

Senator CHRIS EVANS—So there is no sense of reviewing the broader—

Rear Adm. Ritchie—No. The only thing that would change would be changes in the situation in each of the particular countries. If the UN force changes, then clearly we would change.

Senator CHRIS EVANS—Thanks for that.

Senator FAULKNER—Admiral Ritchie, I have some questions that properly go to this output on operations, but there may be an interface with Navy, which is the next program. I wondered, to save time, if that is the case you might just let me know. I thought if I came at the end of this output we would probably be able to do it in a way that would cause the least problems to all concerned.

Dr Hawke—That is fine by us. The Deputy Chief of the Navy is here, so we can proceed.

Senator CHRIS EVANS—We have completed the rest of output 1.

CHAIR—We might proceed with your questions, Senator Faulkner.

Senator CHRIS EVANS—Obviously if any officers are waiting for output 1 questions, they can go.

Senator WEST—Unless Senator Faulkner wants them.

Senator FAULKNER—No, only in relation to the matters that I am going to raise now, which would mainly concern Operation Relex. Thank you, Mr Chairman, and I thank Dr Hawke and Admiral Ritchie for assisting me in that regard.

I want to briefly go to some issues that were raised in a letter that has been written by Rear Admiral Smith to the Chairman of the Senate Select Committee on A Certain Maritime Incident. I am sure you would be aware of the correspondence dated 17 May 2002. It is described as a 'clarification of evidence'. It goes to some issues that Admiral Smith raised during his giving of evidence to that committee on 4 and 5 April and relates to the vessel SIEVX. That is what my questions go to. Hence, Admiral Adams, I am not sure how much of this is output 1 and how much of this is Navy, but I am sure you will be able to assist me on that. The first thing I want to ask just as background. The nomenclature SIEVX: could the Navy assist me with how that was determined?

Rear Adm. Ritchie—I think that was generated by the Senate committee. It is not a SIEV, as far as we are concerned.

Senator FAULKNER—I was not sure whether that came from us or came from—

Rear Adm. Ritchie—I think it came from you.

Senator FAULKNER—It became unclear. Everyone has adopted the terminology and I know that we started using the terminology.

Rear Adm. Ritchie—It may have even come from the press.

Senator FAULKNER—I do not think that is the case. I thought there were two possibilities: the Navy or our committee. I have asked that question of someone who I thought might know and they were not sure, so I thought you might know. But it is terminology or nomenclature that is used now within Navy, isn't it?

Rear Adm. Ritchie—I would accept that it is the nomenclature that is used to describe this particular incident.

Senator FAULKNER—The first issue I want to go to is the use in Admiral Smith's letter of a very significant number of qualifying words. For example, if you go to paragraph 3 of the clarification of evidence, the first sentence is:

The intelligence reporting from Coastwatch was used as indicators of a possible SIEV arrival in an area within a probable time window.

Then in the second sentence of paragraph 5 it says:

An intelligence report suggested that the vessel was delayed and Coastwatch assessed that the vessel remained a potential departure ...

In paragraph 6 it says:

The Abu Qussey vessel in the Coastwatch's CMSP OPSUM on PM 18 October 2001 through intelligence sources was 'reported' to have departed Indonesia for Christmas Island on 17 October 2001.

The next sentence says:

Coastwatch assessed that the vessel could 'possibly' arrive at Christmas Island, late 18 October ...

Then it goes on:

Coastwatch CMSP OPSUM, PM 19 October 2001 reported ... the Abu Qussey vessel as a 'possible' as it was reported to have departed.

The next sentence says:

Neither of these reports were confirmed.

And so it goes on. I wondered if one of the witnesses could explain to the committee the differences in intelligence that related to the SIEVs that were intercepted and the so-called SIEVX.

Rear Adm. Ritchie—I would very much like to explain that. I think, to understand what Rear Admiral Smith is talking about, you have to be very clear on the concept that sits behind Operation Relex. As I explained in here earlier this morning, at the time we are talking about, back in October, there were two main channels of arrival that we were concerned about: the channel which came from Sumatra, the western end of Java, down through the Sunda Strait and into Christmas Island; and the channel which came, generally, through Kupang, Roti and very quickly across the intervening distance down into Ashmore Island.

After the arrival of the vessel that became involved in what is now known as the *Tampa* incident, those intelligence organisations that had information about smuggling organisations or possible boat movements fed their information primarily, I think, into DIMIA, and they were the people who were the basic source of intelligence. There was a lot of analysis then applied by various other agencies, as there always is with any intelligence. Essentially, what you were getting was intelligence that was going through various means as to the possible movement of boats. I would say to you that there were many more boats mentioned in the intelligence than we actually ever saw. That is the background and I cannot really say a lot more about the sources of that intelligence without saying things that I really should not be saying in an open forum.

The point is that none of that intelligence is definite; none of it, in general, is specific; and much of it is continually countermanded. For example, it may be reported that a boat possibly sailed from the south coast of Sumatra on this date with this many people; the next day it might be reported that it did not sail from the south coast of Sumatra, it probably sailed from somewhere east of Jakarta and it might be going in the other direction. That was the sort of

thing that was happening. So Operation Relex had to consider how best to deal with intelligence as imprecise as that. Do you look, if you could, in every nook and cranny: in every creek and every port in the archipelago? Of course you do not; you cannot do that because we have no right to take Operation Relex into Indonesian waters. In fact we were very cautious that we did not take Operation Relex across the recognised boundaries; we applied buffers.

How did we do it? If you think about the Indonesian archipelago and you think about the position of Christmas Island, then anybody who is going to approach Christmas Island has to come from within a certain arc, realistically. They could come from 360 degrees, but that is unlikely; they will make direct passage from the ports that they normally come out of. So we put ourselves between the archipelago and Christmas Island and we waited for these people to come through those particular areas. All of the boats that we detected, that is how we detect them: they came through the area that we sat in. So, if you like, there is an oblong box that sits somewhere between Christmas Island and Indonesia, keeping well outside Indonesian claimed or recognised waters, and we were in that box. The ships themselves, in a general sense, because a ship has a limited visual and radar horizon, would be back near the focal point—Christmas Island. The aircraft would be more wide ranging, but those aircraft would still keep outside the sorts of areas that might be claimed by Indonesia.

