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## SENATE

STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE  
AND TRADE

**Reference: Australia's involvement in peacekeeping operations**

TUESDAY, 24 JULY 2007

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**SENATE STANDING COMMITTEE ON  
FOREIGN AFFAIRS, DEFENCE AND TRADE**

**Tuesday, 24 July 2007**

**Members:** Senator Payne (*Chair*), Senator Hutchins (*Deputy Chair*), Senators Mark Bishop, Ferguson, Forshaw, Hogg, Sandy Macdonald and Trood

**Participating members:** Senators Adams, Allison, Bartlett, Bernardi, Birmingham, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, George Campbell, Carr, Chapman, Conroy, Cormann, Crossin, Eggleston, Chris Evans, Faulkner, Fielding, Fierravanti-Wells, Fifield, Fisher, Heffernan, Hurley, Joyce, Kemp, Kirk, Lightfoot, Ludwig, Lundy, Ian Macdonald, Marshall, McGauran, Mason, Milne, Nash, Nettle, Parry, Polley, Robert Ray, Scullion, Siewert, Sterle, Stott Despoja, Watson, Webber and Wortley

**Senators in attendance:** Senators Mark Bishop, Hogg, Hutchins, Forshaw, Sandy Macdonald, Payne and Trood

Terms of reference for the inquiry:

To inquire into and report on:

The changing nature of Australia's involvement in peacekeeping operations and the implications for the Australian Defence Force, AusAID, the Department of Foreign Affairs and Trade and the Australian Federal Police and other departments and agencies likely to be called on to assist a peacekeeping operation, with particular reference to:

- a. the policy framework, procedures and protocols that govern the Government's decision to participate in a peacekeeping operation, for determining the conditions of engagement and for ceasing to participate;
- b. the training and preparedness of Australians likely to participate in a peacekeeping operation;
- c. the coordination of Australia's contribution to a peacekeeping operation among Australian agencies and also with the United Nations and other relevant countries; and
- d. lessons learnt from recent participation in peacekeeping operations that would assist government to prepare for future operations.

**WITNESSES**

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**Committee met at 1.03 pm**

**ELSLEY, Squadron Leader Ruth, Detachment Commander, 44 Wing Detachment, RAAF Base Williamstown**

**GILLESPIE, Lieutenant General Ken, Vice Chief of the Defence Force**

**GRZESKOWIAK, Mr Steve, Director-General, Personnel Policy and Employment Conditions, Department of Defence**

**NAGY, Mr William Stephen, Director, United Nations Commitments and Support, Department of Defence**

**PARR, Mrs Sue, Acting Head, Personnel Executive, Department of Defence**

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**SCOTT, Captain David Christian, Director, United Nations, Middle East and Africa, Department of Defence**

**SIMS, Brigadier Andrew, Director-General, Support, Headquarters Joint Operations Command, Department of Defence**

**CHAIR (Senator Payne)**—I declare open this meeting of the Senate Standing Committee on Foreign Affairs, Defence and Trade, which is inquiring into Australia's involvement in peacekeeping. I welcome the representatives from the Department of Defence.

These are public proceedings, though the committee may agree to a request to have evidence heard in camera or may determine that certain evidence should be heard in camera. I remind all witnesses that in giving evidence to the committee they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee, and such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence to a committee. If a witness objects to answering a question, the witness should state the ground upon which objection is taken, and the committee will determine whether it will insist on an answer having regard to the ground which is claimed. If the committee determines to insist on an answer, a witness may request that the answer be given in camera. Such a request may, of course, also be made at any other time.

I remind witnesses that any claim that it would be contrary to the public interest to answer a question must be made by a minister and should be accompanied by a statement setting out the basis for the claim. The Senate has resolved that an officer of a department of the Commonwealth or a state shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked to a superior officer or a minister. This resolution prohibits only questions asking for opinions on matters of policy and does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted.

The committee has before it a submission from the department, which it has numbered 30. It is a public document. General Gillespie, do you need to make any amendments to that submission?

**Lt Gen. Gillespie**—I have a short opening statement and at the end of that I would like to make a small correction to the submission.

**CHAIR**—We will invite you to make an opening statement and we will go to questions after that. What we have done this afternoon is divide the appearance of the department into two sessions, which we are separating with a short afternoon tea break. We are going to endeavour to provide some structure within the time available. I have suggested, and my colleagues have contemplated, that the first session focus on the decision to actually participate in peace operations—the pre-deployment considerations, operational matters and that sort of thing; and in the second session go to the issues of training—those issues relevant to coordination with humanitarian agencies, host countries, international organisations and so on. Then if time allows we will also try to look at questions of evaluation and accountability and the conditions of service issues, which I know you have staff here to deal with. We may need to place some questions on notice, given the breadth of the discussion, but we will see how we go. General Gillespie, if you would like to make an opening statement we will then go to questions.

**Lt Gen. Gillespie**—Thank you. The Australian Defence Force has been continually involved in peace operations for over 50 years. Our contributions have increased significantly over the past decade. Our involvement has covered the complete spectrum of peace operations and these missions have included

personnel from a number of our government's agencies. In 1947, four Australian Defence Force officers were the world's first ever peacekeepers when they were deployed to the Dutch East Indies under the UN Commission for Indonesia. In 1999, Australia sent over 5,500 peacekeepers to East Timor in our largest ever peace operation.

We have learnt that a coordinated, whole-of-government approach to peace operations has the greatest potential to address the root causes of conflict. To meet the multidimensional nature of peacekeeping operations, the ADF will often find itself engaged in consultation and planning with a variety of agencies, such as the Department of Foreign Affairs and Trade, the Australian Agency for International Development, or AusAID, the Australian Electoral Commission, non-government humanitarian aid organisations and, of course, the Australian Federal Police. Whilst these agencies work side-by-side to keep and build the peace, each operates differently and we continue to seek ways to improve our coordination and effectiveness.

The creation of Headquarters Joint Operations Command and its co-location at Bungendore will assist both Defence and government endeavours to continue to develop a whole-of-government approach to the planning, implementation and monitoring of peace operations. For instance, space will be available at the new headquarters at Bungendore for representatives from other government departments and agencies. It is expected that being able to jointly develop detailed peace operations plans face-to-face will continue to improve peace operations coordination. Similarly, space will also be available for coalition planners, and this will add yet another dimension to our coordination of joint, combined and multi-agency approach to gaining mission success. By maintaining capabilities required for the defence of Australia and its national interests the Australian Defence Force can quickly adapt to the requirements of complex peace operations and the environment in which they exist. Our capabilities and our people are well maintained, well trained and are prepared, and when deployed always prove to be very effective.

Specific peace operations training is routinely conducted for individual members as part of our overall regime of pre-deployment training. Peace operations are undertaken as part of a wider diplomatic effort to assist in the prevention, resolution or containment of a conflict. The first peace operations involved unarmed United Nations observers or lightly armed military peacekeeping forces deployed, after the cessation of hostilities between two or more states, with the consent of the parties involved. However, since the early 1990s there has been a decrease in the traditional pattern of interstate conflict and an increase in conflict along ethnic, issues based and religious lines of division. As a result, recent peace operations have been more complex and multidimensional in their nature. Today's peace operations have been variously called stabilisation and reconstruction efforts, peace support operations and peacekeeping operations. 'Peace operations' is Defence's preferred term and may include the following elements.

Firstly, there are preventive diplomacy or preventive deployments. These include actions aimed at preventing the development of disputes, preventing existing disputes from escalating into conflict or limiting the expansion of conflicts when they occur. A military deployment can aid negotiations and containment. The second element is peacemaking activities. These are activities conducted to secure a ceasefire or a peaceful settlement. These activities primarily involve diplomatic action sometimes supported by the direct or indirect use of military force.

Thirdly, we have peace enforcement, which is the coercive use of civil and military sanctions and collective security actions by legitimate international intervention forces to restore peace between belligerents who may not consent to that intervention. Fourthly, an element of peacekeeping is a non-coercive instrument of diplomacy involving legitimate international civil or military operations. The peacekeepers operate with the consent of the involved parties in an impartial non-combatant manner. The use of force is typically only for self-defence. The peacekeeping implements conflict resolution arrangements or assists in humanitarian aid operations.

Finally, there is peace building, which includes strategies aimed at enhancing stabilisation and reconstruction efforts in post-conflict environments to prevent the recurrence of fighting or the conditions which generated it. Peace building also applies to the pre-conflict environment through the use of preventive action involving activities aimed at influencing the long-term economic, social, bureaucratic and political measures which can help states deal with emerging threats and disputes. The main focus of peace building is on transition to and on using non-military capabilities.

It is expected that peace operations will continue to evolve as a strategic tool for the resolution of conflict and that such operations will contribute to and will be coordinated with a whole-of-government approach. The Australian Defence Force has participated in over 50 peace operations both under the lead of the United

Nations or as part of other multinational efforts, many of these sanctioned by the United Nations. Our troops have been deployed as peacekeepers, peace builders and peace enforcers in places as close to home as East Timor and as far away as Somalia and the Western Sahara. These efforts have assisted numerous peace processes aimed at avoiding, resolving or containing conflict.

Members of the Australian Defence Force are deployed currently on eight peace operations. Five operations are under the auspices of the United Nations, one is in support of the multinational force and observers in the Sinai, one is the Australian-led Pacific Forum sanctioned peace-building operation in the Solomon Islands and one is the Australian-led international security force in Timor-Leste. Currently there are up to 3,850 ADF personnel deployed on operations. We have 33 personnel deployed with UN operations, 25 personnel deployed in support of the multinational force and observers in the Sinai, up to 1,240 personnel deployed in support of peace operations—such as Operation Anode and Operation Astute—and approximately 1,580 personnel deployed in support of the rehabilitation of Iraq under United Nations Security Council resolution 1637. We have approximately 970 personnel deployed in support of the war on terror under Operation Slipper, which is covered by United Nations Security Council resolution 1707. We have 80 ADF personnel deployed on peace operations—from Sudan to the Solomon Islands—in missions as diverse as supervising truce agreements, providing security for efforts to restore the rule of law, providing better economic management and improving the machinery of government.

Increasingly the ADF is being tasked to support complex peace operations tackling a country's internal instability. The international community has undertaken these types of missions more frequently and is employing not only military force but also civil, political and humanitarian actors working in conjunction to stabilise, reconstruct or build peace. These tasks will often be performed in close cooperation with civil elements and government departments and agencies. The requirement for whole-of-government integrated campaigns is providing new challenges for the way we operate.

Madam Chair, can I take a moment to correct a small error in Defence's submission to this inquiry. In paragraph 34 we refer to 'the mandate of chapter VIII of the UN charter' when in fact peace operations are only mandated in accordance with chapters VI and VII. We should more precisely have stated that the United Nations Security Council has increasingly chosen to authorise regional organisations to perform peace operations, referencing chapter VIII of the UN charter and article 53, which states:

The Security Council shall, where appropriate, utilise such regional arrangements or agencies for enforcement action under its authority.

