister's office at this point would have been the progress on SIEV6.

**Senator JACINTA COLLINS**—If no further boat arrived, SIEV6 was the candidate.

**Ms Halton**—Correct.

**Senator JACINTA COLLINS**—Finally, in relation to this last point—‘Check Defence P3 is maintaining surveillance over Christmas Island’—in the minutes of the days following this, I cannot find any feedback on the response to that check.

**Ms Halton**—No, it would have been on an exception basis.

**Senator JACINTA COLLINS**—What does that mean?

**Ms Halton**—It would have been, ‘We understand that you are out there looking. Can you just check that that is the case.’ In the event that that had not been the case, our how expectation was that they would come back and tell us. It is not reflected here that they came back and told us they were not checking. It is consistent with my understanding that, in fact, they were checking.

**Senator JACINTA COLLINS**—Checking?

**Ms Halton**—Surveilling. If we could just go back to the point about the 21st and the advice following the meeting, my phone records show that I had a conversation with both Mr Jordana and Mr Moore-Wilton that evening—which, again, would be consistent with my practise of making the double-barrelled phone call about facts.

**Senator JACINTA COLLINS**—Do you have file notes about what was covered in that conversation?

**Ms Halton**—No, I do not, but, as I said, it would have been consistent with this.

**Senator JACINTA COLLINS**—Do you know if it went to a concern that Defence surveillance might not be being maintained?

**Ms Halton**—I do not believe so. I believe it would have been restricted to the facts in relation to SIEV6.

**Senator JACINTA COLLINS**—At this point in time, what was your understanding of how surveillance was occurring?

**Ms Halton**—I cannot say that we had a detailed, technical or any other precise understanding of how surveillance was occurring, other than that the approaches to Christmas Island and to Ashmore were being thoroughly examined to try and identify vessels on their approaches towards those two destinations.

**Senator JACINTA COLLINS**—So you had no notion at this point in time that they were looking for a particular vessel?

**Ms Halton**—No. Again, what I said I think earlier on today was that our understanding was always that they were actively looking for vessels that might be coming—how do I put this?—that, if we had an anticipated arrival, be it high probability, medium probability or what have you, there was an active process of trying to identify those vessels.

**Senator JACINTA COLLINS**—So you had a view that, rather than just blindly maintaining a routine pattern with no other input, it would be fair to assume that the crews surveilling these regions had the benefit of other intelligence that might lead the task force and others to anticipate arrivals?

**Ms Halton**—I think there are two questions in there. Did I have any notion of the physical manner in which they were looking? No, I cannot say that I ever had that understanding. Did I have a notion that they were categorically looking for things that we thought might be coming down the pipeline? Yes.

**Senator JACINTA COLLINS**—Okay. You would have been surprised to hear, for instance, that intelligence you were aware of was not brought to the attention of the crews surveilling these areas.

**Ms Halton**—A little.

**Senator FAULKNER**—In the task force notes of 22 October, there is a point made—well, a number of points, effectively—about a vessel called SIEV8.

**Ms Halton**—Yes.

**Senator FAULKNER**—Can you confirm that SIEV8 in relation to the notes of the People Smuggling Task Force of 22 October 2001 is, in fact, SIEVX?

**Ms Halton**—I do not know why this vessel in these notes is called SIEV8—I should say that at the outset. As you have already pointed out yourself—and you understand well—the practice was not to name a vessel until it was the next in the chronology, and it was not in these meetings described in that way. What I can assume is that the second vessel that was being anticipated, which I think Senator Collins and I agreed, on balance, you could assume was SIEVX, but we did not understand it to be that. Would I say that the vessel styled here as SIEV8 was the same vessel we were discussing earlier as the second vessel? Yes.

**Senator FAULKNER**—So it is SIEVX?

**Ms Halton**—Which now we know as SIEVX, yes.

**Senator FAULKNER**—But you ticked off these notes, didn't you?

**Ms Halton**—No, no, as I said to you last time, the notes were done as contemporaneous notes by whoever was the note taker. They wrote them up and filed them. They did not come back to me for verification.

**Senator FAULKNER**—Okay. Anyway, in the task force notes of 22 October, the vessel labelled SIEV8 is in fact the Abu Qusey vessel, SIEVX?

**Ms Halton**—We now know that, yes.

**Senator FAULKNER**—Under that heading ‘SIEV8’, which we know as SIEVX, it says:

Not spotted yet, missing, grossly overloaded, no jetsam spotted, no reports from relatives.

**Ms Halton**—Yes.

**Senator FAULKNER**—Are you able to tell us how that information was transmitted to the task force for reporting and, in this case, for the record of the notes or minutes of the meeting?

**Ms Halton**—Yes. As I indicated earlier there was a conversation between a couple of the agencies, principally DIMIA and Coastwatch, and it was about whether this vessel was genuinely there: whether it was on the water and whether it existed. There was a question about whether it was real. As I have said, this was something of which we were largely observers. We were not party to this because this relates to the technical way that these agencies, I suppose, assess things. I remember the conversation because it was about the advice from DIMIA that people tended to let their relatives in Australia know as they were leaving Indonesia on a vessel. DIMIA’s experience had been—and I cannot say what that experience was, but clearly there was some history to this comment—that in the event that a vessel was missing they tended to know about it. I think the comment was that they tended to know about it very quickly because the relatives knew exactly when that vessel was anticipated to arrive at Ashmore, Christmas Island or wherever. Then there was the advice in relation to jetsam. The conversation was along the lines of, ‘Well, do we think something has happened?’ The conversation then turned to the fact that nobody had spotted any jetsam.

**Senator FAULKNER**—I think ‘flotsam’ would have been better.

**Ms Halton**—Sorry.

**Senator FAULKNER**—It is recorded as ‘jetsam’ but flotsam is more accurate.

**Ms Halton**—I am sure you are right, Senator. But in assessing whether there was an issue at sea, on balance the advice seemed to be that if there was a vessel out there in distress there would have been phone calls from relatives and something would have been said.

**Senator FAULKNER**—So, ‘no reports from relatives’ came from DIMA?

**Ms Halton**—Yes.

**Senator FAULKNER**—Do you know where ‘not spotted yet’ and ‘missing’ came from?

**Ms Halton**—I cannot be categorical. The reason I remember precisely that DIMIA were the ones who were talking about the phone calls from relatives was because I remember thinking ‘ooh’—it was quite a graphic conversation. I would not wish to be categorical about who made that earlier point.

**Senator FAULKNER**—Do you know where ‘grossly overloaded’ came from?

**Ms Halton**—Again, that would have been part of the intelligence. I cannot be categorical about which agency said it.

**Senator FAULKNER**—Was this the first you heard of it?

**Ms Halton**—What, Senator?

**Senator FAULKNER**—This was the first you heard that the vessel we now know as SIEVX was grossly overloaded.

**Ms Halton**—Yes. We had earlier reports about 250. As we understood it in those earlier discussions 250 was not a discussion about ‘grossly overloaded’.

**Senator FAULKNER**—I will tighten up the question for you. When did the task force first learn that the vessel was grossly overloaded?

**Ms Halton**—In this conversation.

**Senator FAULKNER**—A whole 20 seconds?

**Ms Halton**—Yes. Again, this was in this context: had it left it should have arrived by now. The context was, ‘Did it leave? Is it really on the water?’ There was a conversation about jetsam. You were right, it was flotsam; we could have a conversation about what jetsam is, later. There were no reports from relatives. I would characterise it as a dialogue between the agencies involved in that intelligence process about what they thought the facts of this were.

**Senator FAULKNER**—This sounds like it is a pretty concerning discussion, even from the way it is recorded—it is missing, grossly overloaded, no reports from relatives—so I gather this is a pretty concerning situation at the task force.

**Ms Halton**—It was, absolutely.

**Senator FAULKNER**—What happens as a result of that level of concern? Is there any action that emanates or tasking that emanates from the task force as a result of those concerns?

**Ms Halton**—There was a conversation about safety of life at sea and whether in fact someone should ring AMSA and talk them about this and get them to issue a notice. In fact I think, from memory, Ms Edwards might have reflected part of that conversation to you. My memory is that those agencies who would normally be involved in this process actually thought no, because they thought on balance that the vessel was not on the water and was not in distress. As it happened—and I think we got advice towards the end of this meeting—AMSA had already taken action itself.