My understanding of the SIEVX incident is that, yes, as Admiral Smith has said in his letter to the Senate, there was a variety of this sort of intelligence that I have talked about that came, some as far back as September, where it was known that the particular organiser was trying to put together some boats. Nothing much more was heard of him until you get into October and there were various reports that he had one boat, that he had two boats, that had sailed from here, that had gone back, that had sailed from somewhere else. And most of the intelligence reporting actually came after we subsequently found out that the boat had sunk. But there was no reason, no cause, nor, indeed, no right for Admiral Smith, for Brigadier Silverstone or for myself to send ADF assets into the area where that boat subsequently foundered and disappeared. We waited for that boat to come through, if you like, the funnel that we had put together; and that was how we were going to detect them. That is how we successfully detected all the rest.

I would have to say to you that we in the ADF are offended by the sorts of things that have been written about SIEVX because, as Admiral Smith said many a time, if anybody had been in possession of specific information which said, 'This boat here is sinking,' then we would have certainly done all we could within our power to save those lives.

Senator FAULKNER—I do appreciate, because Admiral Smith has made those points very strongly, what has been written about SIEVX. But I hope that you would accept, Admiral, that when such things are written or when issues arise, it is certainly a proper role for a parliamentary committee like this to ask questions and investigate those issues. As far as I am concerned I am asking questions about related issues. I am well aware, of course, of the differing views that Navy has in relation to some of what has been said in the public record. In my own case I have made some fairly strong statements about that also that I suspect Navy would not be uncomfortable with.

Senator Hill—A newspaper this morning said that you were saying this particular incident is now your highest priority.

Senator FAULKNER—I read what was said in a newspaper this morning. Newspapers can report what they like. I would have thought that I had a range of other priorities in my

parliamentary duties. My role in relation to the Senate Select Committee on a Certain Maritime Incident is a mere one of them, Senator.

Senator Hill—This says:

Labor's Senate leader, John Faulkner, told the *Herald* that SIEV-X was now his top inquiry priority.

Senator FAULKNER—Is that in inverted commas?

Senator Hill—Then it goes on, 'What is going on in the navy?' et cetera.

Senator FAULKNER—I did not say that. You do not want to concern yourself too much with my priorities, Senator Hill. I am the one who will set them and they will not be set by the *Sydney Morning Herald* or by you or by anybody else.

Senator Hill—Well, apparently you told the *Sydney Morning Herald* it was your highest priority.

Senator FAULKNER—Really? Well, take it up with the journalist.

Senator CHRIS EVANS—Senator Hill, you have lectured us on a number of occasions not to believe everything we read in the papers.

Senator Hill—I am confused because you have now come in here today and said it is not.

Senator FAULKNER—I beg your pardon.

Senator Hill—I am now confused. The article said that you said it was; today you have said it is not.

Senator FAULKNER—What I said to you is I will determine my own priorities, not the *Sydney Morning Herald*.

Senator Hill—I know you will, but it seems you told the *Herald* that it was your highest priority.

Senator FAULKNER—That is an assumption that you make.

Senator Hill—That is what the *Sydney Morning Herald* says.

Senator FAULKNER—If it is reported in the *Sydney Morning Herald* it must be right. Is that what you are saying?

Senator Hill—It is a good prima facie case.

Senator WEST—We will remember that next time.

Senator FAULKNER—Having established that, I will refer you to a number of editorials in the *Sydney Morning Herald* about your own performance in a range of areas. Perhaps you would care to comment on those. Let us just move on. I was making the point, however, to Admiral Ritchie, and I think it is a reasonable one, that I understand and have accepted a great deal of what Admiral Smith said and, on the public record in relation to his concerns about some statements that have been made, I do make the point and, given that you do not seem to understand it, I will reiterate it to you that it is a proper role for a parliamentary committee like this to examine these issues. Admiral Ritchie, I do thank you for that explanation because I thought it was helpful. Firstly, is intelligence that is gathered confirmed? If it is, how is it confirmed by Navy?

Rear Adm. Ritchie—In the broad, it is only ever confirmed by the subsequent appearance of the vessel itself. There is no other way of confirming it.

Senator FAULKNER—Therefore, understanding that, it is reasonable for me to jump to a conclusion that you do not need confirmation of intelligence before surveillance is ordered in relation to a ‘possible’ SIEV departure?

Rear Adm. Ritchie—No. The existence of intelligence will confirm your correctness, if you like, in continuing to conduct that particular surveillance. The point that I was making in my explanation is that surveillance was continuous and ongoing and was not dependent in particular upon any particular piece of intelligence information.

Senator FAULKNER—Yes, but I think the distinction you are drawing is an important one and perhaps is not well understood. At the end of the day, you say that you can really only confirm intelligence reports when a SIEV is sighted. Is that right?

Rear Adm. Ritchie—When a SIEV is sighted, and you can then relate that back to any given piece of intelligence.

Senator FAULKNER—Therefore, surveillance activities are not dependent on confirmed intelligence reporting?

Rear Adm. Ritchie—That is true.

Senator FAULKNER—Is it reasonable for me then to go to the next step and say that unconfirmed intelligence reports, for example the sort that we have that are recorded in Admiral Smith’s letter and in evidence that we have received from Coastwatch, do actually trigger surveillance activity?

Rear Adm. Ritchie—In the case of Relex, it does not specifically trigger surveillance activity because surveillance activity is there. The surveillance activity is ongoing against this background that says there are this many thousand people in the archipelago who are all looking for passage to Australia. What it might do to the particular ship or the aeroplane that is out there is to say be particularly careful today because today is an expected time of arrival.

Senator FAULKNER—Yes. What you are saying is that you have an ongoing surveillance regime under Operation Relex?

Rear Adm. Ritchie—Yes, that is correct.

Senator FAULKNER—Is it also fair to say that an unconfirmed intelligence report might mean that surveillance activity may get a focus it otherwise would not have? This is layman’s language, but I wanted to understand this, if I could.

Rear Adm. Ritchie—My broad answer to that is no. The main intelligence on which we are working is the two routes. We know that all of the people are going to come Sunda Strait to Christmas or Roti to Ashmore. That is the main thing that decides how we are going to do the surveillance. We may in fact alter the pattern within areas that we then set up which are reasonably static. We may alter the pattern of attendance in those areas if we think we have particularly good intelligence about a vessel, but the basic, ongoing surveillance of given, predetermined areas is not based at all on evidence or intelligence of one or more departures.