So, if you like, chapters VI and VII are about UN peace operations and chapter VIII is about the UN's authorisation of regional organisations to conduct missions on its behalf.

In accordance with the committee's request to take evidence from officers with recent deployment experience, I am accompanied today by Brigadier Andrews Sims, who has peace operations experience with UK forces in Bosnia-Herzegovina and with the ADF in Pakistan and East Timor, and by Squadron Leader Ruth Elsley, who not only was part of our contribution to the UN mission in the Sudan but was the first Australian female to lead an Australian military contingent overseas. I sit here as a participant in two UN military operations, one in Namibia in 1989-90 and the other in East Timor. I have, as backup behind me if we need them, some legal experts in operations law and Mr Bill Nagy, who is the director of UN engagement in my headquarters. He has operated on a posting with the United Nations headquarters in New York and can help us out if we need to go in that direction. That concludes my opening statement.

**CHAIR**—Thank you very much. I am sure my colleagues would prefer to avoid the lawyers but we will see how we go! I wish to clarify your clarification. The footnote on page 59 refers to chapter VIII and article 53 anyhow.

**Lt Gen. Gillespie**—What it does is imply that we might deploy as part of a UN mission under chapter VIII—

**CHAIR**—which is not the case.

**Lt Gen. Gillespie**—Yes, which is not the case.

**CHAIR**—Thank you very much. So we are belt and braces there and that is all under control?

**Lt Gen. Gillespie**—Yes.

**CHAIR**—Thank you. In keeping with the general outline that I gave in the introduction, let me kick things off. Thank you very much for your opening statement. One of the threshold questions which this inquiry

brings us to look at is how a government makes a decision to participate in operations such as the ones that you have talked about both obliquely and more specifically. We are interested to know the sort of impact that Defence as a department has on that decision-making process and how the whole-of-government input itself is in fact coordinated.

**Lt Gen. Gillespie**—A request for support to a UN mission can come from several sources, but the most common of those would be through our mission with the United Nations in New York. It would then be handled in much the same way that most issues to do with national security or defence are handled by the government. A number of interdepartmental committees of the organisations involved in providing advice to government would consider the request, the implications, the mission, the chances of success, the duration and what it is that we have been asked to do. Those sorts of issues are framed in that environment. The request would then proceed to a bureaucratic committee of deputy secretaries called a strategic policy coordination group, which at its heart would have the deputy secretaries from Defence, the Department of Foreign Affairs and Trade, the Attorney-General's Department, the Department of the Prime Minister and Cabinet and ONA. We can build on that as we need to to include people from organisations such as AusAID et cetera.

**Senator HUTCHINS**—Is the decision about what sort of peacekeeping role we will be asked to play made before it reaches the deputy secretary level? When is it decided that it will be peacemaking, peace enforcement or peace building? It is a request from the UN and they might want us to be peace enforcers, not peacemakers. Is that decided when it gets to the deputy secretaries, or has that decision already been made before it gets to that level?

**Lt Gen. Gillespie**—In many ways, that is inherent in the UN request in that the UN request is often not generic. It will be germane to a specific conflict area and if the UN has not made the sorts of observations that you are making then we formulate that advice to government through that process of working out how dangerous the mission might be, the sorts of tasks that we might be able to do and the sorts of unique capabilities that Australia might be able to bring to a mission that other nations might not. But the UN will normally phrase in its request the nature of the task. It can be quite generic. It might be a demarche that comes down through a mission that goes to many nations asking for support, or it might be a demarche that is quite specific in asking Australia to provide some sort of capability. Along the way, we look at the issues and the intelligence and start to formulate the advice that we might give government for consideration about whether they acquiesce or otherwise to the UN request. The SPCG which I was speaking about and the secretaries committee and the NSC—we add layers to that all the way through until the National Security Committee of Cabinet makes the decision on whether we participate or not.

**CHAIR**—Before we diverted slightly, you were talking about the strategic policy coordination group. Is there anything that you want to add?

**Lt Gen. Gillespie**—In essence, what you are bringing with each of the committee processes that you go through is more perspectives, a wider perspective and experience to the problem set that has been handed to you. The deputy secretaries in the strategic policy coordination area sometimes bring quite strong departmental views to the table. From those views, we then know the sorts of inputs that we need to make to a cabinet submission for NSC consideration. A department or a couple of departments can have the responsibility of crafting the cabinet submission that lays out the request and all of the factors that you might have to consider. Eventually, that cabinet submission is considered by the National Security Committee of Cabinet and we get a decision one way or the other on our participation.

**CHAIR**—Is it the case that in the discussion of a peace operation you might enjoy the luxury of time to make these decisions, to get all the input and to coordinate the process, or do they happen as rapidly as any other crisis/emergency/intervention?

**Lt Gen. Gillespie**—They can happen across the full spectrum. We deployed rapidly to Namibia in 1989 at the end of an 11-year gestation period. With the way the UN Security Council does business and gets consensus now, generally, despite the urgent nature of the mission that might be undertaken, you have time built in because of the bureaucracy of the United Nations itself.

**CHAIR**—Is it a process which, as a department and as the three services, you are generally happy with in terms of the input that you are able to have and the capacity that you have to influence the process?

**Lt Gen. Gillespie**—Yes. The interdepartmental advice to government process has been well-practised over the past decade. Our organisations are highly experienced at it and it is second nature to the staff who are

involved in the process, so we are quite comfortable that we have the ability to formulate advice, give it, be heard and then take the decision of government.

**CHAIR**—When you are balancing the coordination of advice—perhaps legal advice from the Attorney-General's Department about how a role may be undertaken balanced with the operational requirements that you present and the advice that your own lawyers bring into that process—how does that mix work? Is there a separate coordination or iteration process for that?

**Lt Gen. Gillespie**—A lot of the process that we are talking about has concurrent elements going into it. So, whilst we are looking at what sorts of force capabilities we might have available and concurrency issues that might be involved, we also have our lawyers working with the Attorney-General's Department and Foreign Affairs lawyers to see that the legal framework for what we are being asked to do is there—for example, whether or not there is a Security Council resolution that covers it.

One of the really important parts of our experience over 50 years has been that Australia is a law-abiding nation. The ADF is a law-abiding force. We have the rules of armed conflict through the Geneva conventions and those sorts of things, but the reality of it is that we have built those into our domestic law basis, so legal issues and the protection that our people enjoy from those laws are paramount in the advice that we give. That does not mean to say that lawyers stand in the road of us accepting UN missions—because that clearly is not the case—but the legal consideration of the basis for being there and how our people conduct themselves, both in their force protection and in what they might be able to do in terms of offensive capabilities, is a very important consideration in the process.

**Senator SANDY MACDONALD**—With your long-term UN deployments, like in the Sinai, clearly you do not have a time allocated for how long our people will be there. But in your experience, when the UN asks us to do something, does it provide an extra strategy or a time line, or is that something that we determine? How seriously do we take our exit strategy in terms of a request?

**Lt Gen. Gillespie**—There can be a bit of both in that. I think it is fair to say that, in many of the early missions—say, prior to 1985—the UN tended to get into missions and work at them until they were done. If they took 20 years, then that is how long they took. In my experience, Namibia was the first UN mission where the UN said quite emphatically—and the UN Security Council and the General Assembly enforced it along the way—that, to create an independent nation, conduct the elections and do all of the things that we had to do, 12 months was an appropriate time. They worked very hard at achieving the mission inside the 12-month mandate that was given, and they did.

It was really the first time that they had laid out a mission statement with a time for it to be achieved and held people accountable for that time so it did not roll over and become one of those ongoing UN missions. So I think that the UN, since Namibia, has come a long way in trying to determine how long a mission should take and then hold people accountable for doing it. Although, given the nature of some of the conflicts that we have around—for example, the UN deployment in Lebanon at the present time—it would be hard to say, 'You've got a mandate for 12 months and we'll all be out in 12 months time; here's our exit strategy.'

It would be more complicated than that, but they look at exit strategies in a way. Australia does that because we participate in the process through our mission in New York. We provide advice on what we think the duration should be and how it should be shaped et cetera. The other way the government can come up with an exit strategy for us is to say, 'Australia will support this for X period of time. We will give a two-year commitment to this mission and at the end of two years we will be out. The United Nations has a two-year warning period to find somebody to replace us if the mission goes beyond that time.'

**Senator SANDY MACDONALD**—Do you foresee a situation where the ADF would not be the lead agency in Australia's peace operations?

**Lt Gen. Gillespie**—Sure. The most recent example of that was in the Solomon Islands where defence provided the security underpinning for the mission but it was clearly AFP and Foreign Affairs led. We were a support agency.

**Senator SANDY MACDONALD**—That is a very interesting operation because it is quite a new joint operation in the sense that the AFP were there but when the proverbial started to hit the fan the ADF had to be able to be deployed very quickly. Therefore, whilst maybe not the lead agency, it had to keep a very close watching brief on what was happening in that operation. That is why I ask the question.

**Lt Gen. Gillespie**—It was certainly an integral part of the mission, but its part was more about insurance and providing a security underpinning to what was otherwise a police and political mission.

**Senator SANDY MACDONALD**—The Solomons operation has been a unique deployment of joint agencies because it includes the NGOs, AusAID, the AFP and the ADF there. Have people in defence thought about what might be learnt for the future nature of joint operations, particularly in our region? It is a really unusual joint operation, in a sense, because of the size of the AFP and aid commitments.

**Lt Gen. Gillespie**—We have done a lot of work. There have been many approaches between each of the organisations that you mention—the NGOs, the Australia Federal Police, Foreign Affairs and defence—saying, ‘We have gained some experience here. What can we do about it to make sure we do better next time we are called on?’ In the past one of the friction points tended to be between the military and non-government organisations. There has been a huge amount of work done really cooperatively between the non-government organisations and defence over the last few years. We have asked, ‘Do we understand each other’s role in the development of these nations well enough? Do we build that into our plans right from the start and how do we give each other the space necessary to bring around success?’ It is clear to us that the military seldom brings success in its own right. It might bring about a secure environment, but then the reconstruction effort and the re-establishment of government’s trust, those sorts of things, require non-government organisations—people helping to reconstruct government and organisations that set up commerce and infrastructure. We all know that we have a role to play in the spectrum of establishing peace and reconstruction. There has been a huge amount of work done in the last three years, particularly between all those organisations, to make sure that when we are confronted with it next time we do a better job than we did last time.

