

Ms Halton—You do not go to a junior officer in the social policy division by fax with no follow-up phone calls.

Senator FAULKNER—You do go to officers in the Department of the Prime Minister and Cabinet.

Ms Halton—If you have an issue of substantial concern in relation to what was going on in this context, you pick up the phone and ring me or, if you cannot find me, you ring Katrina Edwards. That did not happen.

CHAIR—I imagine there is no convenient point to adjourn in this dialogue, but we are after the hour at which we were going to adjourn.

Proceedings suspended from 6.32 p.m. to 8.04 p.m.

CHAIR—The committee will now resume. Ms Halton, I understand that you have some additional information that you want to bring before the committee.

Ms Halton—Before the break, I was asked a series of questions in relation to how the advice from the Secretaries Committee on National Security was transmitted to the Prime Minister. That was by way of a minute from the department to the Prime Minister which basically reflected the paper and the decision of that committee.

CHAIR—A minute from the Prime Minister?

Ms Halton—A minute to the Prime Minister, asking for a decision. Senator Collins asked me a couple of questions which I think were motivated by something that she had said on the *Four Corners* report last night. As I have already said, I have not seen that. She particularly asked about whether there was concern taken for the seaworthiness of vessels and whether there was concern taken in respect of humanitarian assistance.

I would like to reflect on two things. Firstly, the advice to the Prime Minister did acknowledge that not every vessel could be returned, so it was only if it was practicable. And I would like to reflect—again, this is with the process of thinking about this over the dinner break—that all of this was done in the context of the notion of safety of life at sea and our international obligations in respect of rendering assistance to people who are in distress. I do quite vividly recall a series of conversations about our obligations to not leave people who are at risk at sea. So I can say to you very confidently that not only is it my understanding that we did provide humanitarian assistance to people—we have talked about medical assistance already and we have talked about food—but also this was done in the context of ensuring that we did not place people at risk. It was done in the context of our obligations, which go beyond the black letter of the law, to ensure that people's needs were met.

CHAIR—Neither of the two senators who were questioning you about that are present.

Ms Halton—I know, and I am sorry about that but I did want to get it on the record.

CHAIR—Your remarks are on the record and I will privately direct them to those remarks.

Ms Halton—Thank you.

Senator BARTLETT—Turning to the interdepartmental committee, was the policy change to this ‘deter and deny access’ approach developed by that committee?

Ms Halton—I am sorry, but can you be quite clear about which one you mean. That is not a language I would use so I do not know what you are referring to.

Senator BARTLETT—‘Deter and deny’ is the mission label that the Navy personnel used a lot, and the commander of the *Adelaide* and others were saying that.

Ms Halton—You are not talking about ‘tow-back’?

Senator BARTLETT—I am talking about the two stages, I guess. The first was post *Tampa*—

Ms Halton—Operation Relex.

Senator BARTLETT—Yes, Operation Relex, and the second one when, as I understand it, there was a specific policy decision made to look at towing boats and returning them.

Ms Halton—Where it was practicable.

Senator BARTLETT—Were they both policy decisions made by the IDC?

Ms Halton—No, they were never decisions of the group of officials. I think, as we have already canvassed, the approach in relation to Operation Relex was that there was a proposal from the head of the Defence Force, in my memory, which was considered by the Secretaries National Security Committee and, obviously, any rules of engagement would have been signed off by the minister. I think we have canvassed in some detail what is referred to as ‘tow-back’ and that, while there was some advice provided that was founded on legal and foreign policy advice, there was certainly no decision about that by any group of officials. That was clearly a decision taken by government.

Senator BARTLETT—So, in effect, was the IDC’s role basically to monitor the operation of that policy?

Ms Halton—We have talked a lot already about the role of the IDC in the exchange of information and certainly, as you know, there was a series of calls about particular aspects of operations. In respect of your first question, no, the IDC did not take decisions about those issues.

Senator BARTLETT—So would it have been involved in consultations with, or receiving feedback from, the Indonesian side of things, involved in responses from the Indonesian government to Australian government policy? Would those sorts of issues have been considered by the IDC?

Ms Halton—Do you mean were we briefed by foreign affairs officials?

Senator BARTLETT—Yes.

Ms Halton—Yes.

Senator BARTLETT—Was that more of a monitoring role on those sorts of developments, rather than any—

Ms Halton—Steering or directing role?

Senator BARTLETT—Yes.