**Senator FAULKNER**—Yes. Is that because someone from the task force proactively checks with AMSA?



**Ms Halton**—Somebody from the task force has a conversation with AMSA. What I cannot tell you is whether contemporaneously someone went off and rang or whether it happened after the meeting itself. My memory is that the view of the people who do this intelligence work was in fact that there was not a safety of life at sea issue. We had some dialogue with AMSA either at the end of this meeting or immediately after this meeting. Again, I cannot tell you whether it was us, PM&C or one of the other agencies who, following the discussion, went and had the dialogue with AMSA—I just cannot be that specific. But, either at the end—

**Senator JACINTA COLLINS**—The AMSA dialogue occurred at 4.37.

**Ms Halton**—Do you know what time this meeting was?

**Senator JACINTA COLLINS**—It is not on here.

**Ms Halton**—I think the point is that, contemporaneously, inquiries were made of AMSA and, contemporaneously, AMSA was issuing a notice. I do have a clear memory, however, that DIMIA and Coastwatch actually did not think—based on that discussion in here—that there was actually a safety of life at sea issue, because they did not believe, in the absence of these bits of evidence, that there had been a vessel out there.

**Senator FAULKNER**—Are you aware that the vessel has sunk before the meeting of the task force on 23 October? The People Smuggling Task Force notes are quite substantial about the sinking on the 23rd. Do you know before that meeting commences that the vessel has sunk?

**Ms Halton**—I think everyone in Australia knew; it was on *AM*.

**Senator FAULKNER**—That is what I—

**Ms Halton**—Yes. It was on CNN and it was on—

**Senator FAULKNER**—Your task force was at 3.15 p.m.

**Ms Halton**—That is right.

**Senator FAULKNER**—So you were well aware of the situation.

**Ms Halton**—That is right.

**Senator FAULKNER**—Did you learn about the sinking of the vessel from radio reports?

**Ms Halton**—No, I did not. I received a phone call from Shane Castles at 2 a.m. It woke me up. I missed the call, went out and looked to see who it was and returned his call. He told me the barest bones—that he understood there was a report but that a cable would be coming later in the day that a vessel had sunk. That was it.

**Senator FAULKNER**—Literally, that is it? No location, no further detail?

**Ms Halton**—No detail; no nothing.

**Senator FAULKNER**—And the next report you hear about it is a radio report?

**Ms Halton**—On *AM*.

**Senator FAULKNER**—In the morning.

**Ms Halton**—That is right, the point being that I was told that there was a cable coming and then, of course, that cable was canvassed that afternoon in the task force. It is reflected here.

**Senator FAULKNER**—So the report of the 23rd—the report of the sinking of the vessel we now know as SIEVX—was based on that cable, was it?

**Ms Halton**—Sorry, which report?

**Senator FAULKNER**—In the report of the 23rd there is a more substantial—

**Ms Halton**—In the notes?

**Senator FAULKNER**—Yes, in the notes.

**Ms Halton**—Yes, sorry. I took this down in quite detailed notes. Someone was reading from a cable, and I actually hand wrote in my daybook a whole series of the details. They are completely consistent—in fact, in some cases, they are word for word—with this. The person concerned was reading from a cable, and so my belief is that that is almost an exact quote from details of a cable.

**Senator FAULKNER**—Did that include the advice: ‘vessel likely to have been in international waters south of Java’?

**Ms Halton**—That was, as I understand it, part of this cable, but I could not be sure of that.

**Senator FAULKNER**—What advice did you, the task force or PM&C provide to the Prime Minister on this? I would be interested in both when advice was provided to the Prime Minister and the content of such advice.

**Ms Halton**—Advice was not provided in terms of a general update on a range of issues until the afternoon of the 24th.

**Senator FAULKNER**—Then are you able to explain to us the basis of Mr Howard stating, in an interview on radio 6PR on 23 October 2001, that the boat, the SIEVX, had sunk not in Australian waters but in Indonesian waters?

**Ms Halton**—No, I am not.

**Senator FAULKNER**—But it was not a report from the task force?

**Ms Halton**—No, that is right.

**Senator FAULKNER**—You can be categorically sure that it was not an advice from the task force or you?

**Ms Halton**—Yes, I can.

**Senator FAULKNER**—If it was based on advice, it was based on advice from someone else?

**Ms Halton**—Correct.

**Senator FAULKNER**—The Prime Minister, at the announcement of his party's border protection policy at Observation City, Scarborough and Perth on 23 October, again indicated that the vessel sank in Indonesian waters. This advice could not have come from the task force, could it?

**Ms Halton**—No, that is right. You have already made the point, as I understand what you are saying, that those particular occasions were in the morning. The task force met at 3.15 that afternoon; the task force did not provide any advice.

**Senator FAULKNER**—So did the advice that went to the Prime Minister on 24 October canvass where the vessel sank?

**Ms Halton**—It did. What it says is: 'boat capsized and sank quickly south of the western end of Java with loss of possibly 352 lives'.

**Senator FAULKNER**—So, with that advice 'south of the western end of Java', it could be in Indonesian waters or it could be in international waters?

**Ms Halton**—Yes.

**Senator FAULKNER**—It does not say.

**Ms Halton**—No. But I should be quite clear here: there is a heading here which says 'boat sunk in Indonesian waters'. It does not say territorial waters. There had been a conversation about Indonesian safety in its search and rescue zone. That is just a heading. This particular note was based on advice from DFAT, DIMA, DTRS, AG's and Defence.

**Senator FAULKNER**—Are we able to get a copy of that advice?

**Ms Halton**—Again, it is not my gift to provide you with it.

**Senator FAULKNER**—Just quickly go through the agencies that are involved in the formation of that advice again, please. You just mentioned them.

**Ms Halton**—DFAT, DIMA, DTRS, AG's, Defence.

**Senator FAULKNER**—Was that advice done under the auspices of the task force?

**Ms Halton**—That is a minute that I have signed out on the afternoon of the 24th, following discussions both at the meeting and with individual agencies in relation to a range of issues. It is an update. It was not explicitly about the sinking; it was about a range of other issues.

**Senator FAULKNER**—When you say that you have signed it out, have you signed that out as chairman of the task force or as a senior officer of PM&C? What is the status?

**Ms Halton**—No; as a senior officer of the Department of the Prime Minister and Cabinet.

**Senator FAULKNER**—So it is more of a PM&C role as a coordinating department, if you like?

**Ms Halton**—It is an information brief, yes, exactly. As I understand it, as I have said to you, it went in the afternoon. It was signed out on the 24th, and I do not think it went until very late in the day.

**Senator FAULKNER**—Are you aware of any other advices that were received by the Prime Minister on that issue?

**Ms Halton**—No, I am not.

**Senator FAULKNER**—So you cannot throw any light for us on these statements that the Prime Minister made on the 23rd—

**Ms Halton**—I cannot.

**Senator FAULKNER**—when he launched his attack on Mr Beazley?

**Ms Halton**—I have no knowledge.

**Senator FAULKNER**—If you could provide us with a copy of the advice, I am sure we would appreciate it. Please take that on notice.

**Senator JACINTA COLLINS**— Ms Halton, just going back to the advice that was presented to the task force on that day, what was the source of that advice? That cable was from where?

**Ms Halton**—It was from our mission in Indonesia.

**Senator JACINTA COLLINS**—Did that have any mystery headings?

**Ms Halton**—I do not quite understand the point.

**Senator JACINTA COLLINS**—The point I am making is that the content of the message that you indicate was passed on to the Prime Minister was ‘south of Java’.

**Ms Halton**—And that is not in the detail.

**Senator JACINTA COLLINS**—But there was a heading in it that you said referred to Indonesian waters. I am asking whether the source of the material that describes the vessel as likely to have been in international waters had any headings or the like to detract from the statement that it was international waters.

**Ms Halton**—I do not have that in front of me. I will have to take that on notice. What I can say to you is: the comment about ‘south of the western end of Java’ was not contained, as I understand it, in the material that was read to us on that afternoon of the 23rd. The point I was making to you about the source of the information that was contained in that minute was that there had been, as there always was—before PM&C sent a brief to the Prime Minister, which was a state of play brief—a canvassing of the individual agencies which were relevant to the particular subject matters. What I cannot tell you—because, whilst I was a signatory to that, I was not the author of it, if you see the distinction I am making—is which agency provided us with the additional detail in relation to south of the western end of Java; but it has come from one of those agencies.