**Senator SANDY MACDONALD**—Where, as in the Solomon Islands, you may co-locate ADF and AFP personnel, the different operational roles that they play can be worked out at a senior operational level. But that can cause problems. I wonder whether that should be addressed for the future of the very close cooperation between the AFP and the ADF—particularly in the Solomon Islands situation where they are in the same camp but the AFP can go to a club and drink and do all sorts of other things while the ADF are virtually under canvas. That does not necessarily augur well for the future happiness or prosperity of similar operations.

**Lt Gen. Gillespie**—The sort of situation that you have painted there probably disturbs observers more than it does the participants. There are different cultures in the Defence Force to those of the police forces of our nation. There is no debate about that, and there is nothing strange or untoward about it. Interestingly, we have been accused recently in the press of not having an anti-alcohol culture. We deploy our troops clearly having learnt lessons from earlier conflicts. The ADF has a very strict rule, which our soldiers, sailors and airmen and airwomen really do not mind—that is, when you deploy with weapons and ammunition, there is no alcohol. So that part of it does not concern us.

With the Australian Federal Police, because of the Solomon Islands and Timor in particular in recent years, there has been a huge amount of work done to coalesce the cultural and operations issues, to raise some of the police capabilities closer to the military and to bring some of the military capabilities closer to the policing ones. So when you are on the streets of Dili and there are people lighting fires and doing things that, there is an appropriate force dealing with those sorts of issues. So, yes, it could have frictions if you allowed it to, but we do not see it that way.

**Senator SANDY MACDONALD**—General, how prepared are you to respond at any one time? I mean by that: do you have workshopped options, or are you so busy being operational that you do not have time to do that? I am thinking of a situation—and the government might be very unlikely to respond to this—such as that if the Blair mission to the Middle East were to be successful; I suspect it would require troops on the West Bank. Do we do those sorts of workshopped options and do we have those sorts of things being done at any one time and have a range of options for things that we may respond to?

**Lt Gen. Gillespie**—Yes. I guess it goes under the mantle of prudent military planning. That is what you would expect me and my operations planning staff to do. We spend a lot of time with our intelligence community and our coalition partners et cetera in understanding what is going on in the world. Where issues might arise, there is a time frame for how those issues might arise and we provide appropriate in-house advice or advice to government if we think that we need to. If we go back to Timor in May last year, that process was very much alive. We had been looking at the issues, becoming concerned for a period of time that it was spiralling out of hand and giving the government advice about the need for us to adopt a different posture if we were to be prepared for what might happen at very short notice. So, yes, we do it. It is prudent military planning. A lot of that goes to nought, but some of it pays off for us in the long run. With government and with the expectations of our nation, we have an issue whenever Australians are deployed overseas for Australia and

its interests. So if there is an evolving threat to Australians or our interests then you can be sure that we are looking at it in some way.

**Senator MARK BISHOP**—Welcome, General, and to your officers and staff. I initially want to express my appreciation for the depth of work that has gone into the preparation of your submission and a couple of other submissions. They really did introduce some of the complexity of the issues involved and the sophistication of the response that is required, particularly by your own organisation. That was very much appreciated.

**Lt Gen. Gillespie**—Thank you, Senator.

**Senator MARK BISHOP**—My interests in this inquiry—I may as well say it up-front—are going to go to capability, the nexus between defence and the AFP in what appears to be a changing environment with different sets of demands, the jurisdiction and authority that derive from that relationship and changing demands, and some of the practical difficulties that your senior officers must experience in difficult situations when they are in the field and have to give an immediate response. Those are the sorts of issues I am going to try to explore with you, General. Initially, turning to capability, can you explain to me what contingency planning is required to exist by which immediate responses can be managed? For example, if there is a request or a demand for a response, say, out of a flare-up in Honiara, and, for example, the helicopter support—Sea Kings—for whatever reason might be grounded, are you required to identify up-front likely response areas and factor that into your contingency planning if they should come off? It is a bit of an extension of the question that Senator Macdonald asked.

**Lt Gen. Gillespie**—The short answer is yes. We have in the defence organisation a quite robust system of preparedness and readiness checking. We apply that process and advise the Chief of the Defence Force on a weekly basis about how the Defence Force and the Defence organisation are postured to handle a given set of circumstances if they were to arise in the next month window, two-month window or six-month window. So the answer to your question is yes. It is much easier with places like the Solomon Islands, because you are so closely engaged in them. Defence's preparedness regime allows us to react very quickly at very short notice, as you have seen in the Solomon Islands, with Tonga last year and with Timor last year. We can move very quickly off the line of march to a reaction. We do that by monitoring all those things that you were just speaking about and making sure that we know what is where and what is available at a given point in time—sometimes, if the situation is becoming more bleak, then constraining activities so that we know exactly where and what time frame we have available for certain assets.

**Senator MARK BISHOP**—Does that mean your planning focus becomes more specific?

**Lt Gen. Gillespie**—Yes, it can.

**Senator MARK BISHOP**—You obviously cannot respond to every set of demands or every emergency that arises, and there is a finite limit to your capability and our capability to deliver a response in the field. Is there a great deal of capacity in Navy, for example, if two or three responses are met, for a ship like *Kanimbla* to be urgently re-tasked and sent, say, from the Solomons over to East Timor or further north if the emergency required? Is that part of your job and is the capability there to deliver into that changed situation at short notice?

**Lt Gen. Gillespie**—The sort of thing that you are talking about is certainly part of our preparedness regime and planning regime. We do that. So each week, as I said, we will be telling the Chief of the Defence Force what assets we have got, where they are, how far away they are from potential flashpoints, how quickly they could be turned around and whether they are in maintenance—those sorts of things are all part of our preparedness planning and modelling. So we have, and you have heard us say it in estimates and places like that, a process in place where we can continually advise the government on what we can do in a concurrency sense and so that we remain postured for eventualities in our region in a certain time frame. So, yes, we have that sort of process well in hand.

**Senator MARK BISHOP**—Back when Senator Herron was minister for Aboriginal affairs, the defence forces were tasked to do a lot of civil construction work and that sort of thing up in the north and over in the west, in terms of demands of Aboriginal communities. I note recently—in fact, in the last month or so—defence has been tasked to do a lot of work arising out of Indigenous issues up in the Northern Territory. A lot of that work is, by definition, civil construction—work of a civil nature, not traditional military or warlike activity. The DCP, the Defence Capability Plan, has the options for procurement going forward 25 or 35 years—what is needed or what defence would like. In the preparation, initially of the white paper and its

variations and in the DCP that gives expression to the theoretical construct in the white paper, how much, if any, consideration is given to the demands of peacekeeping as the DCP is put together and as it evolves over time?

**Lt Gen. Gillespie**—We have, through the white paper, the updates to the white paper and the future operating concepts that we have, a pretty clear path for the development of defence capabilities. There are things that we force structure for and things that we do not specifically force structure for but that you can get as an aside to force structuring for war fighting. I have made the statement that the ADF is structured for war fighting, and I believe firmly that it is because of our structure and our professional skills in that area that we have been such an effective peacekeeping force. In our strong view, it is easier to ratchet down your capabilities because of the confidence in how you can perform than it is to structure at a lower level and be caught out trying to ratchet up. Do we force structure for UN missions specifically? No. Do we force structure for the ACAP missions that you were speaking about in Australia? No. But we get them by force structuring along the lines that we have done; they just come with the force structure that we have.

The missions in Northern Australia are important to us because three of the organisations that we require for border protection in the north of the country are regional force surveillance units. We rely very strongly on the Indigenous communities to join those organisations, help us and use their skills to help protect the nation in that sense. We want them to understand the military and not fear it, and to become part of it and help us, and one of the very effective ways that has been done is through the ACAP. As we move into Aboriginal communities in the Northern Territory at present, by and large it is Indigenous Australian soldiers who are arriving in those communities. By and large they know us and have done so for a long time because of the ACAP and regional force surveillance unit approach.

**Senator MARK BISHOP**—I might press you a bit on this point so I have a clear understanding. If I opened up the DCP now and looked out over, say, until 2025 to 2030, I would see items like LHDs, AWDs, variants on helicopters, fighter planes, tanks, APCs, high-definition networks and the missile systems and weapons systems that we put together as part of a capable military force—the whole box and dice. Are you saying to me that the preparation and planning that you do on the procurement side in terms of hardware and support to that hardware is sufficient and covers off the set of demands that are being made by government in terms of peace operations overseas or the civil aid operations in the Northern Territory that you were discussing? Are you saying that the procurement options as part of the DCP plan cover off all likely demands that you are going to face in terms of requirements by government in peacekeeping or peacemaking?

**Lt Gen. Gillespie**—I am a general; it would never cover off all of my demands! But the reality is that the defence capability program, the way that we force structure and do those sorts of things, is ultimately about the insurance policy for the security of our nation and our interests. Part of the side benefit of structuring along those lines is that we could do what we did last year and put LPA helicopters and troops off Fiji to protect Australians if we had to do that. So it goes hand in hand; it is not exclusive. We would not have force structured for that, but it is one of the benefits of the way that we force structure for the defence and war-fighting defence of our nation, if we have to do that, that we can pick up the other tasks along the road by leveraging back on the delivery of military force but using the hardware and the people and their skills to get the peace outcomes that we want.

**Senator MARK BISHOP**—One of the papers that was prepared for the committee was by the Parliamentary Library. I presume I am allowed to refer to that?

**CHAIR**—Yes.

**Senator MARK BISHOP**—That is a hesitant yes.

**CHAIR**—It is a hesitant yes; that is right.

**Senator MARK BISHOP**—Okay, I will not go into detail on it; I will summarise it. It made the point that worldwide experience to date suggests that to have effective peacemaking or peacekeeping forces deployed overseas you necessarily had to have a capable military force structured around warlike operations. Do you concur with that view or do you have a different assessment of the utility of peacekeeping forces?

**Lt Gen. Gillespie**—I concur with that view. I am not going to name names here, but if you go and study it then you will find clear examples of nations which decided a period of time ago that they would ratchet back their defence capabilities on affordability grounds, on idealistic grounds et cetera and structure them for peacekeeping. Later on they found themselves in real trouble when they needed to do something that was more at the right end of peace enforcement because they had forgotten those skills. I have a very strong view that the

reason our people are as effective at peacekeeping as they are is that (a) they are well-equipped, (b) they are well trained and (c) they have lots of confidence in their own, their teams' and their leadership's ability to deliver lethal force if they have to. The confidence that comes from that allows them to make appropriate decisions down the peacekeeping chain without being panicked or spooked into actions that would bring about effects that you do not want in some of these situations. I have a very strong view that it is the confidence that comes from the force being aware that its war-fighting abilities are strong that transfers into decisions at lower levels of conflict, peacekeeping or peacemaking. This has brought Australia the results which I think have been outstanding over the last 50 years.