Senator FAULKNER—Could you explain that a little more? Understanding that there is a regime of surveillance under Operation Relex, what might an unconfirmed intelligence report about a possible SIEV departure mean for surveillance under Operation Relex?

Rear Adm. Ritchie—Let me give you another broad example. In October, we may well have been sitting there and the intelligence would say to us that within seven days we might expect three boats to arrive at Christmas Island and seven boats to arrive at Ashmore. That

would confirm for us that our surveillance had to be ongoing and continuous. If for any reason somebody said, 'We cannot find a P3 tomorrow,' we would be looking for alternative means to make sure that we did fly and cover that area because we would be looking at three maybe within 48 hours, that sort of thing. At the moment, surveillance is ongoing and continuous and there is very little intelligence.

Senator FAULKNER—But you, I think earlier in your evidence, suggested that intelligence of its nature is neither definite nor confirmed until you have a very tangible measure, which is actually a SIEV vessel under way. Is that right?

Rear Adm. Ritchie—Even if I had evidence that somebody had seen a vessel depart a particular place, it still does not mean that it is going to—

Senator FAULKNER—That is one of the things I have been grappling with and possibly not understanding. It does appear that some of the intelligence reporting here goes to size of the vessel, overcrowding and the like, which seems not to have the same level of qualification about it as some of the other intelligence reporting on the same vessel. Could there be a reason for that?

Rear Adm. Ritchie—No. I would place such qualification on all intelligence. Size of the vessel and overloading, all those sorts of things, might cause us to say that it will take longer than normal and might arrive at a later date because they will be more cautious and slower, those sorts of things. I cannot distinguish why any qualification is placed on some things and not on others. There have been many reports that were quite definite on size of boats, names of captains and numbers, and nothing ever eventuated.

Senator FAULKNER—Did I understand from you in relation to where this intelligence is sent that the principal address for receipt of this intelligence is DIMIA?

Rear Adm. Ritchie—The principal provider of that intelligence is DIMIA.

Senator FAULKNER—I think you made the point that there are other providers but you did not think that it was appropriate to detail those at a hearing like this. Is that right?

Rear Adm. Ritchie—I do not think it is appropriate for me to go into how any of this intelligence is gained. I am just saying that that is the organisation that first puts the intelligence together.

Senator FAULKNER—Let me turn again to Admiral Smith's letter. In paragraph 5 it says:

Coastwatch initially reported the Abu Qussey vessel on 14 October 2001 based upon intelligence analysis in the daily Civil Maritime Surveillance Program (CMSP) Operations Summary (OPSUM). An intelligence report suggested that the vessel was delayed ...

Are you able to provide for the committee's benefit any further and better details about that intelligence report?

Rear Adm. Ritchie—When he refers to the vessel being delayed, I think there is a further intelligence report on the 19th which says that the vessel has not yet been sighted. I think that there is a further one on the 20th which says that the vessel perhaps did not sail from where the original report said it sailed from—that it sailed from somewhere else and moved its port of destination from Sumatra to Java. I think that, as late as the 22nd, there is an analysis of a report which says the vessel has probably gone back to the Java coast, because of the weather that was being experienced in the area. What I am saying is that you start off with an original report that has been gained from some source or other, and then you have a number of

agencies who are taking that report, observing what happens thereafter and providing some degree of analysis as to what might have happened in the meantime.

Senator FAULKNER—Admiral Bonser was able to provide some more detail in this. You may not have seen his evidence before the Senate select committee. He was able to say that they knew that we—in this case ‘we’ is Coastwatch, I think, or Australian agencies, or however you prefer to determine it—knew that it (that is, SIEVX) was small and overcrowded. I asked him what ‘overcrowded’ meant, whether it was around 400 passengers, and Admiral Bonser said that they had an indication of numbers. He was also able to talk about the willingness or unwillingness of people to be embarked.

Rear Adm. Ritchie—But he did not say, importantly, that he knew where SIEVX was.

Senator FAULKNER—No, he did not say that, and I understand that. That issue was canvassed with him, but in some people’s minds I suppose the fact that you might have intelligence about the size of the vessel, whether it was overcrowded, whether there is an indication that people got on or off the vessel and the like might beg the question that, if you have that level of intelligence advice, it might not seem absolutely outlandish that you might know where all that was occurring. Correct me if I am wrong, but it is not a leap of faith, having some level of information as we have just been canvassing—numbers, size, overcrowding, embarking or—

Rear Adm. Ritchie—But it is a leap of faith to then move from there—and I would agree that you have not yet moved there—which others have already taken, to say that if you knew that then you should have been actively looking for it in some place other than the places we were looking.

Senator FAULKNER—Yes, but you have to be fair here, Admiral. That is not a jump or a leap that I intend to take.

Rear Adm. Ritchie—No. I have said that you have not taken it, but others have.

Senator FAULKNER—I would ask a serious question here: if intelligence reports, albeit unconfirmed intelligence reports, because of the proper qualification that you place on intelligence reports of this nature, might be able to detail that level of activity, the question in my mind—and I do not put it at any higher level than that—is why wouldn’t the issue of location be stronger? That is the question I have.

Rear Adm. Ritchie—Because there is no such thing as location attached to that particular report. In fact, that particular report was made available the day after that particular vessel was subsequently known to have sunk. It includes a change in the port of embarkation for these people, from one part of the archipelago to a significantly quite distant other part of the archipelago. It did say that it was probably a small vessel and that it probably had 400 people on it. That is all good information, but it is not going to help you find it.

Senator FAULKNER—There is a range of intelligence reporting here, isn’t there? It is not just one advice; there is a number of advices. It is fair to say that, isn’t it? We know that.

Rear Adm. Ritchie—Yes, it is a number of advices, but it is all coming through the one coordinating source.

Senator FAULKNER—And you identify that coordinating source as DIMIA in this instance.

Rear Adm. Ritchie—Yes.

Senator FAULKNER—When you say DIMIA, Rear Admiral, are you able to define that a little? Can you tell me what part or what agency within DIMIA handles that?