**Senator FAULKNER**—But the original information, you said, was not passed on.

**Ms Halton**—That is correct.

**Senator FAULKNER**—The material that did go from under your signature went to the Prime Minister on the 24th.

**Ms Halton**—In the afternoon.

**Senator FAULKNER**—In the afternoon of the 24th. Are you able to be more precise than that?

**Ms Halton**—We would have to take that on notice, but it was in the afternoon.

**Senator FAULKNER**—Was that particular ‘information brief’—I think they are the words you have used to describe it—generated out of the task force as a result of your initiative, or was there a request for you to prepare such an information brief and pass that to the Prime Minister?

**Ms Halton**—I think, as we have already acknowledged throughout this process, intermittently updates were provided, founded on what happened in the task force. And, as you know, very often it was acknowledged that there was going to be one—and they are often acknowledged here. My recollection is that, on the afternoon of the 24th, there was not a task force meeting. On this particular occasion, the material that would have been included would have come from a ring around from the officers in Social Policy Division, trying to get the most current state of information in relation to things that were currently on foot: what was happening at Ashmore Reef in terms of SIEV7 and a series of other things that were—

**Senator FAULKNER**—Yes, but you have told us that you did not do this brief to the Prime Minister wearing your hat as chairman of the task force.

**Ms Halton**—That is right—

**Senator FAULKNER**—That is right, isn't it?

**Ms Halton**—because there had not been a task force meeting.

**Senator FAULKNER**—You did this in your role as the then Deputy Secretary of the Department of the Prime Minister and Cabinet.

**Ms Halton**—Correct.

**Senator FAULKNER**—What I am asking is: why did you do that? Was it on your initiative, did someone else request that you do that, or what?

**Ms Halton**—I think it was done as an initiative of the department because there were a series of things that were in play, particularly in terms of 'What's happened to the group from SIEV4?' and 'What's happening to SIEV6 and SIEV7?'; in terms of making sure people were apprised of the relevant details, that it was considered timely just to provide a factual update.

**Senator FAULKNER**—Who by; you?

**Ms Halton**—My memory is that the division thought it would be timely to do an update and that they proposed we send a note. I thought that was prudent and agreed it. They prepared it, we canvassed it and it was signed and sent.

**Senator FAULKNER**—Who did you canvass it with?

**Ms Halton**—The people in the division.

**Senator FAULKNER**—Was it cleared by Mr Moore-Wilton?

**Ms Halton**—No, it was not.

**Senator FAULKNER**—So he did not know about it?

**Ms Halton**—I will tell you whether he received a copy at the time, which he undoubtedly did. Yes, he did.

**Senator FAULKNER**—What is the explanation for the difference between the information that came in the cable reported in the task force and what is contained within the brief?

**Ms Halton**—The information in the brief, as I have said to you, came from the relevant agencies. In terms of the information about Indonesian waters, it does not say 'Indonesian territorial waters'. In terms of the likely location—that is, south of the western end of Java—that material would have been provided by one of the line agencies.

**Senator FAULKNER**—Can you say who?

**Ms Halton**—I cannot. I would have to go back and ask the authors whether they can clarify which agency it was.

**Senator FAULKNER**—I would appreciate that. Given the information recorded at the task force that the vessel is likely to have been in international waters south of Java, it would be interesting to know on what basis someone came up with a different view.

**Ms Halton**—Yes. We will take that on notice.

**Senator JACINTA COLLINS**—Could you also take on notice providing us with a copy of the original cable, the one that is reported here from the embassy?

**Ms Halton**—We will take that on notice. I have no idea what it is classified.

**Senator JACINTA COLLINS**—And/or seeking that it be declassified so that we can do a comparison.

**Ms Halton**—Yes. Again, I cannot do that, but I will ask Prime Minister and Cabinet to look at the issue.

**Senator FAULKNER**—But, given the significance of this and it is under your signature, did you yourself take any steps to check the accuracy of that information?

**Ms Halton**—Did I ring each of these agencies? No, I did not, because the assurance I was given by my officers was that they had been dealing on a regular basis with all of the agencies that are involved in this. In fact, the habit in Prime Minister and Cabinet is to acknowledge whence this information came. Hence, at the bottom right-hand corner of every brief of this type that goes out, there is a section that says ‘consultation’, and it lists the agencies that are the source of the substance. As we have observed on many occasions in these hearings, Prime Minister and Cabinet is not a line agency. It is not responsible for managing these programs, for getting itself involved in the line of command, and we rely on the advice that is given to us. I categorically was assured that this was the current update in terms of the status in relation to the range of issues that are canvassed here. This particular section is nine lines.

**Senator FAULKNER**—Yes, but it is in conflict with what was said. You have told us that you yourself took responsibility for recording on this occasion the words ‘vessel likely to have been in international waters south of Java’.

**Ms Halton**—And, as I think you would probably appreciate, the advice that we got as the cable was read to us was that this was a preliminary report from, my memory is, the AFP. I think it says they had had a conversation with a 19-year-old survivor and they were making a very early assessment of the facts in relation to this issue. Certainly I think our understanding was that the agencies concerned had had time to reflect on this issue in a more considered way. The facts were as we understood them—it says ‘we understand’ in this brief—and so we were not there and did not have—

**Senator FAULKNER**—Yes, of course you were not there. But no-one is suggesting for one moment that the 19-year-old Afghani male survivor was responsible for reporting that one

fishing vessel rescued 44 people and another rescued five people—four deceased and one survivor—that 41 adults and three children survived, that 352 drowned and that survivors taken to Jakarta were being cared for by IOM at Bogor outside Jakarta. I am sure a survivor did provide some of the information but, quite clearly, a lot of that information is coming from other obviously authoritative sources.

**Ms Halton**—But also sources that were being quizzed almost immediately after this event had happened. When things are moving very quickly—I think we all know this—the facts of things can become confused and sometimes, in retrospect, one discovers the facts—in this particular case it does not even say this is a fact; it says ‘likely’—and those precise details may change.

**Senator FAULKNER**—Yes, but your People Smuggling Task Force, which met at 3.15 Eastern Standard Time on 23 October, received a report about this vessel likely to have been in international waters south of Java and you personally make a decision to minute that—

**Ms Halton**—No.

**Senator FAULKNER**—because you minuted the full detail of the sinking.

**Ms Halton**—You are putting words into my mouth. What I said to you was contemporaneously to the note taker. I did not write these notes. I did not personally take a decision to minute this—the note taker did. What I said to you was that my handwritten notes of the day are very consistent with this in a number of areas, which makes me think that this is a word for word transcription of what was read, and what was read was direct from the cable. I did not personally take any decision about the recording of this.

**Senator JACINTA COLLINS**—Did you write ‘international waters’ in your notes?

**Ms Halton**—I did not, actually, no.

**Senator FAULKNER**—Prior to this, the Prime Minister announced in Perth that this boat sank in Indonesian waters.

**Ms Halton**—As I have said to you, I do not know what the source of that advice was. It may well be the source of the same advice that we got later but I do not know, it was not discussed with me and I cannot make any comment.

**Senator FAULKNER**—Were you alert to the fact that there was an inconsistency here?

**Ms Halton**—I would have to say to you that, no, we would not have said that there was a particular inconsistency. As much as anything else, our experience of the description of Indonesian waters right throughout this period was, to say the very least, confused. We have the Indonesian search and rescue zone, we have what would have been their contiguous zone if they declared it and then we have their territorial waters. Right throughout this period there was a lack of precision about what the legal definition was. Understand, if you will, that my understanding is that you cannot actually see the land unless you are inside the territorial waters of Indonesia but that there were always issues in respect of the Navy about what would have



otherwise been declared as Indonesia's contiguous zone, if they had declared it. And then there was the area for which they were responsible for search and rescue—that is, BASARNAS. In my experience, right throughout this period you found that people used all this terminology quite interchangeably. So were we aware there was an inconsistency? I think the short answer is no.

**Senator FAULKNER**—But by this day it was a significant issue in the federal election campaign, wasn't it?

**Ms Halton**—In terms of it being said that this was not an issue for Australia, it was not something for which we had a responsibility. You are quite right—it got a lot of prominence.

**Senator FAULKNER**—Yes, you had Mr Howard saying it was a despicable thing for the Leader of the Opposition, Mr Beazley, to try and score political points and so forth. That was on the morning when your task force was recording in its notes that this sinking occurred in international waters.

**Ms Halton**—You are quite right when you say that the Prime Minister made a comment in the morning. We did not even have a meeting until the afternoon.