Ms Halton—Yes, that is right. In fact, Rick Smith, who is our ambassador in Indonesia, actually attended the task force on—from memory—one occasion, as we had various other people who were germane to the operation attend on various occasions. You would know, Senator, that there is often a great advantage in meeting the people who were working sometimes on the other end of a telephone. My memory is that Rick Smith was in town and he came to the task force, and certainly I saw him in that time.

Senator BARTLETT—And you would have received reports when it was assessed that vessels were leaving Indonesia; the committee would have been apprised of those?

Ms Halton—Not necessarily. Can I say that I think there is something of a misapprehension abroad about the state of our knowledge about vessels leaving. I am aware of one particular allegation that has been made in relation to our state of knowledge about a vessel leaving. 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.

Senator BARTLETT—And the IDC would not necessarily have been informed of that in every case anyway.

Ms Halton—If there was a reasonable view that something might be leaving from somewhere, we would probably have been advised of that. I have certainly read some things 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.

Senator BARTLETT—I presume you are referring to the vessel that sank.

Ms Halton—That is correct.

Senator BARTLETT—I want to briefly pursue the ‘children overboard’ incident and situation. There has been a lot of focus on what was or was not provided to the office of the Minister for Defence. I notice today that some of the DIMIA officials spoke about the immigration minister’s adviser, Mr Ingram, contacting you to get updates et cetera. What was the nature of those conversations? Did he want more detail about what happened?

Ms Halton—No. It was usually very brief and usually of the essence of, ‘Have we found another one—yes, no? If we have, is it in the public arena, or can it be?’

Senator BARTLETT—Would he have rung you about trying to get more details about the specific ‘children overboard’ allegation?

Ms Halton—As my witness statement to Ms Bryant said, my memory is that at the beginning of the IDC on the morning of the 7th I think I may have actually received a call from Mr Ingram. My memory—and it is imperfect—is that the call was to say the detail of this vessel, as it existed, seemed to be in the public arena and did I know where that had come from. I should say that my knowledge at that point of where that information had come from was nonexistent. I knew there was a vessel. I was not aware that that information had been released to anybody. The general habit had been not to comment on operational details whilst operations were in train. I was a bit surprised that the detail of that vessel seemed to be in the public arena. What I said—again my memory might be imperfect—is that I did know because I had heard on the radio a report that there was a vessel but where that information had come from I did not know.

Senator FAULKNER—But the intelligence reports were much more precise, were they not, than just giving you a vague idea of when the SIEVs were leaving Indonesia?

Ms Halton—What we had was often a statement that a source had said that a vessel might leave. For every source that had said a vessel might leave to a vessel that actually turned up, we probably had a hit rate of one to four. The reality is that sources said that vessels might be leaving from some island.

Senator FAULKNER—How do these sources come through to you in your role as chair?

Ms Halton—They do not come through to me directly. As you know, DIMIA have an intelligence report—in fact, I think you have already received, as I understand it, a somewhat blacked version of one of those; I have not seen it—

Senator FAULKNER—It is more black than white, I can assure you.

Ms Halton—I guess I am not surprised. Essentially, that intelligence report would be something that, as appropriate, would be discussed in the group as part of the agency updates I talked about—going around the table at the beginning of every meeting and saying, ‘What do you know and what needs to be discussed?’ When one of the agencies thought that they had a source that said a vessel might be coming, they would relay that.

Senator FAULKNER—So it is not only DIMIA, there are other agencies as well.

Ms Halton—Yes, but my point remains that, in terms of accuracy, for every time someone thought a vessel might be about to leave, we probably got one in four. Don’t hold me to the one in four, but you understand the point I am making.

Senator FAULKNER—But the task force is looking at this issue closely—at vessels that are leaving Indonesia—and planning for them?

Ms Halton—That is right, in terms of: if we have all those vessels arrive, do we have a capacity to accommodate them? That was an issue that we discussed.

Senator FAULKNER—It was more than just accommodating them, wasn't it?

Ms Halton—What do you mean?

Senator FAULKNER—A lot of this is happening in the period of the election campaign. There was a political imperative.

Ms Halton—I think you need to be really clear about this. Senator Cook took objection to a comment I made in my opening remarks. I think we need to be really clear that there was a stated government policy that the people in this task force were working on the implementation of in terms of the information exchanged in that group and individually within agencies. They had been given clear riding instructions about the policy. That policy was set before the election was called and that is what was undertaken in that group. Bill Farmer made a comment in his remarks on that issue. I got here a little early and you finished with him a little late so I did see an exchange between a number of you and Mr Farmer on that issue. I think that the task force at all times operated in an operational way. It did not operate in any sense in a way which went to a change in policy or to behaving improperly.