**Senator MARK BISHOP**—I have one final question on this issue of capability. There appear to be increasing demands placed upon the ADF by government—certainly in a range of peacekeeping operations as opposed to war-fighting operations. We had a brief discussion about the activity in the north and the west in Indigenous communities. There are always demands for civil aid for drought and flooding. Would those increasing demands, which I characterise as peacekeeping operations, in any way limit the ability of the ADF to engage in traditional warlike operations if the need arose?

**Lt Gen. Gillespie**—I do not think so. I think the sort of missions that the ADF is being tasked by government to do—whether it be in Aceh, drought relief in Victoria, bushfire relief, cyclone relief, tsunami relief or those sorts of things—are expectations of our community. They are expectations of the one group of people in the country who have the planning, who are ready, and who have the can-do culture to get off the line of march very quickly. They are well-equipped to bring a whole range of capabilities to specific problems. The expectation of the nation on us to do all those things is there and so there is no option for us not to do those things because we might be needed for fighting wars. You would end up having a pretty bored defence force if you took that sort of approach. Our advice to government, when we provide it on concurrency issues by saying, 'If you do this then these are the implications', is robust. It has been sound for all of the time that I have been moving in these areas. Ultimately, even if you were to go down the path where you considered that you were stressed—and we are not there at the present time—then you can rejig your priorities and do it in a different way if you have to. So, no, I do not hold to the view that we do not have the flexibility to do different sorts of missions off the line of march if they arise.

**Senator TROOD**—I would like to more fully take up the issue that Senator Bishop has been exploring with you. Some of the states within NATO have pursued a peacekeeping force structure—we do not have to name them. When you talk about countries that have gone for a peacekeeping force structure, does that doctrinal approach apply right through the forces or is it a case of trying to create that specific kind of capability within the context of a war-fighting force?

**Lt Gen. Gillespie**—Ultimately, decisions to restructure a force for a different sort of warfare or a lower level of warfare to become a humanitarian force—a peace corps, if you like—all result in budget allocations and equipment acquisition. In the military arena, once you move down the line of deciding to restructure—I will use the term 'dumb down' but I do not really mean it in that context—it will take you a decade or more to recover if you make up your mind that you need to change back or you need to take a different posture. With the nature of defence acquisition and the capabilities that you have, even if you can build the battleship really quickly, after you have given away battleships it is really hard to re-instil in a crew, commander and team all the professional attributes necessary for that battleship to become a military capability. By and large that can take a decade or more. Governments are quite at liberty to make those decisions and some of them are happy with the decisions they have made. Others have found it pretty hard to go back once it was decided it was a strategic path they did not want to move down.

New Zealand decided not to go with fast jets anymore. That was their decision and they live with it, but if they decide in the future that they need fast jets, then it will take more than a decade for them to get the capability back, not only in terms of buying the aircraft but in generating junior pilots, intermediate pilots, senior pilots and commanders with all of the experience necessary to call it a capability and use it in conflict again. I guess the point I am making is that, if you are going to restructure forces along quite profound lines, then that is okay—governments and democracies are entitled to do that—but you need to know that the implication of that is always long term; it is never a short-term fix.

**Senator TROOD**—I can see that. Clearly, strategic cultures can be deeply affected by those kinds of profound changes. Is it your view that you could still have the strike fighters, the destroyers, the considerable naval capability, the hard and the network army and all of the things that you need to be effective warriors and defend the homeland, and yet carve out of that kind of structure a force which is more dedicated than it

perhaps otherwise would be to peacekeeping activities? Is that conceivable within a Defence Force of our size?

**Lt Gen. Gillespie**—I guess the question goes back to you: do you see defence providing security for the defence of Australia well into the future or do you see defence being part of a peacekeeping regime, where the defence of Australia, using your own resources, people and skills, is not the issue? That is philosophical; I happen to be from the camp that believes that having the sort of Defence Force that we have and which we struggle to maintain with the economies and things that we have is actually the insurance policy that our nation needs for us to be able to say that we have a Defence Force that is dedicated to the defence of our nation and its interests.

**Senator TROOD**—The point is that, clearly, the Defence Force has a spectrum: there are the high-end missions and the so-called low-end missions. That is a tremendous range of activity and it seems to be broadening as these kinds of activities increase and become much more common. So the question then is: can you create a force easily that meets those demands?

**Lt Gen. Gillespie**—I do not think I am wrong in saying that I cannot think of any mission that we have been given in the last half decade or so where we have had to radically restructure our force to do that. So the force that we have crafted for the defence of Australia has been able to be used. That is not to say that we have not made some adjustments to the capabilities in some of our platforms—for example, we developed the Bushmaster. We found in Afghanistan and Iraq that the Bushmaster had some threat against it, so we increased its protection. We have put some weapons on it that we had not envisaged doing before. That is part of our agility and confronting what we have done. The point I am trying to make here is that, if we needed vehicles for Timor or Iraq and all those other places, we did not have to invent them. We had them by taking our force-structure posture. If we have to increase force protection and put weapons on them, then that is mission specific. We would have failed in our force structure if a situation had arisen where we were completely missing a capability that our nation required of us.

**Senator TROOD**—I want to take you back to your earlier evidence on the development of missions and operations. Has the magisterial process that you described earlier been in place for a number of years? You referred to the last 10 years or so. Is that generally the way in which these operations are coordinated within government over a longer period of time or is this a more recent innovation?

**Lt Gen. Gillespie**—I was not in the defence strategic environment before this government, but the National Security Committee of Cabinet and the Secretaries Committee of National Security has been around for the decade that I have been involved in the process. In some form or other, I am sure that they were around before then. Each government determines how it receives its advice and makes its decisions. That process has certainly been around since this government has been in power—so 10 years, yes.

**Senator TROOD**—Is there a book or a manual that sets this out in some way or is it in the consciousness of senior officials within the department? Is it rendered anywhere so that the next generation might pick up on it?

**Lt Gen. Gillespie**—Following a study and the subsequent 2004 Management Advisory Committee Report entitled *Connecting Government: Whole of Government Responses to Australia's Priority Challenges*, we laid down the multilayered nature of the National Security Committee of Cabinet and the Secretaries Committee of National Security. They were there before this report looked at them and finetuned the processes between them and some of the accountabilities. I think that process has been quite clearly defined. It has been reported in *Hansard* through all the estimates processes. It is on the government's websites. You could find that process quite easily.

**Senator TROOD**—Is that document available? Is that a public document?

**Lt Gen. Gillespie**—I would think it is.

**Senator TROOD**—In the very early stages of an operation getting up—

**Lt Gen. Gillespie**—If you go to the defence website and look at our structure and at me as the Vice Chief, you will see in the accountabilities my role in the national security defence processes, the committees that I belong to et cetera and how they play that. It is the same with the other players in there. It is readily apparent how government functions in that sense.

**Senator TROOD**—Before a lead department might be identified in relation to any particular mission, is the formative coordinating activity undertaken by a particular agency? For example, does it take place within

international security of the Prime Minister's department? Does someone in the system take primary responsibility at the very start before DFAT or Defence, as the case may be, assumes responsibility?

**Lt Gen. Gillespie**—The Security Division in PM&C chairs the strategic policy coordinating committee, for example. That is a fact. The meeting does not have to be called by them. Any of the committee members can put their hand up and say, 'There is an issue that we think we need to discuss. Call a meeting and get on and do it.' And we do that frequently. If for nothing else, it is to make sure, instead of just mouthing the term 'whole-of-government', that the leaders in the bureaucracy actually know what is going on and can advise their principals and ministers in the full knowledge that Defence is doing this and the Attorney-General's is doing that. In that process we have a routine monthly meeting, but if we want to we can call meetings twice or three times a week to discuss specific issues, and from time to time I do that.

**Senator TROOD**—If an operation were in prospect then presumably that would be the case?

**Lt Gen. Gillespie**—Frequency can gain. At its zenith, Bali 1, the National Security Committee of Cabinet met almost non-stop for two or three days, and other committees were meeting on a quite frequent basis to feed what it was that the National Security Committee of Cabinet needed to consider. So there is no hard and fast rule in how often you do it. The rule is to go through the process so that you are coordinating the government's effort and there is not a lack of coordination in the process.

**Senator TROOD**—Is that true in identifying a lead department—that is to say, each operation is different, so at some stage during the process of working up an operation is one of several departments identified as the one that might assume responsibility?

**Lt Gen. Gillespie**—Yes. It is like UN missions. Sometimes it stands out that it is primarily the responsibility of Foreign Affairs or defence and the others will support them, but sometimes we can share. So a cabinet submission might be shared between defence and the Department of Foreign Affairs and Trade. They are interesting ones to get because you have to satisfy both organisations as to what is in it as you go up. It is quite flexible in that way and works particularly well, and the people who are in those jobs have been doing it for quite some time now.

**Senator TROOD**—When there is a likely need for a defence contribution it may require the coordination of the three services but, generally, Army is involved in these things. Do you have a unit or a particular section of the Army that you usually go to as a first priority if, indeed, it is available, or do you generally look around for the forces which are available?

**Lt Gen. Gillespie**—Our preparedness model has elements of the three services at varying notices to move. Some are at very short notices to move, some are at quite lengthy notices to move and there are bits and pieces in between. That is how we are able to very quickly, if there is trouble in the Solomon Islands like the last time we were there, mount a battalion operation at quite short notice. We have people prepared and ready to go at certain levels. Yes, Army is often involved. Air Force is always involved in the movement part of getting logistics people sustainment going. And, on many occasions in recent times, with Timor, the Solomon Islands and Fiji, there has been a strong naval commitment as well. Of course, that is all supported back here from a support base which includes contractors, logistics people, our Defence Intelligence Organisation et cetera. We have a prudent short notice ready-to-deploy capability in each of the services and, if we need to, we can bring other elements to shortened degrees of notice. Again, I guess we could give the example of East Timor last year in March, April and May where we saw the potential for issues and brought additional units to shortened degrees of notice. We increased their training output and focused their training on the specific set that we might come up with there so when the time came and we had to deploy we had the troops that we needed.

**Senator TROOD**—Have there been any missions to which we have been invited or asked to contribute—UN missions or missions that we thought we might participate in—where we have been unable to find the appropriate forces? Even more generally, have there been any peacekeeping operations in the time you have been involved, General, where we have decided that we are not going to be involved for some reason or other?

**Lt Gen. Gillespie**—The government has never decided not to be involved in an operation because we did not have the forces. The government has decided from time to time to not accept requests. Probably the most recent example of that is the case of south Lebanon last year when the Prime Minister clearly stated some requirements that would have to be met before Australians would contribute to a UN force. Those conditions were not met; we did not contribute. It is up to government and on different occasions they have acquiesced and on others they have said no. I was talking before about the nature of the deployment, its duration, its aims and its chances of success. They are all factors that the government will take into account. If you have a

request for a mission that has no chance of success then you have to think pretty clearly about whether you are going to put Australian troops into the mission.