**Senator FAULKNER**—Yes.

**Ms Halton**—I have to say to you there was no discussion about any inconsistency between this and anything that might have been said by the Prime Minister. I think, as I have said to you, that that is completely understandable amongst those people who have been party to this process, because—as I have already explained to you—there was vast interchangeability amongst these three pieces of terminology.

**Senator FAULKNER**—Nevertheless, the Prime Minister described Mr Beazley's comments as 'desperately despicable' and 'an absolutely contemptible contribution'. The point here is that, as you know, the caretaker provisions were applying at this time; you acknowledge that.

**Ms Halton**—Absolutely.

**Senator FAULKNER**—This was well into an election campaign. It was highly politically charged and sensitive—trying to be reasonable about this, most objective people would acknowledge that that was the case. This was front and centre in terms of political debate in Australia in an election campaign on that day.

**Ms Halton**—You understand better than most that the guidelines to witnesses say explicitly that public servants will not comment on matters that are political, and that would be my complete intention. As I have said to you, we will take on notice which of the agencies that were canvassed as part of the construction of this update provided us with that particular piece of information.

**Senator FAULKNER**—It does not sound like there is any information, from what you have read out to us. The words I heard were 'south of the western end of Java'.

**Ms Halton**—That is correct. As we have already acknowledged, the comments were in the public arena long before either the task force meeting or indeed the brief. This issue had already been in the public domain for a day and a half at least at the point at which this brief went. I do not know when it was seen by the Prime Minister. If it had been consistent, it would not have been seen by the Prime Minister until some time after the 24th. This information was not the source of the Prime Minister's comments and I have already told you that I cannot tell you what the source of those comments was.

**Senator FAULKNER**—Of course, it was not just on that day, because Mr Howard said it again on the *Today* show on 29 October. I think you were present for Mr Howard's National Press Club address on 8 November, weren't you?

**Ms Halton**—And Mr Beazley's.

**Senator FAULKNER**—And Mr Beazley's, yes, but you were present for Mr Howard's?

**Ms Halton**—I was; that is right.

**Senator FAULKNER**—He said it there too, didn't he?

**Ms Halton**—That is my memory, yes.

**Senator FAULKNER**—Did anyone think to check?

**Ms Halton**—As I have said to you, there was not seen to be any inconsistency in terms of what was a very initial report and the subsequent advice which we received from agencies. I think, in hindsight, it is a bit like the identification of SIEVX—there is now some level of confusion and it would be fair to say no-one really knows where this was. But agencies that were the source of this information provided, on best endeavours, the information as they understood it. Information is caveated; we understand.

**Senator FAULKNER**—There were no caveats on the task force report of the 23rd, were there?

**Ms Halton**—Other than the word 'likely'.

**Senator FAULKNER**—It says:

Vessel likely to have been in international waters south of Java.

**Ms Halton**—That is not a categorical statement, to my understanding. I think the word 'likely' is a caveat.

**Senator FAULKNER**—Is that what you describe as a caveated statement?

**Ms Halton**—Yes. It does not say, 'Vessel was in international waters.'

**Senator FAULKNER**—But, when you have talked about the caveats that have applied, it is not the use of qualified language, is it? The actual caveats have previously been put in the task force minutes, haven't they?

**Ms Halton**—There is a difference between a categorical statement and a statement about probability. This is not a categorical statement.

**Senator FAULKNER**—I accept it is not a categorical statement. What I want to know is how that statement can be recorded in your task force minutes at 3.15 on 23 October and how Mr Howard can be making absolutely categorical and unqualified statements—including calling Mr Beazley 'despicable' and 'contemptible'—when a vessel sank in Indonesian waters. Mr Howard said:

... it sank, I repeat, sunk in Indonesian waters, not in Australian waters. It sunk in Indonesian waters ...

There is nothing qualified about that.

**Senator JACINTA COLLINS**—When this report was received at the task force, was there any reporting from you to the Prime Minister's office?

**Ms Halton**—Not that I can recall, no.

**Senator JACINTA COLLINS**—There was no dialogue between you and the Prime Minister's office on this issue between you being woken up at 2 a.m. and when that written report was given on the 24th?

**Ms Halton**—That is a different question. Did I have a conversation in the morning before this meeting with Mr Jordana? Yes, I did. Did I pass on to him any particular information other than—and by this time it was in the public arena—that I had had a phone call to say that there was a cable coming from Shane Castles? That is all I said to him.

**Senator JACINTA COLLINS**—You have had no conversation with the Prime Minister's office regarding where the ship sank, other than that written report on the 24th?

**Ms Halton**—No.

**Senator JACINTA COLLINS**—Did any of the intelligence you saw about the SIEVX include an attempt to ascertain from the harbourmaster whether fishing ships returned to the position where they collected the asylum seekers?

**Ms Halton**—Not that I can recall but I did not see a vast amount of intelligence on this issue.

**Senator JACINTA COLLINS**—You never sought to clarify exactly where the ship had sunk?

**Ms Halton**—The issue of where this vessel sank was not a matter for which we were responsible. We were not asked to provide particular details about it. The fact that we have, in a state of play briefing, swept it up as one of the issues and, based on the advice of the line

agencies concerned, provided our current understanding of the facts in the matter is a function of that kind of department and that kind of role. We were never asked in relation to the details of that issue, and as I have said to Senator Faulkner I did not have any dialogue on this issue with the Prime Minister's office other than, as I have just told you, a conversation where I said I had had a phone call from Shane Castles.

**Senator JACINTA COLLINS**—You do not need to repeat that issue. I am trying to ascertain whether there was any work done by the task force to ascertain where the ship had sunk.

**Ms Halton**—No. There was not.

**Senator JACINTA COLLINS**—You said in your comments a moment ago, 'It was not our responsibility.'

**Ms Halton**—That is right.

**Senator JACINTA COLLINS**—You said that particularly after the decision was made to attempt to return vessels to Indonesia, safety of life at sea issues became more—

**Ms Halton**—Germane?

**Senator JACINTA COLLINS**—Germane.

**Ms Halton**—Correct.

**Senator JACINTA COLLINS**—Was the task force not alert to the maritime principle that if a vessel or assets are in an area where a safety of life at sea event occurs it is their responsibility to respond to it?

**Ms Halton**—Yes, absolutely.

**Senator JACINTA COLLINS**—If there is the possibility that this ship sank in the surveillance zone of the Orions, isn't it the task force's responsibility to ascertain why that event was not managed?

**Ms Halton**—No, because we were not aware—and as I have said regarding the conversation that we just went through in some detail—that it had sunk in the area of surveillance. On the contrary, the discussion the day previously said that we had not seen any flotsam—I will not say 'jetsam'; Senator Faulkner points out rightly that it should be 'flotsam'—and there were no reports from relatives. We explicitly had here an observation that nothing had been seen by the surveillers. That did not change.

**Senator JACINTA COLLINS**—And that is the end of the matter, is it?

**Ms Halton**—That did not change.

**Senator JACINTA COLLINS**—That reads more like, ‘We didn’t want to know,’ rather than, ‘We made an effort to ascertain whether this might have been the case.’

**Ms Halton**—Frankly, I think that is deeply offensive, Senator Collins.

**Senator JACINTA COLLINS**—You can have it as offensive as you like. I think this whole incident is offensive. The notion that the task force had no responsibility to ascertain whether this ship had been within the Australian surveillance zone is offensive.

**Ms Halton**—Why?

**Senator JACINTA COLLINS**—Why!

**Ms Halton**—At the end of the day, the surveillance was being undertaken under Operation Relex, which was not the responsibility of this task force. As we keep going over and over again, this task force was responsible for dealing with the issues about when they actually hit the edge of the contiguous zone and the surveillance that was occurring under Operation Relex. Explicitly and deliberately, the task force was not part of the line command arrangements; we did not insert ourselves in those arrangements. The surveillance was a matter for Defence and Coastwatch operating in conjunction.

At the end of the day, our understanding had been that this vessel had sunk quite close to Indonesia. I do not think the non-Defence members of this task force in fact had an explicit understanding of exactly how close to Indonesia there was surveillance. We have all read with great interest the maps that actually show what was going on at the time; that was not shown to us at the time, and the notion that we should suddenly take responsibility for something which was not within our remit is unreasonable.

**Senator JACINTA COLLINS**—Okay, let us go back to what is reasonable then. What appears to be reasonable is the assumption that these were issues within your purview, if your minutes indicate that you are checking to see if Defence P3 is maintaining surveillance over Christmas Island.