Rear Adm. Ritchie—No, I cannot. It is an agency within DIMIA that was producing then on a daily basis an intelligence report on the movement of illegal immigrants in Indonesia. I could find that out for you and give it to you on notice but, off the top of my head, I do not know what it is.

Senator FAULKNER—I have talked to DIMIA officers about this and I think it is probably what they call their joint intelligence strike team. Would you mind taking it on notice to provide the name of that element of DIMIA? There are a couple of different groups that have a role. I suspect it is the strike team, but would you let us know at some point? Concentrating on this report on 14 October, because one thing no-one can argue about any report on 14 October is that this is before the SIEVX sailed. That is fair to say, isn't it?

Rear Adm. Ritchie—I think it was probably a couple of days before it sailed.

Senator FAULKNER—With regard to the report on 14 October, when did you say that was received by Defence in the first instance?

Rear Adm. Ritchie—I did not say when it was received by Defence; I do not know when it was received by Defence. In the normal way of these things, those intelligence agencies in Defence that were looking at this would certainly have received it within 24 hours of its being originated, I guess.

Senator FAULKNER—Has there been any examination at all about the intelligence reports and their interface with surveillance with SIEVX within Navy or Defence that you are aware of?

Rear Adm. Ritchie—There has been a review of all the intelligence that was received in a chronological order. All it shows is that there was considerable confusion as to where this boat departed from, when it departed, how many people were in it and whatever.

Senator FAULKNER—When was that review kicked off?

Rear Adm. Ritchie—There is nothing that I could tell you about a review that formally kicked off—it is just something that has been done.

Senator FAULKNER—I accept it has been done. I just wondered when.

Rear Adm. Ritchie—I do not know the answer to your question as to when it was done.

Senator FAULKNER—Do you know who undertook it?

Rear Adm. Ritchie—I know it was done in the Maritime Command.

Senator FAULKNER—Could Navy assist me in relation to that review—any detail about the basis on which that was commenced?

Rear Adm. Adams—Certainly, Senator.

Senator FAULKNER—Do you know at the moment?

Rear Adm. Adams—No, I do not. I would have to take that on notice and provide the information separately.

Senator FAULKNER—I would be interested in knowing, if you could, Admiral. Perhaps you could just indicate when that review commenced, if there was any guidance or terms of

reference for it and the basis on which the decision was made to conduct the review—in other words, who instructed it, who ordered it and who conducted it.

Rear Adm. Adams—Certainly, Senator.

Senator FAULKNER—Coming back to this question of 14 October: it does appear that numbers of people—there might have been 400 people aboard this boat—

Rear Adm. Ritchie—I do not think that was known on 14 October. You are taking the 14 October date from Rear Admiral Smith's letter. Is that correct?

Senator FAULKNER—I do not know a huge amount about this—

Rear Adm. Ritchie—Are you guessing or is it 14 October?

Senator FAULKNER—There is no guessing. What I do have available to me at the moment is the detail of Admiral Smith's letter and Admiral Bonser's evidence. Beyond that you will be pleased to know that, whilst any other conspiracy theories or outlandish conclusions may be available to me, I am certainly not depending on them or using them.

Rear Adm. Ritchie—I say that because it might be timely to correct the notion of the 14th. In accordance with information I have, there was a departure, or report, of a boat belonging to this particular smuggler on the 10th. On the 11th there was a report that said, 'No, the departure has been delayed.'

Senator FAULKNER—But these were not reported to you by Coastwatch, were they?

Rear Adm. Ritchie—I am talking about the same material. There may well be a difference in interpretation, which we can come to in a tick. With regard to the 14th, which you referred to, I think the intelligence is saying to us that that boat did not depart, but it reports nine other potential sailings.

Senator FAULKNER—So you have reports on the 10th and the 11th. Is that what you are saying?

Rear Adm. Ritchie—I am saying that, in the period of the 10th, 11th, 12th, 14th and 15th, there were various reports, starting on the 10th, that a boat belonging to this particular person had sailed. Then there was a report saying, 'No, it's been delayed,' and then another report saying, 'No, it hasn't sailed at all but here are nine other boats that might have sailed.'

Senator FAULKNER—Maybe I am missing something here. Let us go back to Admiral Smith's letter, paragraph 5, which says:

Coastwatch initially reported the Abu Qussey vessel on 14 October 2001 ...

Rear Adm. Ritchie—Did it report that it had sailed or that it had been initially reported?

Senator FAULKNER—I am quoting the letter. Paragraph 5, first sentence—

Rear Adm. Ritchie—I do not have that letter.

Senator FAULKNER—I am sorry; I did not appreciate that you did not have the letter in front of you.

Rear Adm. Ritchie—I have just read it and it is not inconsistent with what I have just said. The letter says:

An intelligence report suggested that the vessel was delayed and Coastwatch assessed that the vessel remained a potential departure from Pelabuhan Ratu (06⁰59 South 106⁰33 East) for Christmas Island from Indonesia.

He did not say that it had sailed. He said that on the 14th Coastwatch said that Abu Qussey had a vessel, that it had been perhaps delayed and remained a potential departure from that particular place. Then in paragraph 6 he gave the first assessment of departure.

Senator FAULKNER—Yes, I know. What I am asking about is in relation to the beginning of paragraph 5. It says:

Coastwatch initially reported the Abu Qussey vessel on 14 October 2001 ...

You have talked about reporting on the 10th, 11th, 12th and then the 14th just to kick off.

Rear Adm. Ritchie—I am saying that you can go back as far as 5 September and start talking about Abu Qussey preparing two boats to go to Christmas Island. Admiral Smith has chosen there to start a little later in the chronology. Perhaps he is really talking about what he thinks is relevant to the sailing of the vessel. I do not know why he did not say anything earlier than that.

Senator FAULKNER—I do not either, and that is what I am trying to understand. It seems to me that there is an inconsistency with the letter and what you are saying, because it says ‘Coastwatch initially reported the Abu Qussey vessel’. Could the reason for the possible difference in the evidence be that the reports of the 10th, 11th and 12th did not come via Coastwatch?

Rear Adm. Ritchie—They could have come straight out of DIMIA.

Senator FAULKNER—Yes, but can you tell me whether they have come via Coastwatch?

Rear Adm. Ritchie—No.

Senator FAULKNER—We are going to break in exactly one minute and 10 seconds, so it might be possible for someone to check that over the lunch break.