Senator FAULKNER—I am interested in your characterisation of operational. What do you mean by operational?

Ms Halton—I mean that there was a stated policy which was to be implemented and the policy parameters, with the exception of the change that we have talked about, which came from advice from the Secretaries Committee on National Security—

Senator FAULKNER—This is the one change that you and I were talking about before the break in relation to being relation to boats being returned to Indonesia—

Ms Halton—That is right. Essentially the government's policy was stated and known prior to the election and the basis on which that group operated was consistent with that stated and known position.

Senator FAULKNER—Was that the only policy change for the entire life of Relex?

Ms Halton—Do not ask me to be categorical because we were proved to be—

Senator FAULKNER—It is an important point. You are making that distinction and I appreciate that. That is an important policy change.

Ms Halton—I cannot remember any other particular policy change. That one we have talked about in terms of the process around that, but in terms of what that group was doing which was hearing advice if there were one, two, three or however many might be alluded to to be on the way—and as I said, probably one in four arrived—and hearing the logistical issues about managing Christmas Island, talking about how to provide food, security and blankets. They

were the sorts of briefings that departments would provide in the meeting about where they were up to on the logistics. It did not strike me that there was anything in that that represented a change from the position prior to the election being called.

Senator FAULKNER—So if that is the only significant policy change that occurs through the life of Relex, what about from the establishment of the task force to the commencement of Relex when Relex became operational on 3 September 2001? Were there any significant policy changes in that comparatively short period of a week?

Ms Halton—Not that I am aware of. I am aware that there were rules of engagement, as you would expect, in that period. I am not aware that they were changed.

Senator FAULKNER—Did the rules of engagement go to the task force?

Ms Halton—My memory is that we were probably drop-copied a copy. We were not commentators on it.

Senator FAULKNER—They were not matters for the task force?

Ms Halton—No, absolutely not.

Senator FAULKNER—They were not discussed at the task force?

Ms Halton—No, absolutely not. Again, this goes back to my earlier comment in my opening statement about not inserting ourselves in the line of command. The rules of engagement are an issue between the Minister for Defence and the Defence Force. I am quite confident that we saw them.

Senator FAULKNER—Did the return of suspected illegal entry vessels back to Indonesia have any impact on the rules of engagement?

Ms Halton—I assumed that they changed the rules of engagement.

Senator FAULKNER—Is there a basis for that assumption? I am not saying it is a silly one; it does not make sense, but—

CHAIR—John, Andrew was completing—

Senator FAULKNER—I know. I fear, Mr Chairman, that I have taken Senator Bartlett's line of questioning away from him, so I will be very disciplined after this question—

CHAIR—Okay.

Senator FAULKNER—After all, I could make the point that he was breaking into my questioning, but I would not be so churlish as to suggest that!

CHAIR—I know. And it is too early in the night for those displays.

Senator FAULKNER—I am never churlish!

Ms Halton—Perhaps I can say, Senator, that in the advice that went from the department to the Prime Minister, which was gathered from the SCONS meeting, there was an acknowledgment that the rules of engagement would need to change.

Senator BARTLETT—I have nearly finished in any case. Of the conversations you may have had with Mr Ingram, as far as you are aware only the one specifically went to the ‘children overboard’ allegation?

Ms Halton—No. I think we should be quite clear. I do not recall having any conversation with him about children overboard.

Senator BARTLETT—So the frequent contact with him was more on that daily ‘What has been happening, anything I need to know?’ sort of thing.

Ms Halton—Yes, basically. I would say they probably lasted all of 30 seconds, if that.

Senator BARTLETT—You do not recall any specific time when he contacted you asking for clarification or further detail on that?

Ms Halton—Definitely not.

Senator BARTLETT—Thank you. That is it.

Senator JACINTA COLLINS—I apologise for not being here when we first started back. I ask Ms Halton whether she could go over what she indicated was related to a question I had asked which, from what I can gather, was one televised on the *Four Corners* report—is that right?

Ms Halton—I think you were concerned, Senator, that there had—I am paraphrasing and I am going to get this wrong—

Senator JACINTA COLLINS—But this is previous evidence—

Ms Halton—Yes.