**Ms Halton**—Over Christmas Island and I think we would agree, Senator, that if you look at the map, with respect to the gap between Christmas Island and Indonesia, there is quite a big difference.

**Senator JACINTA COLLINS**—So the comment here under ‘Other issues’ only pertains to the area in the immediate vicinity of Christmas Island? It is not related to what was happening with SIEVX?

**Ms Halton**—Our understanding is that they were surveilling on the approach to Christmas Island. As I have said to you before, I did not understand—and I would be very surprised if my colleagues understood—until I saw the maps exactly how close to Indonesia they were going. I was actually very surprised when I saw the maps.

**Senator JACINTA COLLINS**—So they had not been part of the earlier maps that you had been shown by Coastwatch—the multicoloured ones you referred to earlier?

**Ms Halton**—No. If you listened to what I said, the map showed Coastwatch's possible routes; it had nothing on it which actually showed surveillance areas. It showed lines about possible routes for vessels to sail on.

**Senator JACINTA COLLINS**—Yes. How far did those lines extend?

**Ms Halton**—The lines extended from Indonesia to a variety of places.

**Senator JACINTA COLLINS**—Are you telling me that, as the head of the task force, you had no understanding until around 23 October that Defence was surveilling up to 30 nautical miles from Indonesia?

**Ms Halton**—No. You did not listen to what I said; what I said was that until the maps were published in whichever newspaper they were published in—I think they were on the front page of the *Weekend Australian* a few weeks ago—we did not know that they were actually physically that close to Indonesia. Our understanding was that they were surveilling the approach routes and that we have the territorial sea and the contiguous zone and space beyond that, but we did not know that they were physically that close to Indonesia.

**Senator JACINTA COLLINS**—What did you think happened to these ships that were returned to Indonesia once they got past the contiguous zone? They were out on their own, were they? You weren't watching to see that they maintained seaworthiness on their approach back to Indonesia?

**Ms Halton**—The vessel that deposited them did maintain visual contact with those vessels.

**Senator JACINTA COLLINS**—So the surveillance was going to the Indonesian coast?

**Ms Halton**—That was the vessel, not aeroplanes—you are talking about aeroplanes. In terms of the vessel that returned a vessel to Indonesia, yes, they kept an eye on what had happened.

**Senator JACINTA COLLINS**—I was actually talking about surveillance more generally. Are you aware of any satellite surveillance?

**Ms Halton**—No.

**Senator JACINTA COLLINS**—Can you say categorically there was no satellite surveillance or that you are just not aware?

**Ms Halton**—I am not aware. We were not in the chain on Operation Relex.

**Senator JACINTA COLLINS**—You were not in the chain of Operation Relex, but you did have a concern about the safety of life at sea issues in relation to people who were approaching Australia on these ships?

**Ms Halton**—That is correct.

**Senator JACINTA COLLINS**—But in many senses there were issues that were not your responsibility?

**Ms Halton**—That is correct.

**Senator JACINTA COLLINS**—So, even though right through these minutes we have references to issues that were not your responsibility, it was not your responsibility?

**Ms Halton**—Senator, this group was formed to manage unauthorised arrivals once they arrived in Australia or when they were on the edge of the contiguous zone. You have had hours of evidence on Operation Relex and on the fact that Operation Relex was an operation of the defence department. Operation Relex was not something for which we were responsible or on which we inserted ourselves.

In terms of the surveillance, I think we have already canvassed here today in some detail the fact that our understanding was that they were looking, but we did not have the details of who or how. We had an understanding in relation to them looking at the approach routes to Christmas Island and to Ashmore. As I have just said to you, we had no understanding that they were actually that close to Indonesia. We did not need to have that understanding; it was not our responsibility. It was that of Operation Relex.

**Senator JACINTA COLLINS**—So the safety of life at sea issues that the task force has responsibility for, as far as you are concerned, are asylum seekers once they reach the contiguous zone—otherwise, it is not your responsibility?

**Ms Halton**—Safety of life at sea was relevant to what we were doing in relation to the things for which we were responsible. We just had the conversation about the fact that this discussion led then to a discussion with AMSA about that particular vessel. Yes, it was my expectation that in the intelligence context, if those people had particular issues, they would be raising those with the other agencies as appropriate. That is a longstanding and existing arrangement between agencies. We did not take over running every part of government; on the contrary. As I keep saying, we were not taking decisions. There was a sharing of information here. Decisions were taken either by ministers or by line agencies under delegated authority.

**Senator JACINTA COLLINS**—Then whose responsibility do you believe it is to ascertain whether this ship sank in regions where we were conducting comprehensive surveillance?

**Ms Halton**—It seems to me that is a question that should be put to Defence.

**Senator JACINTA COLLINS**—You think it is a Defence issue?

**Ms Halton**—On the question of whether they were surveilling an area where the vessel may have sunk or indeed did sink, my understanding—I only know this from what I read in the press—is that there is still a lack of clarity about this particular issue. As I keep saying, the issue of surveillance was part of Operation Relex. That was a Defence initiative; it was under the aegis and the authority and the command of the Chief of the Defence Force. The Chief of the Defence Force, I can tell you right now, did not report to me. He had a very strong view about his independence in this area.

**Senator JACINTA COLLINS**—Yes. As you say, there is a lack of clarity, except in the reports that the Prime Minister made about the incident.

**Ms Halton**—As I have just explained to you and Senator Faulkner, I did not have any detail other than one phone call from Shane Castles at two in the morning to say it had occurred and a cable was coming, and the cable was duly read in the afternoon. The fact of that phone call was passed on. There was nothing else that we were aware of to pass on, and we did not pass anything else on, because we were not in a position to do so. As to the source of those comments, I do not know.

**Senator JACINTA COLLINS**—You never identified the inconsistency between the reference to international waters in these notes based on that cable and the document that you put your name to on the 24th that went to the Prime Minister's office under the heading 'Indonesian waters'.

**Ms Halton**—As I have said to you and as I have said to Senator Faulkner on a couple of occasions—in fact, probably more than 10—these minutes, these contemporaneous notes, were taken by a note taker who then typed them up and stuck them on a file. They did not bring them back to me. You just asked me what I had written in my daybook. As I have said to you, my handwritten note did not include that particular sentence. As I have also said to you—

**Senator JACINTA COLLINS**—But what about the cable itself? Did the cable refer to international waters?

**Ms Halton**—I do not know. I did not see the cable. We have said we will look at that for you on notice.

**Senator JACINTA COLLINS**—That is pretty germane. You said just a moment ago that the discussion that occurred at the task force meeting on 22 October was the basis for the alert sent to AMSA. What time was the meeting of the People Smuggling Task Force on 22 October?

**Ms Halton**—I think we have agreed it was in the afternoon. I do not have that in front of me. I do not know. We would have to take that on notice. I do not have it here.

**Senator JACINTA COLLINS**—Rather than your assertion a moment ago, it would be very useful, because the alert to AMSA, from an earlier discussion, went independently of the task force.

**Ms Halton**—Yes, that is what I said to you. I said there was a phone call to AMSA, and while we had been meeting AMSA had independently sent out an alert.

**Senator JACINTA COLLINS**—I misheard you, then. I thought I heard you say that this discussion led to that alert.

**Ms Halton**—No. What I said was it led to a phone call to AMSA. I did not say it led to the alert from AMSA. My understanding is that AMSA actually issued an alert while the meeting was in progress. I believe the meeting was in the afternoon.



**Senator JACINTA COLLINS**—That is right. So this discussion did not lead to the phone call to AMSA? It had already occurred?

**Ms Halton**—No, the discussion led to the phone call to AMSA. The phone call to AMSA discovered that they had issued an alert.

**Senator JACINTA COLLINS**—Do you mean a second phone call to AMSA, not the original phone call to AMSA that led to the alert being issued?

**Ms Halton**—No. What I said to you was this: there was a discussion at the meeting. Either at the end of the meeting or immediately after the meeting, there was a phone call to AMSA. That phone call led to the information that AMSA, while the meeting had been in play, had already issued an alert.

**Senator JACINTA COLLINS**—That is right. I am just clarifying that you are not claiming that the result of this discussion led to AMSA issuing that alert. It had already been done.