**Senator TROOD**—You referred to the growing complexity of some of these peace operations and the various manifestations that they can take. Does complexity equate now with greater danger?

**Lt Gen. Gillespie**—It is a hard question to answer. Afghanistan is very complex and it is incredibly dangerous. East Timor is very complex but it is not quite so dangerous—it can be from time to time if you take your eye off the ball. So complexity and danger do not necessarily go hand in hand; it is the background nature of the mission that you are talking about that will influence you in that sense. They can be more complex and challenging in a lot of ways because the training and preparation that you have to give your troops can expand rapidly, and they can be more challenging in the sense that the more departments that you have providing support—say, in East Timor—then the more the issues of unity of command and purpose and making sure that you do not have different departments doing their own thing, perhaps not for the common good, are a challenge. That is why we say we are working really hard at this whole-of-government approach. We talk to NGOs a lot. Non-government organisations have a clear role to play. Often they do not see the military as having a role to play but, in the full spectrum of the operations, we all have a role, so we have been doing a lot of work to make sure we understand what drives each group—where they need to operate, what space they need. So: complex and challenging, yes; complex and dangerous, not necessarily.

**Senator HUTCHINS**—General, we have a statement from Air Chief Marshal Houston that we have our own rules of engagement that are consistent and workable with the rules of engagement of other agencies that we are working with. I wonder if you could outline to us the different rules of engagement we might encounter in the variation from peacemaking, peace enforcement and peace operations. Could you spell out to us where there are differences or where there may have been conflicts? Is there a difference between, say, a military force in the United Nations operation as opposed to a police force from another country?

**Lt Gen. Gillespie**—We have our own unique rules of engagement for a very simple reason and that is to give the legal protections to our troops that we need to give under Australian domestic law. We always say that we operate under the Geneva conventions, the rules of law and all those sorts of things; they are enshrined in our domestic law. So whilst people talk about the conduct of our soldiers in terms of the rule of law et cetera it is really about the application of domestic law. To make sure that they have appropriate covers we have national rules of engagement, and those rules of engagement are measured against not only those international conventions et cetera but also the requirements of our own domestic law. So we will always have Australian specific rules of engagement. That is how we protect our troops.

Most of the Western coalition nations that we would work with have rules of engagement that are quite similar. With some work between our lawyers we can understand if there are any vagaries in those rules and either reduce the vagary or come up with a construct in our operations where the rules of engagement do not cause us conflict. You hear about coalition operations a lot. If you had a coalition force, a battalion with troops in that battalion made up from three countries, and if two of them agreed their rules of engagement and understood it and the third one did not, then you would find it very hard to operate as a battalion. You would have to hive off an area where the company that was not adhering to the same rules of engagement that you were, that acted differently et cetera, could act under its own national caveats in a specific area. We have not done that; I am describing how we might introduce some processes in there to take away the vagaries. And if worst came to the worst, in the end we would have to say, 'No, we can't operate with you.'

**Senator HUTCHINS**—Has that occurred?

**Lt Gen. Gillespie**—Yes, it has.

**Senator HUTCHINS**—Has that occurred in the Air Force or the Navy or the Army?

**Lt Gen. Gillespie**—No, our Air Force has decided not to accept missions at times because they did not meet our rules of engagement requirements and the proof of engagement. Our special forces are out there and will accept and not accept some missions based on their rules of engagement. Where the issue has become really close for us is, if you have a special forces group operating as a special forces, we can apply Australian rules really easily. It is where you have a mixed group that you have that sort of issue. It might become very difficult for me, if I was the deployed commander of a coalition force, issuing orders. I am always an Australian whether I am with the UN or not and, therefore, I am held accountable under Australian law, and if I were issuing orders that were counter to the Australian ROE but were not counter to others I would leave myself exposed. They are the sorts of things that our lawyers and the Attorneys-General and people slave over.

Ultimately, two things come out of rules of engagement: one is the protection of our people and the other is absolute surety of what you can and cannot do in a given situation. Where you have troops who do not have that surety, you end up having issues; wrong decisions are made.

**Senator HUTCHINS**—Could you give us an example of where an Australian troop would not be involved in an engagement?

**Lt Gen. Gillespie**—I can give you an example of where, in my time in command. In the war on terror, people wanted to have a demonstration operation of the coalition force moving together. I refused to allow Australian troops to participate in that.

**Senator HUTCHINS**—Because that was against Australian law?

**Lt Gen. Gillespie**—Because the group of troops that were together had not operated together, had not rehearsed together. Their reactions to a similar set of circumstances would be vastly different, and their rules of engagement were different enough for us to say that we could become embroiled in an activity that we did not want to become embroiled in. In the end it was pretty easy. We still accomplished what everybody wanted to do; I just hived off a piece of the land that they wanted to do it on and made it Australian only land and everyone was comfortable with that. They are the sorts of things that you can do.

**Senator HUTCHINS**—What about an example of what might be something that would be contrary to Australian law?

**Lt Gen. Gillespie**—We have not done anything that is contrary to Australian law.

**Senator HUTCHINS**—No, I did not suggest that you did. But what would be an example?

**Lt Gen. Gillespie**—The sorts of things that concern us are the sorts of things that you are hearing about in Afghanistan at the present time, where you are using disproportionate force to kill somebody who is trying to kill you, but the disproportionate use of force kills a lot of innocent people at the same time. They are the sorts of things that we worry about.

**Senator HUTCHINS**—And that is contrary to Australian law, is it?

**Lt Gen. Gillespie**—It certainly is.

**Senator SANDY MACDONALD**—Can I interrupt you to get some clarification, Senator Hutchins, because I am interested in this too. I know you do not specifically identify rules of engagement for obvious operational considerations, but is it possible for you to give the committee an example, without identifying where it was, of a particular rule of engagement or a number of rules of engagement so that we can understand specifically what we are talking about when we talk about rules of engagement?

**Lt Gen. Gillespie**—How far down that path do you go? At the heart of it, you could say that one of the things that our rules of engagement do is define who is a combatant and who is not: who clearly cannot be engaged and who can be engaged and under what sorts of circumstances. They are the sorts of things that we cover in there. Are they complex? They can be. Is the level of training required of our troops to understand and be confident necessarily high? Yes, it is. Have they let us down? In recent times, not that I can recall. That is what the rules are about. It is a set of rules for the delivery of lethal force. Under international law or our own domestic law, we are not allowed to deliver lethal force willy-nilly or without just cause. That is what our rules of engagement are about.

**Senator HUTCHINS**—Our rules of engagement, you said, are similar to those of other Western countries.

**Lt Gen. Gillespie**—Yes.

**Senator HUTCHINS**—Do our rules of engagement differ from those of some other countries?

**Lt Gen. Gillespie**—Yes, and the differences are not necessarily about the laws of armed conflict; they are about interpretation of the domestic laws of the nations that are contributing troops—because we are not the only country that has domestic law overriding our participation in some of these missions. Some nations' laws are good but they are slightly different to ours, so their rules of engagement make them slightly different. Our task in coalition operations et cetera is to understand those differences, become comfortable with them—if we are not comfortable with them, it creates real turmoil in the coalition—and, if necessary, work out the sorts of procedures that I have been talking about to make sure that the application of force by Australians meets Australian expectations.

**Senator HUTCHINS**—If there is confusion, do I take it from the tone of your answers that our people do not participate?

**Lt Gen. Gillespie**—Yes.

**Senator HUTCHINS**—Has that occurred?

**Lt Gen. Gillespie**—Yes. We do not deploy troops until they have a set of rules of engagement that has been cleared through our own legal processes, has been to government and has been endorsed by the Chief of the Defence Force. In defining our rules of engagement, we routinely use my lawyers here, lawyers from the Department of Foreign Affairs and Trade and lawyers from Attorney-General's. Conflict in those rules of engagement is enough to stop them being issued until we have sought clarification and all understand what we are talking about—because they are not about me and the decisions I make; they are about young soldiers, sailors and air men and women and the decisions they make. Unless the rules of engagement are cleared and delivered and the training has been done and understood, the people do not deploy on the operation.

**CHAIR**—Just to clarify points raised by Senator Hutchins, does the United Nations, for example, have a role in mediating between parties or between states on rules of engagement questions?

**Lt Gen. Gillespie**—Yes, they do. The process of giving your troops to the United Nations to be under United Nations command requires quite a heavy non-nation or nation state in New York to handle those things, which it does in much the same way as our government and bureaucracy does. Coalition operations can be quite complex—we are going back to complexity here—because nations will give troops to do the mission but will quite often have caveats on how those troops can be used, where they can be used and the sorts of things they can do. If you are a UN force commander, as I was in Timor, with troops from several nations under your command, it can be quite challenging to work out where they work, how they work and under what auspices they work so that they can all demonstrate their prowess and bring about mission success but at the same time not expose some of the caveats or weaknesses they might have in their organisation.

**CHAIR**—I want to come back to some observations you have made about our capacity to engage in these operations and perhaps get some feedback from Squadron Leader Elsley or Brigadier Sims on their reflections. General, I think you have indicated that, because we were well equipped and well trained and, consequently, individual leaders had confidence in their teams to do the job, that puts those who are doing the job in the right space—from Australia's perspective at least. Squadron Leader Elsley or Brigadier Sims, I wonder whether you would like to reflect on those observations from your experience in recent deployments.

**Sqn Ldr Elsley**—My team was quite small, but the spectrum I had across the board was quite diverse. I had navy clearance divers. With the environment in Sudan that we went into, that was great. They went in as United Nations military observers but, as we were in a country that was heavily mined, the fact that they had that background knowledge—as opposed to some of the other nations—helped immensely. In fact, they were used to help teach some of the other nations along the way. I went in as both the commander and as a specialist, being the aviation safety officer for the mission. With my training background, I was used immensely by the United Nations; they do not have very many trained aviation safety people across the world and Australia trains far better than many of the other nations do.

I had Army in there as well. My ability to rely on them, with their capabilities, to do their job without too much direction from outside made my job much easier. In my team, I had three staff officers and six United Nations military observers and they were all deployed throughout the country. Certainly, the United Nations reflected to me that, even though our force was small, the contribution we made was far bigger than that of many of the other nations who had quite big forces there just with our capability to do so many tasks and because our skills were so diverse and we were so well trained.

**CHAIR**—You have said that they were deployed throughout the country; therefore, I assume that they were working with forces from other nations at the same time. How would you as the commander of the Australian deployment coordinate that with those other nations?

**Sqn Ldr Elsley**—There is a force commander of the mission. I had national command, which give me the command over Australian security et cetera. For instance, at one time I stopped the deployment of a member to a particular area in Sudan because the medical support was not there. The force commander accepted that and, when that medical support was there, they went in. Other than that, the force commander—as long as it went along with our rules of engagement et cetera and what we were sent in there to do—had full command over where they went and what they did. They still reported to me throughout the mission, but they came under a force commander.