Senator JACINTA COLLINS—Not tonight’s.

Ms Halton—No. You had asked earlier—now I am confused. You had asked earlier about—

CHAIR—I think it was the seaworthiness—

Ms Halton—That is right. I think it was in reference to something on *Four Corners* but, as I said when I started this evening, I had not seen *Four Corners* so I did not know quite what the reference was to. I understood your concern to be that we had not provided all humanitarian assistance possible to people, and I thought you were concerned that there might have been a

danger that we had been towing vessels that were unseaworthy. What I said was, 'I have gone back and confirmed the basis of the advice that went from the Secretaries Committee on National Security to the Prime Minister.' That went via a minute from the Department of the Prime Minister and Cabinet to the Prime Minister. It acknowledged that a vessel could not go back if this was not practicable. This was in the context of a broader discussion that had been had, on multiple occasions, about the notion of safety of life at sea and the obligations that obtain on any mariner in relation to safety of life at sea. So the point that I was making was that, firstly, a vessel did have to be seaworthy. I did not go on to say, but now that you are here I will say it: my understanding is quite clearly that a judgment about whether a vessel was seaworthy was absolutely in the province of the relevant naval commander. They had to make a judgment about whether that vessel was seaworthy, and they similarly could not leave a vessel if they had any concern that it was not seaworthy. They could not leave a vessel that they did not feel was able to return to land, or in any sense endangered the life of the people on that vessel.

Senator JACINTA COLLINS—I am sorry. The only time I recall raising the towing incident tonight was when Senator Faulkner had asked what you needed a decision from the IDC on, and I think it was a quip of mine which said 'towing', for instance, in reference to the logs—

Ms Halton—Maybe I misunderstood your intent, but I gathered that you were concerned that people's humanitarian needs had not been met and that there might have been a danger that—and I think you asked about whether or not we had taken account of seaworthiness in the advice that had been provided—so what I was trying to do was—

Senator JACINTA COLLINS—That was Senator Faulkner.

Ms Halton—I am sorry if I have confused the two of you. You are pretty hard to confuse.

Senator JACINTA COLLINS—Okay. You go, John.

CHAIR—I think we are sorted with that—as far as we can be—so let us get on with it. Senator Faulkner.

Senator FAULKNER—Before the break, Ms Halton, we were speaking about the footnote to the chronology, I recall, and I raised with you my concerns about what I think is an inconsistency between the witness statement you made for the Bryant report and your opening statement tonight. You said in your witness statement:

... at no time did Defence advise the High Level Group that there was doubt about the claim of children overboard.

I think that is the issue we were discussing prior to the break. But you also said earlier this afternoon that it was you who was asked your own then department, Prime Minister and Cabinet, to pursue this with Defence and that you specifically asked Defence 'to confirm all the details and to advise us accordingly'. Is the point here not that Defence did advise PM&C, albeit via the chronology and the footnote that we have spoken of, but that advice—as a result of the PM&C and Defence tick-tacking on the issue—Defence material, is provided to PM&C?

Senator FAULKNER—Was there any questioning of the original information—for example, how many kids might have been thrown in the water, did they live, were they rescued, did they drown, what happened to them?

Ms Halton—There was always a concern to ensure that there was no loss of life. I was not asked about the number but certainly I was asked whether everyone had been saved, rescued, whether there was any injury, those kinds of questions.

Senator FAULKNER—You were asked?

Ms Halton—I had always asked those questions. It was one of the first questions we always asked.

Senator FAULKNER—So you knew everyone was safe?

Ms Halton—We had been assured of that, yes.

Senator FAULKNER—Was it true that Mr Ruddock was informed, in your view, as quickly as possible so that he could get this dreadful allegation out into the—

Senator FERGUSON—It was not a dreadful allegation.

Senator JACINTA COLLINS—Senator Brandis thought it was evil.

Senator FAULKNER—Evil is how it was described earlier. The suggestion that asylum seekers were throwing their children overboard was described by the Prime Minister in terms that I think it would be reasonable—and I will pass on to him your view that it was not dreadful, but you go back and look at what he said about it at the time—

Senator BRANDIS—At the time.

Senator FAULKNER—At the time, exactly. You go back and see what your own party leader said at the time. I am interested in understanding from Ms Halton whether it was her view that Mr Ruddock was informed in the manner he was informed and as quickly as that information was passed on so that he could make the issue public as soon as possible.