**Ms Halton**—That is right. The point that I was making to you was that the phone call to AMSA occurred notwithstanding the advice of the agencies in the meeting that there probably was not an issue here—to wit, the thing we have just canvassed at length, about phone calls et cetera. There was a phone call to AMSA which, for whatever reason it was originally occurring, then became redundant, because they told the rest of the world—the people at the meeting et cetera—that there had already been an alert.

**Senator JACINTA COLLINS**—So you do not know why the original phone call to AMSA occurred?

**Ms Halton**—My memory is that the phone call to AMSA occurred from Coastwatch. The Coastwatch officer—this is my memory and I cannot confirm this—stood up and said he would ring AMSA. He then came back and said, ‘They have already issued an alert.’

**Senator JACINTA COLLINS**—So it was not out of a more general concern from the task force that some action should be taken about this vessel, about which the minutes say:

Not spotted yet, missing, grossly overloaded, no jetsam spotted, no reports from relatives.

**Ms Halton**—No. I think that, following on from that discussion, there was a concern that there should be a dialogue with AMSA and so that Coastwatch-AMSA conversation occurred. It became a redundancy, because they told us that they had issued an alert.

**Senator JACINTA COLLINS**—So it was an agreed action? It was not just something that the Coastwatch officer stood up and said he was going to do?

**Ms Halton**—I think there was an agreement that someone should ring AMSA. I think the basis of the discussion was that there was not necessarily a need for an alert, because the intelligence people thought that there was not likely to be an issue. Nonetheless, there was a phone call to AMSA. The phone call to AMSA then elucidated the fact that an alert had already been issued.

**Senator JACINTA COLLINS**—Did this discussion, where the ‘grossly overloaded’ concept was introduced to the task force, deal with why there had been a two-day delay from when that information was first received by agencies participating in the task force?

**Ms Halton**—There was no canvassing of the fact that there had been a delay, so there was no conversation about why there had been a delay.

**Senator JACINTA COLLINS**—So, even though DIMA intelligence accepts that there was a two-day delay that they cannot explain, this issue was not canvassed at the task force?

**Ms Halton**—No. There was no statement—I think we have canvassed this already—that this information had been with several agencies before that conversation.

**Senator JACINTA COLLINS**—I am not sure that we have covered that, but you might have covered it with Senator Faulkner.

**Proceedings suspended from 4.23 p.m. to 4.38 p.m.**

**CHAIR**—Senator Collins, before the break you were in full flight.

**Senator JACINTA COLLINS**—I have pretty much concluded. Thank you, Chair.

**CHAIR**—You have landed, have you?

**Senator JACINTA COLLINS**—I have.

**Senator FAULKNER**—I know that Ms Halton has some other commitments, so we should try and finish as quickly as we can. I have one or two other questions, but I will place them on notice.

**Ms Halton**—Let us try and do them.

**Senator FAULKNER**—No, I will try and not do them at all. It will be easier, I think.

**Ms Halton**—That would suit me! Could I just go back to the question that was asked earlier about the ‘blank’ document circulated. Having consulted with colleagues, we believe that the ‘blank’ is in reference to a place, so it is in relation to a matter that was being canvassed.

**CHAIR**—I will come back to Senator Faulkner and Senator Collins to see if there are any follow-up questions on that piece of information. I will just ask you to conclude from my point of view. I know you have told us this before, but can you tell us on how many occasions over the period 7 October to 7 November, which I think was the day on which the Prime Minister appeared before the National Press Club, you had a telephone conversation or a personal conversation with the then Minister for Defence, Mr Reith?

**Ms Halton**—I would have to go through the phone records and count. It would be on less than the fingers of one hand.

**CHAIR**—Yes, there were not many.

**Ms Halton**—No, and always at his initiation, not at mine.

**CHAIR**—That is to say he rang you?

**Ms Halton**—Correct. Or I got a message that I was to speak to him.

**CHAIR**—Whereupon you eventually returned the call.

**Ms Halton**—I would say probably three.

**CHAIR**—Probably three?

**Ms Halton**—Three conversations.

**CHAIR**—Can you place them on the calendar between 7 October and 7 November? I am not going to hold you to the exact day—I am happy to say that it is subject to confirmation.

**Ms Halton**—The first of the three that I recall—and I cannot tell you what dates these were without going back and looking at the documents—was a conversation we had in relation to the unloading of the *Manoora*. As I think I told you, I was actually in this room chairing a meeting and I think I was visited by a member of Minister Reith's staff who instructed that I was to attend his office.

**Senator JACINTA COLLINS**—Was it Mr Scrafton?

**Ms Halton**—No, it was one of the female staff. I said that I was chairing a meeting and would be delighted to attend his office when I found an appropriate moment for a tea break. I think I managed that some 15 minutes later. The conversation—and I think we canvassed this last time—related to my view on appropriate procedures for negotiating with, discussing with and finding some accommodation with the people on the *Manoora* about their unloading, and to a difference of view I had with Air Vice Marshal Titheridge—and possibly the entire Defence Force—about what action would be appropriate. That was conversation one of the three that I recall, but do not hold me to the chronology here.

The second was a phone call from Minister Reith about the unloading of the *Manoora*. We had some discussion about his decision that it should happen and the basis on which it should happen. The third was the one we have canvassed here this afternoon regarding his desire that I facilitate the unloading of the *Adelaide*, which was at that point standing just off—at the dock of, I think—Christmas Island. As we canvassed here earlier today, the issue there was that the accommodation arrangements for those people were not yet finalised. I think I said to you that the conversation was a tiny bit testy.

**CHAIR**—Yes. That was a telephone conversation?

**Ms Halton**—Yes. That was the one in which the sort of postscript to the conversation was, ‘And by the way, I have just done a media interview and I have told them there is a video,’ which led to all that other business. Those are the three that I recall.

**CHAIR**—Can you place these conversations from a date point of view?

**Ms Halton**—Clearly, the one in relation to the video et cetera was on 10 October. In terms of the unloading of the *Manoora*, it gets a little more difficult. We can find precisely the date. My memory is that it would have been at the very end of September. One was in the middle of the week—so I think it was the last week of September—and one was on the weekend. If I am right, 30 September was probably a Sunday. So the phone call would have been on the Sunday—whatever that Sunday was—and being asked to visit Minister Reith’s office was in the middle of the preceding week.

**CHAIR**—So when do you think the third contact was—the telephone conversation when you were talking about facilitating the unloading of the *Adelaide*?

**Ms Halton**—I know it was on 10 October.

**CHAIR**—And the other two—

**Ms Halton**—They preceded that.

**CHAIR**—And they were in September, so they were ahead of the SIEV4.

**Ms Halton**—Yes.

**CHAIR**—So what you are saying is that between 7 October and 7 November—

**Ms Halton**—I am sorry, I see your point. I think there was only one in that period.

**CHAIR**—There was only one in that period?

**Ms Halton**—I am sorry, yes.

**CHAIR**—So that was the ‘testy’ telephone conversation—if I can characterise it that way—about whether you could facilitate the unloading of the *Adelaide*?

**Ms Halton**—That is right. That is my memory.

**CHAIR**—In your clear recollection—I am not trying to lead you here; I am just seeking confirmation—that was 10 October?

**Ms Halton**—I know it was on 10 October. That is the day when I walked in the office at a quarter to five and the meeting started at 5 o’clock. I spoke to him almost immediately I walked in, and Ms Edwards walked in halfway through the conversation. That is that precise phone call.

**CHAIR**—Did he ask you anything about the ‘children overboard’?

**Ms Halton**—Did he ask me? No. This is the conversation where he was keen to have the *Adelaide* unloaded. There were people on board, and he did not want them on board; he wanted them accommodated on Christmas Island. He was aware that the task force was trying to accommodate and coordinate the provision of appropriate provisions—accommodation, security, food, all of the above—to those people, and he wanted that expedited. That was what the conversation was about. He said almost as a postscript at the end of the conversation, ‘Oh, by the way, I’ve just given this media interview,’ to which I thought, ‘Yes, right,’ and he said, ‘I’ve told the media that there is a video of this’—that is, the ‘children overboard’. He did not ask me anything about it; he was the one who volunteered—

**CHAIR**—He dropped it into the conversation.

**Ms Halton**—He volunteered it at the end of the conversation. When we had the earlier conversation about Ms Edwards’s starting point in terms of the conversation and my starting point in the conversation, that is why I said that particular instance sticks in my mind so vividly—because there had never been any suggestion that I had heard of that there was a video. As I said last time we canvassed this and in detail this afternoon, I then made a series of phone calls to actually ascertain whether this was correct—the first of which was to Air Vice Marshal Titheridge who said, ‘I know nothing about it.’