**CHAIR**—Brigadier Sims, is there anything you want to add?

**Brig. Sims**—These guys have to generate an effect and it has to be instinctive; at the same time, force protection is uppermost. That generates a culture whereby, if the environment is such or the threat is so great, you train these guys so that they are instinctive. That occurs not just before you leave Australia but also when you are in theatre. This training is continual; it is ongoing. At a point it becomes compulsory so that these guys do react exactly as would be expected to meet their rules of engagement, not only to force protect themselves but also to generate an effect. Regardless of the environment, you just train them and it tends to be periodic. From my time in Bosnia and East Timor, I certainly know that we were doing it once a fortnight. They would sit there and we would go over it again and again. That sounds tedious, but the guys understood that they did not have the time to stop and think; they could lose someone. That training is reinforced all the way through.

**Senator TROOD**—Is there an Australian view on the position that we take to the activities of a force commander? Do we have some sort of doctrinal or operational assumption in relation to multinational forces? There will always be an Australian in control of Australian forces, but do we have views about whether we are prepared to cede operational control to other countries? Is there a position on that?

**Lt Gen. Gillespie**—We do. We always retain national command. Whether you get to be a force commander in a UN deployment or coalition deployment—there is a complicated formula for some of those—depends on the size of your troop contribution and other vagaries of international life. However, you join a coalition being prepared to do that or you do not join.

For example, our troops in Afghanistan are deployed at the present time in the province of Uruzgan. They are under my theatre command. I am responsible for their day-to-day activities and how they conduct themselves. I have a joint task force commander forward deployed who looks after them regarding all their national issues, their governance and all those sorts of things; but on a day-to-day basis they work under the operational control of Commander ISAF.

The only time that the JTF commander or I kick in is when Commander ISAF asks us to do something contrary to Australia's national interests. There are some guidelines which state that I can say no or we would take the issue to our government and say, 'A unique set of circumstances have come up. They want us to do this. What do you think?' Unless you are prepared to do that or you hive off a part of the coalition area, specifically call it 'Australia land' and do it from Australia, you have to be prepared to release your troops. What we do not ever do is give full command to those people. If you give full command, then you cannot govern where they are employed, how they are employed, for how long they are employed or whether they are fed properly—all those sorts of things. We retain sovereignty over our troops and we allocate them under the rules of engagement, the memoranda of understanding with ISAF, et cetera, to be used to meet the ISAF mission because the ISAF mission is agreed by the Australian government when they provide the troops.

**Senator TROOD**—Has that always been an Australian position or is this a lesson hard learned from some event or previous deployment?

**Lt Gen. Gillespie**—Certainly there were hard learned lessons after the First World War and the Boer War. Americans do not give sovereignty of their troops to anybody else, neither do the British. It has become the norm for Western nations never to give away their sovereignty. One of the reasons you do not give away your sovereignty is that, if Australian troops are doing something, despite the fact that you might have given sovereignty to NATO, it is always Australia that is accountable—they are Australian citizens, therefore they are accountable under law. So we cannot divest ourselves of sovereignty interest; we have to retain sovereignty interest for all sorts of really valid reasons.

**Senator HUTCHINS**—When a call has to go from Afghanistan back to the government, is it the National Security Committee of the government that makes that decision?

**Lt Gen. Gillespie**—It depends on the seriousness of the issue, but generally yes.

**CHAIR**—Thank you.

#### **Proceedings suspended from 2.32 pm to 2.49 pm**

**CHAIR**—Ladies and gentlemen, we will recommence and continue with our discussion of the terms of reference.

**Senator HOGG**—I want to go to the structure within defence. I am not quite clear as to how things operate in terms of decision making. I understand that obviously you seem to play a very specific role. Is there a specific section within Defence that is devoted to peace operations as opposed to other elements of defence operations?

**Lt Gen. Gillespie**—No, there is not a specific area. As part of my staff, I have a small group of people who are devoted to UN engagement—that is, engagement with New York and our mission there.

**Senator HOGG**—How many would there be?

**Lt Gen. Gillespie**—There are two.

**Senator HOGG**—So you have two staff.

**Lt Gen. Gillespie**—In the international policy division of the defence organisation, there is also a policy group associated with UN matters, among other things. Captain David Scott is part of that organisation. In terms of engagement and policy, the process is that defence might get a request from the UN through our defence attaché in New York. That request will come into the policy area. We will put it through the defence processes for engagement—advice to CDF, get directions et cetera—and then introduce it into a whole-of-government construct through the Department of Foreign Affairs and Trade and that process that I outlined before kicks into place.

**Senator HOGG**—But there is no specifically dedicated group, as such, that looks at peace operations. Do you see there being a need for such a group within defence in the future, given that you have outlined to us that there have been 50 peace operations since the Second World War? We are currently involved in eight and it seems as if these operations unfold from time to time—not on a daily basis, obviously. I perceive a need for detailed planning and coordination to be able to make decisions fairly rapidly and easily.

**Lt Gen. Gillespie**—The way that we are structured is that we do not differentiate peace operations from other operations. What we have is an operations construct. At the strategic Canberra level, I have a staff group called the Military Strategic Commitments Division. They support me in my interaction with the Chief of Defence Force and inside the defence organisation about what we become involved with—our commitments. What do we become involved with? Do we stay engaged? Do we disengage? They help me with all those sorts of things at a strategic level. That helps me interact with the other departments. I also have in my organisation the Headquarters Joint Operations Command. Joint operations command does the mission planning ‘what-ifs’ that I need specifically for the mission if we make a decision to commit. I also have as an adjunct to joint operations command an organisation called the Australian Defence Force Warfare Centre. In the warfare centre we have a peacekeeping centre, which is about doctrine and education and those sorts of things to prepare our people for UN activities.

**Senator HOGG**—How many people in that centre are allocated to peacekeeping or peace operations?

**Lt Gen. Gillespie**—I am sorry; I will have to get back to you about the number of people in the centre.

**Senator HOGG**—It is very few.

**Lt Gen. Gillespie**—Yes. But the spectrum of peace operations that I outlined to you before is so broad from a few unarmed individuals keeping an eye on people who have agreed to separate and progress, to the sorts of things we are doing in Afghanistan at the present time. So the spectrum of peace operations is so broad that I do not have a staff dedicated to it. My normal operations functions encompass that.

**Senator HOGG**—You mentioned the development at Bungendore. How is your operation going to change with the opening of Bungendore and the bringing in of other agencies and organisations? How will that unfold?

**Lt Gen. Gillespie**—I could be a little glib and say that it will just improve. The reason I say that is that Headquarters Joint Operations Command, which will be in Bungendore, exists today. It exists in three separate locations. By co-locating all of those people there we are going to save time and effort. Those people who struggle through the tyranny of distance at the present time will have a lot more focus and more time on their hands to do the things that we need them to do. But we also will be much closer to elements of government in Canberra who work with us on a day-to-day basis by telephone with maybe weekly, fortnightly and monthly visits to Sydney. We will be able to do that on a daily basis.

Because of the way that our headquarters are constructed at the present time, the different capabilities that the headquarters can bring are in the different places. Whilst we can engage with other departments, we can engage with them with all the toolsets there at one time. We will be able to do that in Bungendore. So situational awareness, intelligence, access to legal staff, the ability to take something from the joint operations level back to the strategic commitments/whole-of-government level will be vastly increased. Turnaround times will decrease. The duplication of effort and staffs will decrease dramatically. They are going to be the main benefits of getting everyone at Bungendore.

**Senator HOGG**—With regard to operations, do you go out actively and seek the cooperation of other near neighbours to participate or do you think solely as an Australian contingency and how you might contribute solely to an operation in the Pacific? I do not want to be too specific. In other words, do you go to places like Tonga, or one of those nations, to see how they might fit into a proposal that is being generated or do you simply look at the Australian view?

**Lt Gen. Gillespie**—No. The interdepartmental government process will decide on a policy with, say, Timor of whether we need to reach out to other nations, whether for the benefit of the mission it is better that it is a coalition force not a unilateral type force. RAMSI was the same. It needed a broader look than just Australia and New Zealand. In those processes, the government make a decision that we will reach out and do that, and we use the diplomatic means that we have at our disposal through foreign affairs or our defence attaches to engage at that level.

**Senator HOGG**—I understand that, but you must be able to make an assessment of their capacity to do this, in the first instance, before you recommend that to government. How do you go about making those assessments as to whether there is the capacity or where the capacity might be to participate in those operations? Do you have any ongoing liaison with those countries to build their capacity such that they can participate?

**Lt Gen. Gillespie**—In a couple of ways. In all of our diplomatic missions in our region we have defence attaches. So we have the ability in the defence diplomacy area to engage with people. But defence cannot reach out and do that itself; that is really government policy that decides to do that. The approvals process to go on a mission might be a two-part approval process through government whereby you go to them and recommend: ‘The way ahead might be a coalition of willing neighbours. Some of the likely participants might be X. Can we engage with those people and determine whether they are prepared to do it and what they might be able to do to assist?’ Once we have got all of those bits and pieces together, we can then go back to government finally and say: ‘We’ve done the engagement you asked us to do. These people are prepared to do X, Y and Z. Here’s a possible way forward. Are you happy to do that?’

**Senator HOGG**—Is there anything done proactively by Defence or other departments to build up the capacity in these countries so that they can participate?

**Lt Gen. Gillespie**—Yes. That happens through several guises. I refer to the routine military and diplomatic dialogue that we have with those countries, the performance of our defence cooperation plan and the invitations to various exercises and training courses in Australia. The ADF Peacekeeping Centre at Williamstown trains many people from countries in the region in issues to do with working with the United Nations, military observers and capacity building. We work with near neighbours on humanitarian assistance, building on some of the experiences and successes we have had in recent times. So there are many ways that we interact on a day-to-day basis with those nations, working towards capacity building.

**Senator HOGG**—Who determines the priorities for those capacity-building exercises and how are they funded—or are they just on an ad hoc basis?

**Lt Gen. Gillespie**—No. We work closely in that interdepartmental sense with the other departments to coordinate the Australian government’s dollar spend and activities with neighbours. We do that on an agreed priority basis.

**Senator HOGG**—You mentioned Williamstown. What will happen with the facility at Williamstown when Bungendore opens?

**Lt Gen. Gillespie**—The facility will stay there. The ADF Warfare Centre is based at Williamstown. There is no intention to move it at present. It is our organisation that does an independent review of our lessons learnt. It is our knowledge base organisation, with the creation of our joint military doctrine. It runs many of our joint exercises for us to test processes and war gaming. It is a repository for joint war game simulation capabilities et cetera. So it will stay there doing that job. The way that we have distributed a lot of those things now—war gaming and those sorts of things—with our tools means that they can sit quite happily and test and evaluate joint capabilities right around the country.