Ms Halton—I have two comments on that. As I said in my opening remarks, and as I said in my statement to Ms Bryant, I did not overhear the phone call between Mr Farmer and Mr Ruddock. In that context, I did not know that he had passed that information to Mr Ruddock. I should also add—and I have already made the comment about being in the office dictating papers and what have you—that I was actually in the office nearly all of that day with one minor exception when I went to the Fyshwick markets to provision the household. I should say that I do not even think that I knew that this information was in the public domain probably until very much later that night. When I became aware that it was in the public domain, I did not know where it had come from.

Senator FAULKNER—So in your view there was no urgency at the task force about passing this on to ministers so that it could be used politically?

Ms Halton—If I had thought it was urgent, I think I might have rung Miles Jordana before 3.30 in the afternoon. Quite seriously, this was only one of a small—it was not a major issue. The notion that it was the most important piece of information that had to be passed on or around was not a fair way to characterise that meeting as far as I am concerned.

Senator FAULKNER—But Mr Ruddock was giving a media interview, as you would recall, at 11.30 a.m.

Ms Halton—I cannot say that I was aware of that. As you know, I believe I had a call from Mr Ingram who wanted to know where the information about there being a boat had come from. Because I do not believe I was aware, I cannot say that I was aware that he was giving a media interview. I cannot say that categorically, but it goes to my point that this was not an issue that the task force was in any sense dishing up to ministers to use in a way which you would regard as being—what was your term?—‘excessively quickly’. I cannot recall exactly what you said. But the reality is that it was one of the details about the behaviour that we had discovered on that boat and I think I referred in my opening statement to the disabling of the steering et cetera as being part of that whole package and suite of things being observed. I do not believe that the notion of passing that information quickly was a feature of that meeting.

Senator BRANDIS—If this advice was passed like all advice no doubt you give, in the manner of giving accurate and dispassionate advice—

Ms Halton—Correct.

Senator BRANDIS—Was it dispassionate when Mr Peter Doyle, who was the DFAT representative you would recall, said that morning about the discussion that there was also a discussion about Mr Ruddock giving a media interview at 11.30 a.m. and the discussion was about how the information could be used? Do you recall that discussion at the task force?

Ms Halton—No, I don’t. Mind you, as I have said, I do not recall the conversation between Mr Farmer and Mr Ruddock and the reality is that there were phones going all round that room so there may well have been discussions in the room that not everyone was party to. As I say, if there was a notion that he was doing a media appearance that morning, I genuinely do not recall it. I think that had the ‘children overboard’ issue been a feature of a conversation about a media interview, I would have remembered it. My point about not having rung Mr Jordana until 3.30 that afternoon is that, again, my habit through this process when something had happened—for example, a new boat had been spotted or whatever—was to very quickly inform Mr Jordana and Mr Moore-Wilton of those issues. Again, you cannot reconstruct every memory and every event that happened as part of this process, but I go back to my memory but also to what I did—which I have checked in my telephone records—and I did not instantly get on the phone and pass that to either Mr Moore-Wilton or to Mr Jordana.

Senator FAULKNER—But I want to be assured that there is no overt politicisation going on with the IDC.

Ms Halton—That is correct. Sometimes we were explicitly asked for advice on particular issues, and I think I have already alluded to that—in fact, I said it directly.

CHAIR—So, in addition to your offering advice, you were regarded as a reference group for testing of views or offering opinion?

Ms Halton—What I said earlier on, Senator, was that there were occasions on which the Prime Minister explicitly decided he would ask the view of that task force prior to taking a decision on a particular issue.

CHAIR—There are two things you have said about SIEV4 which stick in my mind and I want to go back to that for a moment. I think the introductory remark you made about SIEV4 was the outstanding thing that occurred to you at the time, which was the report that most of the passengers on SIEV4 were wearing life jackets.

Ms Halton—That is right.

CHAIR—Why was that—

Ms Halton—Why was that outstanding?

CHAIR—of interest to you?

Ms Halton—You made the observation earlier on, Senator—and I think this is where you and I started to differ—that you thought that was a function of the fact that the vessel might be rickety and they were doing that—

CHAIR—I think I said it may be leaky, and a reason for wearing life jackets would be if you are in the middle of the ocean on a leaky boat.