**CHAIR**—Would you expect in the normal course that the minister would ring you about an event such as the unloading of the *Adelaide*?

**Ms Halton**—To the extent that there was some tension between the competing objectives here—and I had been saying that I did not think it prudent that the *Adelaide* be unloaded, because there was simply no place to put these people and they could not just be herded onto the dock; they had to be appropriately accommodated with beds, food et cetera. If I was seen as being obstructive, that might well have been the source of the phone call. I think we were trying to balance all of those considerations.

**CHAIR**—The question about the unloading of the *Adelaide*, though, had been presented to you by Defence at an earlier point. This was not the first time—

**Ms Halton**—No, we had had the rounds of the kitchen table on the unloading of the *Adelaide* over a couple of days.

**CHAIR**—Am I right to assume that it rose through the hierarchy of more senior people and then more senior people talking to you about it?

**Ms Halton**—I think ‘escalate’ would be the appropriate word.

**CHAIR**—Yes, that would be an appropriate word. So it escalated through the hierarchy?

**Ms Halton**—Yes.

**CHAIR**—Until it finally got to the minister ringing you?

**Ms Halton**—Yes.

**CHAIR**—You were not an officer of his department. What is the normal course if a minister rings a PM&C official and makes a direct request?

**Ms Halton**—PM&C is a little unusual.

**CHAIR**—I know that.

**Ms Halton**—In my experience in that agency—and this is certainly not an experience in line agencies—there were occasions on which ministers did make contact with senior officers in that particular department. I have to say that, every time I had one of those, my immediate response was to tell Mr Moore-Wilton about it. I have to say that it was not unheard of prior to this whole business. Other than, perhaps, peripheral conversation in the cabinet room when I was note-taking I had not ever had any dealings with Minister Reith.

**CHAIR**—So it was not surprising to you, though, that he had rung you on this issue.

**Ms Halton**—I cannot say that I was anticipating his call but, when it happened, I do not know that I felt any particular surprise. When you have an issue about which there is a disagreement, usually that disagreement vents itself in some way, be it through a direct call or be it to somebody else. It did not surprise me that the issue was raised but I was not expecting a phone call from Minister Reith, if that is what you are saying.

**Senator JACINTA COLLINS**—Ms Halton, what was the nature of the minister's concern about these people still being on the *Adelaide*, and I think there was a later one that you referred to earlier today?

**Ms Halton**—He wanted his boat back.

**Senator JACINTA COLLINS**—Did that same concern apply to whether the people got on his boat in the first place?

**Ms Halton**—I think there was, rightly, some reluctance among naval personnel in that there might have been damage to their vessels. In retrospect I do not think in these particular cases, where people were accommodated on the various decks, that was the case. But there was some concern that it might be the case.

**Senator JACINTA COLLINS**—I am asking whether that concern came from the minister.

**Ms Halton**—No, not that I can recall.

**Senator JACINTA COLLINS**—In the cases you were talking about—for instance, the *Arunta* accommodating people—if there was an overcrowding problem—

**Ms Halton**—I do not think that discussion went any further than the task force. That discussion was about scenarios: what if and how might we cope. We never got into the situation; therefore it never became a live proposition.

**Senator JACINTA COLLINS**—So Minister Reith wanted his boat back.

**Ms Halton**—Yes. I really think that is the right way to describe it: he wanted his boat back now.

**CHAIR**—I think the Navy would probably say his ‘ship’ back.

**Ms Halton**—I am sorry. I think I said earlier that I always get boat versus ship wrong.

**CHAIR**—It may well be that Minister Reith called it a boat; that may be true. You wanted to give it back, didn’t you, in the sense that you wanted the problem resolved?

**Ms Halton**—Absolutely. Certainly our ambition was to expedite the arrangements so that people could be appropriately accommodated as quickly as possible.

**CHAIR**—Were there any expected new arrivals of SIEVs at that time? Was there any urgency to put another boat into the frontier? Was that the pressure?

**Ms Halton**—There was always a concern that there might be something we were not aware of. We had the conversation earlier about the surveillance and whether or not it would identify things before they were on our doorstep. There was a concern that naval vessels be deployed on surveillance, in addition to aerial surveillance. I think you could say there was a general principle that vessels should not have been tied up at Christmas Island.

**CHAIR**—Did the boat go back—

**Ms Halton**—Ship.

**CHAIR**—I am quoting Minister Reith. Did the boat go back any quicker because of his intervention?

**Ms Halton**—No.

**CHAIR**—Could it conceivably have gone back any quicker because of his intervention?

**Ms Halton**—The things that were constraints before the intervention were the same.

**CHAIR**—So it was not likely that, unless the problem had been solved, a bit more pressure on you was likely to yield a result. If I can put it in this way, you were snookered by the circumstances.

**Ms Halton**—We were doing everything we could to resolve the circumstances, but there was a logistical constraint. But I would suggest that the detail of that logistical constraint may not

have been brought to Minister Reith's attention. I do recall giving him some chapter and verse on what those logistical constraints were. I seem to recall that one of the logistical constraints was whether or not Defence could assist us in moving some things and I think that perhaps following that conversation some things were moved.

**CHAIR**—So it surprised you. How do you characterise your action when at the conclusion of the 'can I have my ship back' conversation he dropped this question about the children overboard.

**Ms Halton**—It did.

**CHAIR**—How did he introduce it? Was it casually or earnestly? Did it follow naturally? Did he move gear into a new part of the conversation? I am just asking you to characterise how it got introduced.

**Ms Halton**—The point he was making was that he was being asked questions about what was happening to those people and the vessel. That led him to say, 'I have just given a media conference.' I took him to be saying that he was being asked about what was going to happen to those people who were on the deck.

**CHAIR**—Would it be possible that he was saying, 'I've just had a media conference, and I would like a bit more information to bolster those things that I've told the media?'

**Ms Halton**—No, absolutely not. There was no sense of that. The conversation was principally around getting the *Adelaide* back and the questions he was being asked about when those people were going to be brought ashore. That was an issue of some considerable interest. He said in that context—that is, the context of being asked those questions—'I have just given a media conference.' At the end of that, it was a kind of afterthought. That was the way I interpreted it. He was not asking me for any information. This was a 'being spoken to' conversation. I gave him certain facts about the constraints in relation to the unloading of the *Adelaide*. The part of the conversation which went to what he told me about what he had just said in public was certainly not a request to me for information, for confirmation or for anything else. He was telling me what he had just put into the public domain.

**CHAIR**—He was informing you of what he had said but not seeking from you any confirmation or support?

**Ms Halton**—Correct.

**CHAIR**—Nor did he ask you to obtain any new information to back what his assertion was?

**Ms Halton**—No, he did not.

**CHAIR**—Did he in any way indicate that he considered that he needed further information?

**Ms Halton**—No, he did not.



**CHAIR**—So he was just putting you on notice that this is what he said so that you knew?

**Ms Halton**—Yes.

**Senator JACINTA COLLINS**—Was he concerned that these people on the *Adelaide* were being humanised?

**Ms Halton**—He never raised that term or anything about that with me.

**Senator JACINTA COLLINS**—Not on this occasion nor on any other occasion?

**Ms Halton**—No.

**CHAIR**—Have you spoken directly to the Prime Minister about these events?

**Ms Halton**—No.

**CHAIR**—In the lead-up to the Prime Minister's Press Club appearance on 7 November, you spoke on a couple of occasions to Mr Jordana. Did he seek from you directly any corroboration of the view that children were thrown overboard?

**Ms Halton**—No. I said last time that, in relation to the particular material that he asked for, he actually made that request, as I understand it, to Ms Bryant. He did not make that request to me. I became aware of that request from Ms Bryant's advice to me and not from him. He did not ask me for corroboration, evidence, particular documents or any advice in that respect.

**CHAIR**—Were you aware at that stage of the imbroglio over the photographs?

**Ms Halton**—As I said last time, the point at which I became aware of the imbroglio over the photographs was when I got that phone call from Ms Bryant. As I said to you last time, in respect of the photographs—and I went through this in a huge amount of detail—she rang me at 6.23 in the evening. We are already aware of the substance of that conversation, my reaction to it and what I then did. I said to you last time that, when I rang Miles, he said, 'That was in the paper today'—those are not the precise words. I then went and found the article, and I saw that the issue was addressed and there was an explicit response. As I said last time, I was passing on the information as it had literally come to me—again, tearoom gossip has been canvassed at length—and I basically told him exactly what I had been told by Ms Bryant.