Rear Adm. Ritchie—I am dancing around some of the intelligence, I admit, because of what it says. I cannot tell you that in this forum.

Senator FAULKNER—I have not asked you to and I never have. I have never asked any witness to talk about those sorts of things.

Rear Adm. Ritchie—I understand that. That is why I am approaching it in the way I am.

Senator Hill—Aren't the questions appropriately put respectively to DIMIA and Coastwatch through Justice? I do not know that it is Admiral Ritchie's job to answer questions about matters that are not in his immediate knowledge.

Senator FAULKNER—These questions arise from a letter from the Maritime Commander. They are important. Frankly, I think it is important from both Navy's and Defence's perspective, too, because there are questions that have been asked in relation to this. I stress to you that I am not drawing conclusions; I am asking questions. I had not intended to ask a question about the initial reporting, but when the Maritime Commander Australia says ‘Coastwatch initially reported the Abu Qussey vessel on 14 October 2001’ and Rear Admiral Ritchie tells me today that there was reporting on the 10th, 11th and 12th I am only trying to nail it down. It is not an apparent inconsistency; it is an inconsistency. We are now 21 seconds over the time for our lunch break—there will be a riot! Could someone please check it out over the lunch break and we will come back to it.

CHAIR—Thank you, Senator Faulkner. The committee will adjourn for lunch.

Proceedings suspended from 12.30 p.m. to 1.33 p.m.

CHAIR—Dr Hawke, have you got an answer that you wish to give?

Dr Hawke—Senator Hogg will recall asking a question last night about expenditure for the 2002-03 financial year on the Jindalee Operational Radar Network. The current planned expenditure for JORN for the next financial year is \$62.6 million. That plan was developed following a review of expenditure proposals which was conducted over the last month or so. The reason JORN is not in the top 20 table on page 77 of the portfolio budget statements is that at the time that document was put together the 2002-03 expenditure plan for JORN was \$38.6 million. The additional expenditure now planned for 2002-03 is due primarily to slippage of payments to the prime contractor, which were previously planned to be paid in the 2001-02 financial year. That is a sum of \$20 million, and the remaining \$4 million is due to increases and decreases—it is a net figure—across other expenditure elements of the project. I think that provides the information that Senator Hogg was requesting on that item.

CHAIR—Thank you.

Senator FAULKNER—Were we able to establish at all this issue about the initial report, Rear Admiral Ritchie?

Rear Adm. Ritchie—What I have established in the break is that the review of the intelligence material that I referred to—you asked who was doing that—is being coordinated by the group under Rear Admiral Gates, who has been tasked to support Defence and the Senate select committee. So that is where that information comes from. It would appear that in so doing that—and that is the information that I am privy to—they have discovered sources other than Coastwatch that predate 14 October. What you have from Rear Admiral Smith is what Rear Admiral Smith believed had been reported to his headquarters when he wrote that letter, and it starts at 14 October. The other information is from other sources. It predates the 14th. It does not materially change anything. From the 14th, where Rear Admiral Smith picks up the story, the story is indeed the same, according to those intelligence sources.

Senator FAULKNER—Accepting that—and I do—is Defence able to provide precise information to update the information we already have?

Rear Adm. Ritchie—Could I talk to the minister and come back to you on that particular question?

Senator FAULKNER—Sure. I appreciate the information you have given in relation to Rear Admiral Gates conducting that review. Do you know who tasked Rear Admiral Gates for this?

Rear Adm. Ritchie—No, I don't.

Senator FAULKNER—Would you be able to find that out too, please?

Rear Adm. Ritchie—We can find that out.

Senator FAULKNER—Would you mind finding out, if it is possible, when he was tasked and what the parameters of the review are and why it was determined to have the review?

Rear Adm. Ritchie—We can find that out.

Senator FAULKNER—Thank you for that, I appreciate it. I go to the general issue that is canvassed in Rear Admiral Smith's letter, if you like, of the communication between Coastwatch on the one hand and Defence on the other. Is it fair to say that not all the reports came from Coastwatch that Defence responded to in relation to the SIEVs?

Rear Adm. Ritchie—It is not fair to say ‘that Defence responded to’, because I think I tried to go to some pains earlier on to say that we did not particularly respond on individual instances; we responded on a collection and a pattern of information. Coastwatch was providing reports, and it is referred to in Rear Admiral Smith’s letter in what he calls their CMSP OPSUM—it is an operational summary. So they have taken and distilled other elements of information that they have got. At the same time, Defence also, in some cases, had access in the intelligence organisations to product that was coming out of DIMIA and those sorts of things and would have made its own assessments of what was happening in the archipelago.

Senator FAULKNER—Have you been able to establish what links there were between Defence and the joint People Smuggling Strike Team?

Rear Adm. Ritchie—In the break, no. Regarding those links, I would expect them to be through Coastwatch or through the Strategic Command here in Canberra.

Senator FAULKNER—Is the only effective line of communication between Coastwatch and Defence the operational summaries—the ‘OPSUMs’ as they are described?

Rear Adm. Ritchie—The operational summary is where Coastwatch formally reports to other agencies what it is doing, what its intentions are and what it thinks the picture is. There would be quite a deal of interaction between Coastwatch and the various Defence agencies on a personal level.

Senator FAULKNER—What is the interface between Defence and the DIMIA operation that is so important? One of the things I have been struggling with for a long time is to try to establish which is the lead agency. Which is it—the AFP, DIMIA, Defence? Everyone seems to pass the buck. The buck is not passed between Defence and the other two agencies; it is passed between those two agencies, AFP and DIMIA, to be fair. You have almost said to us this morning that from Defence’s perspective DIMIA appears to be the lead agency here.

Rear Adm. Ritchie—From Defence’s perspective, in the conduct of Operation Relex, Defence is the lead agency. There is no doubt about that. Defence was responsible for mounting that surveillance operation and for interdicting vessels as they were seen. The policy that sits behind that is a whole-of-government thing with probably DIMIA being the lead agency. In terms of intelligence that is gathered in other places, that was coming out of other agencies.

Senator FAULKNER—Yes, I know. But it is the intelligence that is gathered in other places, particularly what occurs onshore in Indonesia, that is of particular interest to me.

Rear Adm. Ritchie—That is not a Defence thing.