**Senator FORSHAW**—I want to ask about the duration of a mission. I note that the second dot point of the key issues in your submission refers to the expected duration of the mission as one of the issues to be examined. In considering, within Defence, the appropriateness or otherwise of participating in a mission that has been requested by the UN, how would you assess the issue of the duration of that mission? Are you

provided with an indication by the government or the UN that our participation might be expected to be six months, 12 months or whatever?

**Lt Gen. Gillespie**—The duration of the mission has a start point that is much earlier than that, in that we sit back and use all of the assets at our disposal to make some sort of assessment of the potential for success in the mission and how long that might take. So, overall, how long will the mission take? Can it be accomplished in the short term? Is it one, with the forces that the UN are talking about, that can be accomplished in the short to medium term or is it something that is so intractable that it might take 10 or 15 years to bring about? So we look at it at that level and make our own independent assessment, and that forms part of our advice to government about the likelihood of the UN achieving it in the time frame that they are either saying or have not specifically stated.

**Senator FORSHAW**—Is that a Defence-only assessment—because other departments may also be doing that; DFAT, for instance—or is it one that you are doing jointly?

**Lt Gen. Gillespie**—We would tend to do it jointly and, in that particular sense, ONA may have a very large role to play in providing advice on how that looks. You start off at that level and make some macro assessments of how long the mission might last and then you can start to provide advice to the government on how long you might participate in that, given a whole range of circumstances, expectations, developments in your region and in other parts of the world et cetera. With respect to the force rotation, whether we do it for six months or 12 months at a time, it is a mechanical process right at the end, after we have decided we will participate.

**Senator FORSHAW**—I have to be careful how I phrase the question, because I appreciate we may get into some policy issues, but is it the case that in each situation or for each request you would define a period that you would put to government as being the length of the commitment for the Australian military forces? I appreciate any number of situations may arise. Some clearly may be for only a short time and others may be for longer, but how important is the duration of the mission in making the decision about whether to support a commitment? We all know that things can spin out and end up as long-term commitments. Currently, we do have some, albeit involving a small number of personnel, and I will come to that in a moment. Do you end up with a definite position at the start, where you say, 'We should have a commitment which should be for two years and then be reviewed,' or whatever?

**Lt Gen. Gillespie**—We try very hard not to be in the business of saying to government, 'You should do this.'

**Senator FORSHAW**—I am not suggesting you do that.

**Lt Gen. Gillespie**—What we tend to do is give them a number of options, whereby things such as duration may be discussed. But, even if we were to deploy without a duration being specified in that regard, the government on an annual basis at least reviews all of our military commitments to operations around the world.

**Senator FORSHAW**—I want to come to that. From my general knowledge and reading I think it is fair to say that, when announcements are made, they are not generally accompanied by: 'The commitment will be for a defined period.' No period may be mentioned or an initial period or something like that may be mentioned. With, say, a commitment to a UN-sponsored force, is there a mechanism within the UN that regularly reviews the commitments? I am aware, at least for the Cyprus commitment, which is an AFP commitment, that periodically they look at what will happen to—whatever the acronym is—and they make a decision about whether there will be a further request to countries to participate. It is a Security Council process. Does that sort of process occur with regard to all UN commitments that we are a part of?

**Lt Gen. Gillespie**—I do not know that it has always been the case but recently it has. In fact, Australian Major General (Retired) Tim Ford has been doing several of the mission reviews for the UN around the world, so they do review them.

**Senator FORSHAW**—I know I can pursue this with DFAT, but is there a process for regular reviews? There is, as you understand it?

**Lt Gen. Gillespie**—Yes.

**Senator FORSHAW**—What about with those commitments which are not UN sponsored? I think we have a commitment associated with NATO in Afghanistan, but we also still have some involvement in Bosnia or in former Yugoslavia. Do we or don't we? I see the nods going both ways.

**Lt Gen. Gillespie**—We do not have anybody there at present.

**Senator FORSHAW**—We did have some personnel there, didn't we?

**Lt Gen. Gillespie**—We did.

**Senator FORSHAW**—In any case, in those situations, for, say, NATO led ones or ones that we have decided on ourselves or regionally, is there a formal review process set down?

**Lt Gen. Gillespie**—Yes, there is. We go to government every year with a review of non-regional peace operations which outlines the operation, the issues surrounding it and recommendations of whether or not we should maintain our engagement. As I said, we do that on an annual basis at least. One of those that are affected in the way that you are trying to describe is our deployment in the Sinai to the Multinational Force and Observers. We review that on an annual basis.

**Senator FORSHAW**—Some of these, as we know, are quite small, but that is not to understate the significance of them. The significance may well be political as distinct from anything else. Some of them have been going for 40 or 50 years.

**Lt Gen. Gillespie**—We review, with government, some of the more challenging operations, like Timor, Afghanistan and Iraq, on a much more frequent basis than that.

**Senator FORSHAW**—Where we have defence personnel who are attached to other defence forces or to NATO and are participating in a commitment, is that ultimately a decision for the Australian defence department or can they be directed to participate as part of a, say, NATO force in which the Brits or the French are involved?

**Lt Gen. Gillespie**—We call those deployments third country deployments. If we have people on exchange appointments with Britain, Canada, New Zealand or the United States, those people are embedded in units as part of the exchange program and those units go to war, we approve on a case by case basis the Australian participation. Routinely we would support that, unless there was a major legal issue or a national concern about Australian troops participating in that sort of operation. The reason that we approve them individually is to satisfy ourselves that their employment would meet Australian interests and expectations and to identify them individually to ensure that we meet with them eye to eye in our missions, that they have Australian protective kits and that they understand that they are obligated by their Australian sovereignty, not by the nation that they are proceeding to the war zone with. It is quite a formal process. If a unit is going, they apply through the high commission, the embassy, in the country concerned, we come back, we consider the merits of the case, we approve it and then the defence attaché in the country concerned gives them quite a formal briefing about their obligations.

**Senator FORSHAW**—Have there been many of those instances?

**Lt Gen. Gillespie**—Yes. I could not tell you the total number but I think on an ongoing basis we have 20 or 30 people deployed like that. And of course they are not all to Iraq or Afghanistan; they might well be on an exchange with the US Navy, where they are doing duty in the Gulf—

**Senator FORSHAW**—They are the ones I was more interested in. I am aware of the Iraq and Afghanistan ones.

**Lt Gen. Gillespie**—Or they might be air force people with postings to US Transportation Command to do logistics support tasks with the US Air Force into war zones and things. We approve each of those deployments individually.

**CHAIR**—You referred to retired Major General Tim Ford in your remarks. He has also made a submission to the inquiry. One of the aspects he picks up on is coordination and engagement between the ADF and the AFP, particularly in light of the events of the last few years, both through Timor and the Solomons. I understand that in relatively recent times there has been quite an increased degree of communication and coordination work between the two organisations. I wonder if you could comment on that and then where you see that going in the future.

**Lt Gen. Gillespie**—As you know, the Australian Federal Police created an international deployment organisation, the headquarters of which is just out on the road here near Fairbairn. Over the last few years as we have worked closely together in Timor on a number of occasions and in the Solomon Islands, it became obvious that we needed to work more closely together, because we have had the reverse occasions—Australians supporting the police in the Solomon Islands and the police supporting the troops in Timor—as did the clear requirement for us to get close together in terms of our procedures, our understanding, the

capabilities that we have, making sure that we communicate with the same equipment and have the same expectations of each other in our tactics, our techniques and our procedures.

So there has been a huge amount of work done between the international division and my strategic commitments and Headquarters Joint Operations Command. We will have Australian Federal Police people on exchange with joint operations command. We have federal policemen now with land headquarters in Sydney. We have had Federal Police officers on our courses at Weston Creek. There will be two Australian Federal Police officers on our joint command and staff college course next year. That is going to be a standing commitment from them. The idea is to help that international deployment division move from a 'policing in Australia' context to a policing role in support of or being supported by the military in the sorts of environments that we are talking about there. Cooperation has been outstanding. There has been lots of good work and a lot of rapid progress, and we are expecting it to get stronger as time goes on.

**CHAIR**—One of the issues which has also been raised is in relation to how the two organisations undertake pre-deployment training differently. Obviously part of that is dictated by your different roles. But the AFP, through the IDG at Majura and its enhanced level of activity there, run pre-deployment training which takes five weeks. I understand now—and we will have a chance to ask them this tomorrow—that they are going to keep that on a rolling basis, given the tempo at which they are also working. The ADF pre-deployment training, as I understand it, is conducted out of the peacekeeping centre at Williamstown; is that right?

**Lt Gen. Gillespie**—The sort of deployment training that they are talking about being conducted over five weeks is different to the sort of training that we do with troops at the peacekeeping centre. Our pre-deployment training is not a set length of time at the present stage. But the troops from Army who are preparing for the next rotation in Timor, if we need them there, will be undertaking quite a robust training regime at the present time to prepare them for their mission. Before we deploy individuals and commanders, we put them through a pre-deployment course ourselves out of a group in Army specified to do that. The peacekeeping centre is more about the policy, doctrine and engagement type things that some of the leadership would be doing or how to be a military observer. The pre-deployment training we give prepares people to live in the environment and understand the culture, and to gain some of the new techniques in things that they might do.

We have always had a deployment culture. The AFP, because of the role that they have had, have not had to have that deployment culture. They have had something different. The International Deployment Group is about instilling that culture into the AFP, because it is a group who, like the military, will be used to deploy in these peace operations in different parts of the world. There is great synergy between the experience that we have, the requirement they have and working together to bring that about. Similarly, they will have a whole range of issues of law enforcement and law keeping in situations such as those we found ourselves in in Timor in May last year, where the Defence Force can leverage greatly off them. One of the really interesting things, if you go to the Solomon Islands in the first few weeks of either deployment of the military or the AFP, is to see the two groups starting to work together to build trust so that if one group or the other gets into trouble they know how the other group will react and how it will all work. I think it augurs well for the future, because the sort of peace operation we are talking about will, I think, be out there for a while.

**CHAIR**—Both Major General Ford and, in another submission, Austcare have recommended that Australia establish a national peacekeeping institution, a coordinated institution which would look after training and research between civil, military and police peacekeeping organisations. Given what you have said about the enhancement of the relationship and the coordination between, at the very least, your two organisations, do you think that is necessary?

**Lt Gen. Gillespie**—What we have got with the AFP is working well for us and for the AFP. We still have to work it out with a lot of NGOs. You will have seen in May and June last year some frictions over the priorities of the different groups. Our priority tends to be about security and their priority is about humanitarian relief and sometimes they do not go hand-in-hand when you want fast action. I think there are a lot of suggestions out there like that at the present time about bringing together not only the whole of government elements but also those soft elements of power necessary to bring about success in challenged countries, to create a common understanding and trust between each other. As to whether or not it should be via an institute or whether we can do it through different media, I think the jury is out on that but certainly the need for better coordination is acknowledged by all groups.