**CHAIR**—I want to look at the behaviour of Mr Jordana at this point. We do not have the advantage of actually talking to Mr Jordana directly, because he has been barred from appearing at our inquiry by a decision, apparently, of the cabinet—although to the best of my knowledge we have never been shown the precise decision of the cabinet, we are advised there was one that prevents him from appearing. But it seems, as one can best reconstruct the events, that he was trawling around through the various agencies and people who ought to know for confirmation or otherwise of children being thrown overboard—and the photos which did not depict that but which had been published under the pretence that they did—and any evidence whatsoever so he could properly brief the Prime Minister, as he would be required to do, on a sensitive matter that

may arise at the National Press Club speech. So Mr Jordana, at that time, never spoke to you directly about any of these things?

**Ms Halton**—No; and nor did he seek my advice. Can I say to you that that does not surprise me because, to my mind—and I know this is an issue Senator Faulkner might dispute—we were not the original source. There is that line in the paper; the paper went much later on that evening and, as you well know, my phone call to Mr Jordana on the day—the 7th of October—was not until the middle of the afternoon; long since this issue had been in the public domain. On the notion that he would think of asking us in this period to provide any confirmation: if I were him, I would not have asked us either. I would have gone back to the original sources. We know from Ms Bryant that he asked for a couple of the sit reps. As you know, in the process of going to dig those sit reps out, that is where she came across the tearoom gossip—and that has been canvassed at some length.

**CHAIR**—I think our hearing is probably satisfied that it was not correctly characterised as tearoom gossip at all, but I understand the reports that you are referring to.

**Ms Halton**—That is right. And in the information that was available to us—on the social policy side—that is how it was characterised to us internally and that is therefore how we characterised it externally.

**CHAIR**—In a way, you have provided a justification for Mr Jordana not talking to you. Here is someone canvassing the bureaucracy to find information necessary to properly brief the Prime Minister, at the last major appearance before an election in which this question was likely to be asked, and you are the chairperson of the task force that is coordinating all this activity. It seems to me odd, to say the least, that in a desperate search for information no-one bothers to ask you.

**Ms Halton**—He has gone to my officials, because what he has asked for are some documents, and in terms of getting access to those documents, my officials—who would either have them on their own files or could readily access them—would be the place I would go too. As an executive coordinator, I do not keep a bank of files in my office; the files are all held in the division. He did not ask for confirmation. In fact he did not even say, as I understand it—but Ms Bryant is the person who had the conversation—precisely what it was he was doing; he simply asked for a couple of documents, which is what she reported to me.

**CHAIR**—I would have thought a conversation that goes something like: ‘Hello, Jane. Do you know anything about this? I am on the track of this type of information.’

**Ms Halton**—There was no such conversation. None.

**CHAIR**—Maybe he was not searching for any information that was inconvenient to the thesis that children were thrown overboard.

**Ms Halton**—I do not know what he was searching for because I did not discuss it with him, so I cannot comment.

**CHAIR**—He never raised it with you?

**Ms Halton**—No. This goes back to the conversation we had last time: the fact that he was asking us for material, we now know from evidence—and I have to say I do not think my officers knew this at the time; I certainly did not—that he asked other agencies for material, for example the ONA report. The ONA report was seen by us in early October.

I have to say that all of the people inside the bureaucracy who read ONA reports think that they are authoritative sources. We all read it at the time and thought, ‘Yeah, right.’ But that would not be something that you would come to us seeking, because we are not the author of it. We are also not the kind of place to whom you would say, ‘I want this, that and the other.’ You would go to the original agency—which, I understand from the evidence that was given, is what happened.

**CHAIR**—I understand what you are saying. You are repeating the same proposition. The proposition I am putting is that you are the point person here. You are the intersection of all this information. People work under pressure in your department, and people on the Prime Minister’s staff are usually under intense pressure. In logical circumstances, it seems to me, you would ring a key person and ask, ‘Where do I look?’ ‘Can you give us a hand?’ or ‘What have you heard?’ but that does not happen—

**Ms Halton**—No, and that was not his style.

**CHAIR**—I understand your point about sources but, in the pressure climate necessary to get these things properly bedded down, there is the alternative view, and maybe it is just open to conclude that he really did not want to find any information that disrupted the view that he had briefed the Prime Minister on.

**Ms Halton**—You are asking me to comment on speculation, and I cannot do that. All I can say to you is that his habit was to deal not just with me, because quite frankly you could not always get me on particular issues. He had a habit of dealing with not only me. Again, you have taken evidence from Ms Edwards, I believe, that he dealt with her bilaterally, and from Ms Bryant that he dealt with her. On this particular occasion, the request went to Ms Bryant. She properly informed me that she had been asked to find a couple of documents, and there was no discussion between me and Mr Jordana of the nature that you are hypothesising.

**CHAIR**—You are just reinforcing the point. You had a discussion with him at the relevant time, and it never got raised.

**Ms Halton**—There were a number of discussions in this particular week, most particularly about the current handling; so, as you recall SIEV—whatever we were up to at that particular point—was the source of some discussion. This issue was not canvassed in any conversation I had with Mr Jordana.

**CHAIR**—That is my point, too, that it was not.

**Ms Halton**—Yes; it was not.

**CHAIR**—I have no further questions.

**Senator FAULKNER**—I have one last question very briefly, Ms Halton. Do you take any lessons from this whole episode as, at the time, a very senior officer of the Commonwealth but now as the secretary of a very large department? Have any of the experiences been valuable from that point of view?

**Ms Halton**—Invaluable, Senator. It is fair to say that I and the senior officers in the department have had a number of lengthy conversations about the lessons to be learned here—about documentation, about the role of advisers and a number of other lessons. Indeed, I have written to the senior executive in my current department about standards in relation to record keeping and a number of other issues, for precisely those reasons. I think you know that my current department has a bit of a history of issues in relation to record keeping, and I have been very minded to reinforce with them what I think are some of the issues. I have been able to speak from personal experience about the circumstances in which one may be if one finds oneself involved in an issue which at the time does not look particularly important but which in retrospect becomes an issue of some controversy and some public interest. It is fair to say that we have an SES planning day tomorrow for all of the officers in my department, and one of the things I am going to say in my prepared notes the first thing tomorrow morning goes to these issues.

**Senator FAULKNER**—Very briefly, what would you say in relation to the first issue: record keeping? Have you gone further than just identifying its importance and significance? I am sure we would all understand that, but have you gone any further and looked at how that might be improved in terms of your experiences from this issue?

**Ms Halton**—I have told my senior officers that, in the next round of performance agreements, issues about attention to record keeping and keeping a proper trail in relation to particular decisions will be things that people are assessed against. We have talked about the need to be very clear about those things being filed and available. There is a series of lessons here. I would not want to give you the exhaustive list, because I will miss something, but I think it is also fair to say that secretaries more broadly have canvassed this issue, and I think it is something that we are all very aware of.

**Senator FAULKNER**—Finally, what lessons do you learn in the area of ministerial advisers?

**Ms Halton**—The instruction I have given my staff is that advice provided to officers is to be provided, in writing, to ministers.

**Senator FAULKNER**—All advice?

**Ms Halton**—That is not to say the normal traffic of conversation but, in terms of matters of moment, in terms of issues of decision, in terms of the business of government, there needs to be a paper trail and it needs to be to the minister.

**Senator JACINTA COLLINS**—So executive authority resides with the minister.

**Ms Halton**—That is quite correct. I think one of the difficulties for us in today's world is that information moves much more quickly than it did in the Public Service of 20 years ago, and that

may mean that we slow down a little bit. But in terms of prudence of public administration, I have made it very clear to my senior staff what I think is appropriate, and we have talked about this experience. What I have said to them is that no-one wants to end up in a position like this.

**Senator FAULKNER**—And accountability of ministerial advisers? Is that part of it?

**Ms Halton**—There has been a discussion about that issue.

**Senator FAULKNER**—Very quickly, are there any views you can share with us about that?

**Ms Halton**—I think that what has been canvassed are the facts of the situation and how to deal with that, which goes to advice to ministers.

**CHAIR**—Thank you, Ms Halton. I think that concludes today's questions and, I think, your evidence to this inquiry. Thank you.

**Ms Halton**—I am pleased to hear it. Thank you, Senator.