Senator FAULKNER—That is right. There may be other agencies that have not been identified, but certainly at a committee like this last week AFP and DIMIA were identified and particularly the joint People Smuggling Strike Team located in DIMIA. I am interested—and this may not be your bailiwick, Admiral, and I accept that—in any interface with the joint People Smuggling Strike Team that Defence had. The first issue is: has there been any interface with them? Secondly, if there has, how has that been handled from a Defence perspective?

Rear Adm. Ritchie—I do not know the answer to that.

Senator FAULKNER—Can I toss that one to you, Dr Hawke?

Dr Hawke—I do not know the answer either.

Rear Adm. Ritchie—The answer would be that, if there were, the Head of Strategic Command would know that answer, but he is not here.

Dr Hawke—In output 5 we will have Head of Strategic Command and we will ask him to address that issue when he arrives.

Senator FAULKNER—Thank you. I do accept, by the way, that there is a threshold issue here—which I tried to make clear in my question— and that is: has there been any interface? I am not suggesting there has; I do not have any knowledge of it. Questions may flow from that, if there has been, as to how it was handled from a Defence perspective. But it is quite clear, absolutely clear, that Defence in relation to this particular exercise is not a major player. That is very unusual, I am sure you would accept, Dr Hawke.

Dr Hawke—We understand where you are coming from, Senator.

Senator FAULKNER—It was the practice, was it not, that Coastwatch would provide at least its operations summaries to both the Australian Theatre Joint Intelligence Centre and NORCOM. That is correct, is it not?

Rear Adm. Ritchie—That is correct.

Senator FAULKNER—Could you explain to the committee, please, why that was the case?

Rear Adm. Ritchie—Coastwatch is very much a part of Operation Relex. The position we are in with Relex reverses the normal interaction we have with Coastwatch. In Operation Cranberry, the ongoing surveillance operation in the north, Coastwatch is the lead agency and Defence, through NORCOM, works for Coastwatch, if you like. In this particular operation it was decreed that Defence would lead and therefore Coastwatch acts in support. Coastwatch have people in Headquarters Northern Command. Coastwatch would join with us in a VTC every morning that was run from my headquarters. Maritime Command, Air Command and Coastwatch would be present and we would talk about Operation Relex at nine o'clock five or six days of the week, depending on what was going on. We were sharing our views on the background to this particular issue. It is as simple as that. Coastwatch has better access into some of the other agencies that you would need than we have.

Senator FAULKNER—Sure. The point of my question is why the two reporting streams—one to Australian Theatre Joint Intelligence Centre and one to NORCOM. I am just trying to understand why it goes both ways.

Rear Adm. Ritchie—Now that you make that point, it might go through ASTJIC to NORCOM, I am not exactly sure, but if it does it is because they are both closely involved. For example, if I were to send a theatre headquarters summary of what I had done for the day, I would not send it to just one address; I would send it to all of those addresses that have some involvement in the business I am engaged in. I think Coastwatch was merely doing the same thing.

Senator FAULKNER—Let us move from the general to the specific. Rear Admiral Bonser in his evidence to the Senate select committee talked in his opening statement about the telephone advice received from the AFP that the Abu Qusey vessel that we have been speaking of, SIEVX, was reported to have departed from the west coast of Java the previous day. He went on:

The information included advice that the vessel was reportedly small and overcrowded. The full detail of the advice is classified. This information was passed by telephone from Coastwatch to the

Australian Theatre Joint Intelligence Centre and to Headquarters Northern Command. The Australian Theatre Joint Intelligence Centre and Headquarters Northern Command included this information in classified intelligence reports, both of which were issued to Defence operational authorities on 20 October 2001.

My question goes to whether that procedure, effectively for Defence in the broad, was standard operating procedure. Was that the ordinary information flow or was it exceptional? That is what I am trying to understand.

Rear Adm. Ritchie—I would not say that that was exceptional.

Senator FAULKNER—Would you say it was standard operating procedure?

Rear Adm. Ritchie—I would say that that is more than often the norm.

Senator FAULKNER—The last paragraph of Admiral Bonser's opening statement includes this sentence:

On Tuesday, 23 October 2001, advice was received from the Australian Theatre Joint Intelligence Centre that a SIEV had sunk.

I think it is appropriate to ask you this question. I wanted to get the background to that advice that went from the Australian Theatre Joint Intelligence Centre to Coastwatch on 23 October. What information leads were there?

Rear Adm. Ritchie—I will check this. I would stand corrected. I think that that information comes from a cable that came out of the embassy in Jakarta that reported that this incident had become known through the press or whatever in Indonesia. You can see there that the ASTJIC passed that information on to people who would not normally be privy to that sort of cable traffic.

Senator FAULKNER—What was that last sentence?

Rear Adm. Ritchie—To people who would not be privy to that cable traffic. Cables that come into the Australian Theatre Joint Intelligence Centre do not necessarily go to Coastwatch or other places. So all they were saying, on a matter that they had both been aware of, was that this Abu Qusey vessel was around but that nobody knew where it was. All of a sudden, in comes a cable from Jakarta saying it has been reported that a vessel has sunk and those people have drowned. He was closing a loop on that information.

Senator FAULKNER—I accept it was the source of the advice—no doubt you will tell us if it is not the case—but could you indicate when that cable was received from the embassy, when the advice was passed on from the Australian theatre to Coastwatch that the SIEV had sunk and the mechanism by which that was done. I do not expect you to have that information at your fingertips, but if you would not mind taking that on notice I would appreciate it. Rear Admiral Bonser makes the point, just to complete the story, that CNN reported later in the day the sinking of the SIEV and the rescuing of the survivors. Does the Australian Theatre Joint Intelligence Centre have a special role in Operation Relex? Is there any special tasking there that you might explain to the committee?

Rear Adm. Ritchie—The Australian Theatre Joint Intelligence Centre exists to provide operational level information for those operations that the ADF conducts. When we came to Operation Relex, we started talking about people-smuggling and all those particular issues. The Australian Theatre Joint Intelligence Centre had no expertise in that sort of issue—because it was not something that we had followed in the ADF—but it took on the role of coordinating information from all of those other government sources who do this as a matter

of normal business and providing it to us who were running Operation Relex, to the Maritime Commander and indeed to NORCOM.