Ms Halton—Right. What was in the mind of officials was we had had an experience with the preceding boats, where groups of people were—and I think you have had a fairly extensive catalogue of this—presenting more challenging management issues as each boat arrived. We had not had a boat arrive, from memory, for about two weeks. There was an expectation in the group—and it is the task force that I am referring to here—that the next boat would be conceivably quite a difficult boat to manage. I think there had been discussion in the group that one of the tactics we expected to see at some point was that, as soon as a grey ship appeared on the horizon, the boat would be scuttled and that everyone would go in the water. So, when we heard that this particular vessel was characterised by a lot of people wearing life jackets, the context in which we thought this boat was operating was one where they were going to get up alongside, or even within sight of, the grey funnel line and someone would pull the plug in the bottom of the vessel.

CHAIR—And it would sink.

Ms Halton—And it would sink.

CHAIR—Creating a safety of life at sea issue.

Ms Halton—That is correct.

CHAIR—For which, under international articles, you are required by any ship in the vicinity to provide a response—

Ms Halton—To provide assistance, yes, that is right.

CHAIR—and to save human life.

Ms Halton—That is right.

CHAIR—So am I right in thinking that what heightened in your mind this concern was the reported fact that these people were in life jackets?

Ms Halton—That is right.

CHAIR—In that advice that they may scuttle the vessel, was there any advice or apprehension by you or the committee that one of the possible actions they may engage in is threaten or throw a child or children overboard?

Ms Halton—There had been a series of events, and there were subsequent events, of people ending up in the water. I recall a conversation with an officer in Strategic Command who had been in charge himself of a vessel out at Ashmore Reef. I remember saying to him after one such report to me that people ended up in the water, including children—and I am the mother of two smallish boys—

CHAIR—And I am the father of four children.

Ms Halton—I remember saying to this person, ‘This is not good. How did this happen?’ and he said to me in a very matter-of-fact tone, ‘This is actually not particularly unusual. I have been out there. I have been in charge of a vessel and sailors have had to hop over the side and fish them out of the drink,’ I think was his statement. He said, ‘This is not something which is particularly unusual.’

I have already made the comment to Senator Faulkner that dealing with the military, and certainly matters naval, is not something in my career. I have had a lot of experience of delivered meals in nursing homes in my career, but dealing with the Navy and what goes on out at Ashmore Reef is not something that I have had a lengthy history in. So I was perturbed about the first few times that this occurred—and, as I said, I had this conversation with a particular officer in strategic command.

So, yes, in the preceding boats, my memory is that we had had advice of people ending up over the side. I cannot say to you in the preceding boats that I was told that any children were thrown, because I do not believe I was—but certainly in subsequent boats. My memory of one of the sailors that testified in the people-smuggling case in Darwin is that that sailor gave

evidence that someone had thrown a child over the side. I remember it actually being reported on ABC radio—I seem to hear everything on ABC radio—

CHAIR—I am sure the ABC will be grateful for the reference.

Ms Halton—You mean the one remaining listener!

CHAIR—I do not think you are the only one.

Ms Halton—There may be several more in this room. Anyway, we digress! Certainly, subsequently there were stories about people again over the side and children over the side.

CHAIR—Let me come back to my question: when you were concerned prior to sighting this vessel that there might be a step-up in effort by the asylum seekers, was one of the things that you were concerned might possibly happen the idea that they might throw a child or children overboard?

Ms Halton—Not that I can explicitly remember, no.

CHAIR—So that was not a concern then. Was it a concern that there would be possibly a heightened ‘confrontation’?

Ms Halton—My active concern was that they would sink the vessel and everyone on the vessel would end up in the water.

CHAIR—And that was the concern?

Ms Halton—If I go to my pre-eminent concern at that point, it was about sinking.

CHAIR—I am only concerned about your concern at that point. You did not have a formal mission statement, but you understood your purpose. Would you categorise that as a policy or as an operational issue?

Ms Halton—My concern?

CHAIR—That here was a step-up in intention or confrontation—whatever is the right word. That is not a policy issue; it is more of an operational issue.

Ms Halton—That would be my judgment, yes.

CHAIR—You have given evidence that you heard on the ABC news a report that SIEV4 was fired on or may have been fired on—and as a consequence. That is an operational issue, too, isn’t it?

Ms Halton—That is correct.

CHAIR—When you received the report that a child or children were thrown overboard, would you regard that as an operational issue?

Ms Halton—I would.

CHAIR—As far as operational issues are concerned, my understanding is—and please correct this if I am wrong—that you wanted to monitor what was happening at operational level—

Ms Halton—Within reason, Senator.

CHAIR—You needed to know what was going on.