We found in fact that NORCOM had a better handle on those sorts of issues because, being geographically proximately placed, it had taken an interest in that in the past. Indeed, we then passed to NORCOM the analysis responsibility from a Defence point of view, at the operational level, and we took it away from the Australian Theatre Joint Intelligence Centre. Whether we did that before or after—I suspect it was after—we did change that. Rather than having two people trying to focus on it and one not doing it particularly well, we gave it all to NORCOM. It is now NORCOM, every morning at nine o'clock, who stand up and tell us their view of the intelligence picture with respect to Operation Relex. We do not try and generate that out of the ASTJIC.

Senator FAULKNER—Did you have people from other agencies working in the joint intelligence centre itself?

Rear Adm. Ritchie—No, not to my knowledge.

Senator FAULKNER—I still do not quite understand how this all fits in with the joint People Smuggling Strike Team. Obviously, there are a lot of agencies and groups undertaking similar roles.

Rear Adm. Ritchie—From our point of view, I am not sure that it needs to fit in, as long as whatever the intelligence product that they see we see. As long as we are not looking at two different intelligence pictures, in the context of the rest of Relex and what we have to do, we would only then come in contact with that organisation inasmuch as it had anything to do with setting policy as to what we do with illegal immigrants once they are detained—that sort of thing.

Senator FAULKNER—Someone there, or perhaps yourself in your role as Commander Australian Theatre, made what seems like a sensible decision that there might be another—

Rear Adm. Ritchie—We made a decision in our case that there was a better way of doing it.

Senator FAULKNER—Yes, someone else who could do that in a more effective way. Just going back to the specific issue in relation to the SIEVX, Admiral Smith, in his letter, in paragraph 15 of his summary, says:

Intelligence reports via Coastwatch's CMSP OPSUM advised Navy of the Abu Qussey vessel's 'possible' departure from Indonesia on 18 October 2001.

I wondered in relation to that report specifically, or in relation to any others, whether we can be clear on this. I think you have said this before, but I think it is important to nail this down. Did any of either that particular intelligence report, or operational summary of intelligence reporting, or any other material that came from Coastwatch or other agencies cause Defence to change in any way the surveillance regime that had been established?

Rear Adm. Ritchie—No.

Senator FAULKNER—Can you say, if I asked you in relation to SIEV6 or SIEV7, whether that situation—

Rear Adm. Ritchie—The surveillance regime has not changed other than when we think something is different, other than the approaches down the two axes that I have already talked about might be going to happen, we would change the surveillance regime. So we have had

cause to change it, but not for vessels on the archipelago Christmas or archipelago Ashmore route.

Senator FAULKNER—But you can say when your surveillance operation picked up SIEV6, for example. I have heard evidence about that before.

Rear Adm. Ritchie—SIEV6 was intercepted 67 nautical miles north of Christmas Island on the exact day we are talking about.

Senator FAULKNER—Yes, that is right. I am just wondering how stretched resources might be on this very day. Is it an issue because it is not as if—

Rear Adm. Ritchie—And that goes back to the concept. The concept says people are going to come down this axis and they are going to come down that axis and I only have this many resources with which to detect them; therefore, I am not going to go looking for them at their point of origin or in any other place other than to put something—put an overlay—over the places through which I know they must come if they are to get to their destination and achieve success. So you concentrate the force, if you like, in the focal area. That is what surveillance really is all about when you have got limited resources.

Senator FAULKNER—I am not suggesting that a people smuggler might decide to send off an armada of boats on the one day, but because of the date—there is clearly, at a minimum, utilisation of resources, which I am not saying are stretched but which we know are certainly being utilised, and we know what is occurring, for example, in relation to SIEVX—I am asking the question that I suspect people may well ask at a later stage: could that have had any impact, in your view, in relation to the surveillance task that may have affected the opportunity of identifying SIEVX?

Rear Adm. Ritchie—SIEVX, to my knowledge, never ever came within our search area, and we did not change our search area specifically to look for SIEVX.

Senator FAULKNER—I understand that, but did you change the search area to look for any of the other SIEVs?

Rear Adm. Ritchie—No. We very cunningly put the search areas in the right places in the first instance so that we knew people who were going to get to those destinations would come through them. That is the thrust of my concern with all of this. There was never, ever any reason, even if we had known there had been 10 SIEVXs, for us to change the pattern of searching. For those 10 SIEVXs to get to Christmas Island, they had to come through the area that we were surveilling. The one SIEVX that we know about never did.

Senator FAULKNER—I understand that point you make, and I suppose some might then pose the question: does intelligence reporting in some way impact on or affect decisions made about aerial surveillance?

Rear Adm. Ritchie—It does to the extent that, if the intelligence reporting indicates that the pattern is changing, we clearly would be silly if we did not change the pattern of our surveillance. But the sorts of intelligence reporting that we are talking about here—that this vessel may have sailed from here on such and such a date and within three or four days could be in Christmas Island—gives you no cause to change anything. If they had said, ‘It could be on the Kimberley coast, because that is where it is going to go to, rather than Christmas Island,’ yes, we would.

Senator FAULKNER—Anyway, we can be definitive that the intelligence reports on 18 October do not trigger any special action from Navy?

Rear Adm. Ritchie—No, 18 October triggers no special action that I am aware of.

Senator FAULKNER—And the reason for that is?

Rear Adm. Ritchie—We have established search patterns through which these people must come.

Senator FAULKNER—Because that is your standard operating procedure?

Rear Adm. Ritchie—I am not saying to you that Brigadier Silverstone might not have said to the captain of *Arunta*, ‘Make sure you are awake in the next 24 hours because someone is going to come through your area.’ But we have not changed the areas or the pattern of our surveillance because of it.

Senator FAULKNER—Dr Hawke, are you in a position to be able to talk about the Defence flow of information into and out of the People Smuggling Task Force? That of course is a different—

Dr Hawke—I am actually not, Senator. This would have been handled by the head of Strategic Command. It is an ADF operation, so it is handled in the chain of command from CDF, and my recollection is that the head of Strategic Command was doing this—

Senator FAULKNER—I thought you would say that, but I was not sure whether you would point me in Strategic Command’s direction. They determined representation on the task force, didn’t they?

Dr Hawke—CDF would have determined that.

Senator FAULKNER—Fair enough. Strategic Command was the point of contact between the task force and Defence—that is a better way of putting it.