Ms Halton—Yes.

CHAIR—Because if there were to be a change in the tenor or the level of confrontation by the refugees, or whoever it was—I think the evidence earlier was that it was orchestrated by the people smugglers but leave that aside—then you would need to consider from a policy point of view what changes there might be in response.

Ms Halton—Possibly, but there was also an overriding operational concern, and that went to the amount of accommodation that was available on places like Christmas Island. It went to the issues that DIMIA manages on a day-to-day basis in terms of the number of ACM guards—I have already raised this—the amount of bedding that was available and the number of doctors and nurses who were available to provide people with care. It went to very practical operational issues.

CHAIR—Yes, exactly. It went to issues such as—we heard from Commander Banks—whether we had an adequate supply of clean clothing and towels if people were fished out of the water. There were issues as basic as that.

Senator JACINTA COLLINS—Nappies.

Ms Halton—Yes. Babies' bottles, too, for that matter.

CHAIR—Babies' bottles as well. I even saw on the ABC eye drops for conjunctivitis.

Ms Halton—I could tell you about scabies at some point, too. We did that one as well.

CHAIR—There were a lot of skin diseases. I understand that if one goes to the health conditions, both mental and physical, of the asylum seekers, it is not a pretty picture. But we are not going to go into that—at least not at this stage. So, when you received advice that a child or children were thrown overboard, this would be advice that would be categorised as operational advice?

Ms Halton—Correct.

CHAIR—Did you inquire as to how this occurred and under what circumstances it had occurred?

Ms Halton—In terms of forensic inquiry—back to the use of the word I used earlier—as to every single operational detail, no. As I have already outlined, our need for operational detail was in the context in which we were operating. We did not need to know which side of the vessel someone had gone off. We did not need to know chapter and verse on all of this. I have already said in evidence that we needed to know from an operational perspective if anybody had drowned, whether everyone had been retrieved and whether there were any injuries to either the asylum seeker or indeed the naval personnel. One of the things that we reflexively asked on any of these occasions was: had there been loss of life? Were we confident that all the people who had gone over the edge had actually been retrieved? I think we all know that, when there is a situation of confusion, you do not actually sit and catalogue every single person who is in the water. Those sorts of issues we did ask about.

CHAIR—And you have received answers to all of those questions?

Ms Halton—I received assurance that we need not be concerned, that people were safe and had been retrieved and that there was no injury.

CHAIR—Did you ask the question: how many?

Ms Halton—I recall asking them about how many.

CHAIR—Did you get an answer to that question?

Ms Halton—I did not. I think I have already said in evidence that one of the things the Prime Minister and Cabinet officers sought to do on Wednesday, the 10th was to try to sort out the contradictory information, which is included in that chronology and elsewhere in relation to the numbers.

CHAIR—Did you ask a question about gender?

Ms Halton—I recall being told something about gender; I do not recall asking about gender.

CHAIR—What were you told about gender?

Ms Halton—I recall being told that we thought it was largely men.

CHAIR—Largely men?

Ms Halton—People of the male persuasion.

CHAIR—They are men, I think.

Ms Halton—And possibly boys. One of the reasons—

CHAIR—I just want to be clear about this. What were you told—that the child or children were boys or that the throwers were men?

Ms Halton—No. I recall actually being told, ‘We didn’t think any women had gone in.’ The reason I was interested in that was that we all know that most of these women wear the hajib or something of that sort. The notion that somebody who is unlikely to swim—and, thinking about where most of these people come from, I think swimming lessons when you are in fifth class are improbable—and the notion of ending up in the water wearing a full hajib caused me some concern.

CHAIR—Me too. I have raised that question.

Ms Halton—I tended to ask whether any women or girls had gone in the water.

CHAIR—When I am asking the question about gender—if I have not been specific about this, let me try to be specific now—to the proposition that a child or children were thrown, did you inquire as to what sex they were?

Ms Halton—I believed it to have been a boy.

CHAIR—You believed it to be a boy?

Ms Halton—That is right.

CHAIR—How did you acquire that belief?

Ms Halton—Because of a conversation about gender in total and the particular questions in relation to whether any women or girls had gone over the edge.

CHAIR—And this is boy singular, not boys plural?

Ms Halton—I cannot be precise on that. I know and have given in evidence and said in my opening statement that I was told—and it is there in quotes from my diary note—that this was plural. I am quite clear that that is what I was told. The impression I had was of no girls and no women. Whether it was two, three or four, I have to say I did not have an impression.

CHAIR—Given your concern about life jackets, did you ask whether they were wearing one?

Ms Halton—My recollection is that I was advised that most passengers were wearing life jackets. I do not recall explicitly saying, ‘Did everyone who went into the water have a life jacket on?’ That would have been in a context where I had already been advised that most of the passengers were wearing life jackets.

CHAIR—Did you inquire, as to the allegation that the child or children were thrown in, whether they were wearing life jackets?

Ms Halton—No, I did not.

CHAIR—Coming back to the operational elements of this, you were right that it would have been a qualitative change in behaviour if everyone was wearing a life jacket on the basis that they all were to jump in the water if they were turned back. Would it not also be a step up in the confrontation if there was a systematic effort to throw children in the water? That would also be a notching up of the confrontation.

Ms Halton—Because I had not thought about it explicitly I do not think I had an opinion on that. I have already said that I had an opinion on the notion of sinking. Sinking was the thing that was at the front of my mind in terms of how things might be escalated. If I sit and reflect, as you have no doubt done—and I have done this at some length—why I did not ring Mr Jordana until 3.30 that afternoon, it was because it was against a framework where I was actually expecting the vessel to be scuttled and that had not happened and where I knew that people were safe. This was not something which I regarded, perhaps erroneously, as being sufficiently noteworthy that I needed to disturb anyone else's Sunday.

CHAIR—Let me come back to my question because, with due respect, you have gone a long distance from it. If there was a systematic effort to throw children in the water would that have been an increase or a notching up of the tension and confrontation?

Ms Halton—My understanding is that there were a range of strategies used as part of these confrontations. I was not on any of those vessels. We have seen recently some video that has been released. The description of some of the strategies and tactics used I found somewhat confronting on the odd occasion. I do not know, and I do not recall thinking to myself, that this was now such a quantum leap away from some of those other tactics. My principal concern was, first, that they were about to sink the entire vessel and, second, to ensure that there had been no loss of life and that everyone had been secured. As I have already said, I had a particular concern in that respect in relation to any women.

CHAIR—This would have been an increase in the confrontation if that had occurred?

Ms Halton—You are asking me for my opinion. My opinion is that any activity to summarily toss a child is a fairly significant step.

CHAIR—Indeed. You are a mother and I am a father and we both appreciate that point.

Ms Halton—Precisely.

CHAIR—It would have been an increase in the confrontation had that occurred?

Ms Halton—My understanding is that there were a range of behaviours that had been evidenced on the other boats, some of which were pretty confrontationist. To say that this one is materially different from some of the others is a matter of personal opinion.

CHAIR—Your concern was that the boat may be scuttled?

Ms Halton—Correct.

Senator MASON—I then asked you whether you were aware of other SIEV incidents.

Ms Halton—I was. As each new vessel arrived, we were notified of each new vessel.

Senator MASON—Several hours ago, I think in response to a question from Senator Faulkner, you said that you received advice on other SIEV incidents from Air Vice Marshall Titheridge.

Ms Halton—And others.

Senator MASON—At what level of specificity were those reports made to the joint task force?

Ms Halton—I think probably a bit like this one. There were details that were provided about particular incidents. A particular incident I recall was about the breaking of bottles and the using of glass. There was a series of vignettes, if I can describe them in that way, of behaviours and activity. Notwithstanding Senator Cook's desire that we had a blow-by-blow account of every event, we did not; we had a broad understanding of the nature of those events at sea as they emerged.

Senator MASON—Can I ask you a specific question in relation to SIEV7. You spoke about vignettes. Let me put some vignettes to you. Were you informed, with respect to SIEV7, that a child was dropped overboard?

Ms Halton—I cannot be categorical about which SIEV I was told there was a child over the edge from. I was told there was a child at one point, and I think I made a reference earlier on to evidence that was given by a sailor that was reported, I think, to the Magistrates Court in Darwin as part of the people-smuggling prosecution. In terms of whether I had a particular knowledge of that particular SIEV and all the details of that event, no.

Senator MASON—Would your briefing have included this level of specificity: threats to children?

Ms Halton—Sometimes.

Senator MASON—Whether there was threatening or offensive behaviour on the part of unauthorised entrants to this country?

Ms Halton—Most often.

Senator MASON—Threats of suicide or self-harm?

Ms Halton—Yes.

Senator MASON—Sabotage or fire on vessels?