Dr Hawke—That is my understanding.

Senator FAULKNER—I can deal with that when Strategic Command are before us.

Dr Hawke—CDF will be here at the same time.

Senator FAULKNER—I did want to follow up, if I could, on another thing. I had asked Rear Admiral Bonser about surveillance photographs—I refer you to page 1639. There has been a little bit of public discussion about this issue. I had asked him whether there were any RAAF surveillance photographs in relation to SIEVX—in other words, of SIEVX or in any way related to that incident. Rear Admiral Bonser responded that he did not have any such knowledge and that it was a question better put to Defence. Just to be clear on that issue, I wondered if—

Rear Adm. Ritchie—There are no RAAF surveillance photographs of SIEVX.

Senator FAULKNER—Are there any surveillance photos at all of SIEVX?

Rear Adm. Ritchie—We have never been anywhere near SIEVX. What period of time are you talking about—after it has sailed and it is at sea?

Senator FAULKNER—I did not qualify my question; I just asked whether there were any photographs of SIEVX.

Rear Adm. Ritchie—There are no photographs of SIEVX that I know of, and there are certainly—definitely—none of it in transit anywhere. I say that because it could well be that some of the intelligence sources have taken photographs of it.

Senator FAULKNER—As you know, some of the surveillance task is undertaken by Coastwatch and some is undertaken by RAAF, and then of course there is also in relation to some of these SIEVs, and in one infamous case, a great deal of photography that we all know about. So I wanted my question to be broad enough for me to be confident. Just because Rear Admiral Bonser said that he felt, for absolute certainty, this question ought to be directed to Defence, I thought it appropriate to ask you. But can you assure us?

Rear Adm. Ritchie—If the question concerns whether there are any photographs taken from an RAAF aircraft of SIEVX, the answer is no.

Senator FAULKNER—Are there any photographs taken by the Royal Australian Navy?

Rear Adm. Ritchie—The answer is no.

Senator FAULKNER—I think you have actually gone further than that and said that you are not aware of any surveillance photographs?

Rear Adm. Ritchie—I am not aware, no.

Senator FAULKNER—In relation to Operation Relex in the broad, how and where did you handle your point of contact with the department of immigration? Was that done at the task force level or was that done elsewhere, to your knowledge?

Rear Adm. Ritchie—There is no contact at my level with the department of immigration, as far as I am aware—and I will come back to one small qualification. As far as I am aware, that has been done through this interdepartmental committee that we have heard so much about in other hearings. Defence's representative in all of that has been Strategic Command Division. I say that there might be some qualification because I do believe that on the ground in the Northern Territory there is a relationship between the department of immigration and the Northern Command. That has primarily been in respect of Operation Gaberdine, about the use of detention facilities and those sorts of things. So there is clearly some relationship there, but it has no direct impact on the conduct of Relex as such.

Dr Hawke—On the same issue, there would have been some contact with the corporate services area of the organisation, the civilian side, in relation to facilities in precisely the same way that Admiral Ritchie is talking about.

Senator FAULKNER—Thank you for that. I suppose the only thing that perhaps surprises me—I perhaps expected those answers—is that there may have been some contact at the military attache level.

Rear Adm. Ritchie—That is possible. Do you mean in Jakarta?

Senator FAULKNER—Yes.

Rear Adm. Ritchie—That is possible. I have no direct knowledge of it, but it is possible.

Senator FAULKNER—How are the activities of the military attaches handled, Dr Hawke?

Dr Hawke—Military attaches are responsible to the International Policy Division, which comes under the Deputy Secretary, Strategic Policy. I think he is due to answer questions tomorrow. That is Dr Richard Brabin-Smith.

Senator FAULKNER—Would it be better dealt with there?

Rear Adm. Ritchie—I think so. They would know. He and Myra Rowling, who is the division head, would be the best people to address those questions to. As I mentioned

yesterday in relation to another question you asked, military attaches are responsible to the head of mission, who is of course a Department of Foreign Affairs and Trade person.

Senator FAULKNER—It is the only other contact I could imagine that might have taken place between Defence and DIMIA. I am not clear really on the role that the joint People Smuggling Strike Team and some of the other operations that hang off it have, but Admiral Ritchie is going to follow through for me on any Defence involvement of whatever nature. I suppose we could deal with that under the International Policy Division, could we?

Dr Hawke—That would be fine by us.

Senator CHRIS EVANS—Are we doing Navy?

CHAIR—We are doing Navy. Just before we do, Senator Payne, do you want to ask your questions on East Timor now?

Senator PAYNE—Mr Chairman, I want to ask a question about the chapter 6 versus chapter 7 mandate in East Timor, but I am in your hands as to whether that is appropriate for now or whether you want me to wait.

Dr Hawke—It is appropriate for now, Mr Chairman.

Senator PAYNE—Admiral Ritchie, the discussion through the UN Security Council debate on about 17 May canvassed the question of whether the continuing mandate would be chapter 6, split 6/7 or chapter 7. I think it resolved on chapter 7 with a review after 12 months. Is that right?

Rear Adm. Ritchie—It is certainly chapter 7 now, although the review after 12 months does not ring an immediate bell with me. Certainly the new mandate post independence remains chapter 7, with unchanged rules of engagement.

Senator PAYNE—Does that have an impact, significant or otherwise, on our planning with regard to East Timor?

Rear Adm. Ritchie—Not really. It means that we will continue to do the same sorts of things that we have done and will continue to need the same sort of force protection.

Senator PAYNE—Our other commitments elsewhere that have been discussed around the table over the past few days—I am sure we will have further discussion—does not make that process any more difficult?

Rear Adm. Ritchie—No.

Senator PAYNE—Thank you.

Senator HOGG—If I can turn to page 41 of the PBS, there you list a number of key risks and limitations for Navy. I want to go briefly through each of those. The first one on personnel states:

Shortages of uniformed personnel, particularly in some primary employment qualifications and categories, represent one of the most significant risks to the delivery of Navy capabilities.

What are some of the primary employment qualifications and categories that present this significant risk?

Rear Adm. Adams—We have split the categories into officers and sailors. In the seamen branch, principal warfare officers, surface warfare officers by another name—

Senator HOGG—Can you give me the category, your expected level and where you are actually at so that we can get an idea of the deficiencies?