**Senator MARK BISHOP**—Chair, if I may come in there. Is it better coordination to make the security function more effective or is it better coordination to fulfil the objectives of NGOs and the like?

**Lt Gen. Gillespie**—The objectives of the mission, Senator. If ultimately the objective of your mission is to be able to walk away leaving in place a viable, peaceful country, then you need all of those groups to have applied their skills and capabilities effectively across a broad spectrum of tasks. Often in the early phases of these, security is the overriding factor because neither the local population nor the NGOs, contractors or whoever is going to help with things feel comfortable, so you can have security being an overriding consideration in the first place. But if you are having success and you are addressing refugee camps, getting people to go back to where they live, re-establishing communities and planting crops and doing all the rest of it, security will diminish as an issue over time and at different times other groups will have primacy.

What often clashes with the security phase is the humanitarian assistance phase. If it is a particularly bad incident that you are dealing with, then you will have traumatised people with no food and no means of income. That is when NGO communities and defence need to have a far better understanding of each other's requirements and do it and coordinate their efforts in a better way. Say you are bringing security to an area and you have a well-meaning charity group that arrives in the country, sees the first thing that needs to be done and stops there and makes that their effort. If only they had driven two kilometres down the road, they would have seen a far larger travesty and a much more important thing. In essence, what we are saying is that it does not matter what charity group you are, what non-government group you are or what contractor you are as there is a role for you in the total construct of this and what we would like to do is to be able to work together far more collaboratively to make sure that we get maximum effect from the effort that you are going to make.

**Senator MARK BISHOP**—After the discussion phase and the decision-making phase as to what government has done, your purpose is that determined by government. Whatever the instructions are, you go away to give effect to their purpose. The aims of some NGOs may indeed be timed differently from the implementation of your particular purpose. Has that been a problem in the past? Do you think it is capable of resolution in the future?

**Lt Gen. Gillespie**—There are always rubs in these things as people pursue keenly what they see as their own priorities. An example of how things change dramatically is this. When we went to Timor last May, the force commander that we put there had considerable autonomy for the running of the country at that stage because the instrument of government had broken down and the two main instrumentalities for law and order, the military and the police, had gone to war with each other and ill-discipline had broken out and the UN was not structured to do some of the things that it was doing. So there was a period of time when he was pretty powerful and called most of the shots in conjunction with some individual leaders in East Timor.

But quickly after we started to re-establish security and the individual leaders started to take a greater role and the UN re-established themselves with a police force and took over the responsibilities for reconstruction, law and order and those sorts of things then the role of the military commander that we had there started to drop away. That is as it should be but it is also a good example of how it can work as the spectrum builds.

**CHAIR**—The question of language training has been raised a couple of times in terms of the efficacy of putting people into a community when they do not speak the language and how you can advance your position when you are restricted in that way. I wonder what advances, if any, you can identify in terms of language training from the ADF's perspective. For example, how many Tetum specialists would we have in the ADF at the moment? How many would we have on the ground in East Timor? How are we approaching that in countries like East Timor and the Solomon Islands?

**Lt Gen. Gillespie**—I would have to take on notice how many Tetum speakers we have over there at the present time. Your point about language is true: it is a highly important point but perhaps, in my humble opinion, not as important as an understanding of the culture. It almost does not matter what country you deploy to because you will find people that you can speak to and that you can use, whereas you can really create some grave mistakes if you do not understand the culture of the country that you are going to. That can set things back really quickly. So in our pre-deployment training et cetera we have colloquial language training and spend quite a bit of time on cultural and religious issues so that our force is prepared to at least enter the country and start to learn. From there you are really relying on them to learn and observe. If they have gone back several times then we have some people who are country specialists in that regard. We will always struggle to have in uniform the number of linguists necessary to amply deal with whatever it is our government might ask us to do because Australia's interests are so varied. Do we all learn to speak Lebanese because we may have to go to Lebanon to extract Australian nationals? That would be nice to be able to do.

One of the things that we are discovering in talking to NGOs and groups like Austcare and others is that many of these organisations have linguists and culturally aware people and that we can establish an early

partnership with those organisations to go ahead. We are looking at agile ways of acknowledging the depth of the problem, knowing that we cannot possibly train all of the ADF as linguists for the nations that we might go to but still be effective at short notice in those countries.

**CHAIR**—You might like to take this next question on notice too. From your answer I do not really have an appreciation of the extent to which we are engaging in language training from the ADF's perspective. If you have 1,240 people between operations Anode and Astute, obviously those 1,240 people have not all been through the relevant intensive language training process and do not have an appreciation of the depth of the engagement.

**Lt Gen. Gillespie**—I will take that one on notice. We do language training through the Defence language school. We do that training in two ways: we produce linguists and colloquial speakers—there are far more colloquial speakers than there are the others. And we subcontract out through universities sometimes to get people trained in that way. I will get back to you on how many people we put through that organisation.

**CHAIR**—I will follow that with a question to Squadron Leader Elsley, Brigadier Sims or Captain Scott—whoever is relevant: in your experience what are the challenges associated with language and cultural barriers, to take on board the general's point, and how can we improve the approach we take to those?

**Sqn Ldr Elsley**—My case was a bit different. The United Nations employs linguists throughout its whole process in Sudan, so you always had access to linguists. You had access to people who could speak the language that you needed to speak to the government authorities. That was not a barrier where I was concerned. I had the basics in colloquial training through my force prep.

**CHAIR**—You do pick something up in the force preparation process. What level of capacity would you describe that as?

**Sqn Ldr Elsley**—They give us basic Arabic to be able—

**CHAIR**—It is much better than mine, whatever it is.

**Sqn Ldr Elsley**—It is minimal, but it is enough to at least acknowledge people—say hello to them. You receive intensive cultural training as well. Both the ADF and the United Nations run a force prep, which you do prior to going to the country. When you get into the country, the United Nations also runs its own induction program, which involves cultural awareness. Australians are doubly trained well in cultural awareness. Sudan was very complicated in that it was divided into two parts. We had to know a lot of culture about the southern part and the northern part, depending on where we were going to be in the country. We were very well trained. I honestly did not have a problem at all in the country, despite the fact that I was going into a Muslim country as a female commander. I did not face a problem having had that training behind me.

**Brig. Sims**—My experience is that at the tactical—the one-on-one—level, language is a real bonus. But the reality is that, when you deal at the higher levels of influencing government, it is the cultural aspects that are far more important. These are very learned people. English tends to be the second language for almost all of them. The difficulties at the higher levels are not necessarily there once you get through the minor cultural things that do offend and which you do not appreciate until someone educates you about them. At the working level, when you are walking the streets and trying to find out what is happening, it is language. You pick that up and, as the general identified, you tend to have interpreters and the like with you, which allows you to overcome the more immediate issues.

**Lt Gen. Gillespie**—In all these countries, we hire locally engaged staff as interpreters. In Afghanistan, Iraq and Timor, we have a number of people—never enough, but enough. If we have an issue, we have somebody with us who speaks the language naturally so that a situation does not get out of hand.

**Senator MARK BISHOP**—General, returning to the issue of your relationship with the AFP, you were discussing earlier how both organisations would benefit from further consultation. You were saying that you learn from each other, that there needs to be coordination and that the two organisations are coming together. In both East Timor and the Solomons, there were some troublesome issues that seemed to derive from the lack of power or authority of ADF personnel who were on the street. At one stage, there were TV images of groups of young men rioting, burning things and causing personal damage. My memory of some of this footage is ADF personnel looking on but not intervening. Was this because the ADF people did not have direct authority or were not tasked, or was it because it was a civil disturbance and it was appropriate for the AFP to be involved in that? Is there a division of authority in those sorts of civil disturbance issues as opposed to pure security issues?

**Lt Gen. Gillespie**—Then, as now, most military patrols will have a policeman with them so that powers in terms of law and order for arrest and of detention remain where they should be, which is with the police force. If you are trying to bring a nation along to be a law-abiding nation, it ought to learn that police do policing and that the military are about something else. That was certainly the case back in May. One of the issues that we had there at that time was not that the police were there to look on; they were there to help us effect arrests and things like that. Many of the issues that we had in a law and order sense were about riot control or crowd control. That is not a military function; it is a police function. But we did not have that police function in the police contingent there. This was part of the international deployment division and its role and what we do. We learnt many lessons from that. When you go to the Solomon Islands and see how the police and the military interact together, I am confident that you will find that all the lessons we learnt in May last year are now in our deployments in that sense.

**Senator MARK BISHOP**—Are we now training ADF personnel in civilian police roles? Are they authorised to act as police officers?

**Lt Gen. Gillespie**—No.

**Senator MARK BISHOP**—Do you see any benefit or gain from doing so?

**Lt Gen. Gillespie**—At the margins some of the defence and police capabilities will move closer together, but I pretty much advocate that if it is a law and order issue it is to do with the police. Some of the security issues can be police issues as well. But the other end of the spectrum—armed gangs, murderers and failed institutions—is more into the military line. They are the sorts of issues that the AFP and defence are confronting at present so that next time we are put in that situation we handle it much better.

**Senator MARK BISHOP**—When that business occurred back in May, were there not enough AFP located on the ground to attend to the policing function or was it just one of those things that developed so suddenly and out of the blue that it could not have been anticipated?

**Lt Gen. Gillespie**—It was partly because of the mass of police available at the time, the number of tasks that the police had and the sorts of issues that the military had to confront. Many of the situations portrayed on television were not portrayed as they actually were.

**Senator MARK BISHOP**—Were they set up?

**Lt Gen. Gillespie**—Some of them were. I will not mention any of the news services, but you can still see file footage played to demonstrate that there was a riot last night or something else that might come from that period. You have to be careful about what is portrayed as to what is happening. Were there issues about the differences in the police and military? Of course there were, and we have learnt a lot since that time. I am sure that if you talk to the AFP about this tomorrow you will find exactly the same answer. There is a huge movement to make sure that next time—and there will be a next time—we do a better job at that.

**Senator TROOD**—What is the solution for next time. What have you resolved as the best way to—

**Lt Gen. Gillespie**—I think the international deployment division and the work that we and the AFP are doing at present is a pretty good start to the solution.

**Senator TROOD**—Obviously you are talking to each other about how to address the question, but does that mean that the AFP will always be deployed on these activities? Clearly this kind of behaviour merges; it is not easy to separate it from one moment to the next. Is part of the consultation and coordination you are having about an assumption you have reached where you really need AFP participation in most of these activities?

**Lt Gen. Gillespie**—We certainly do. If you take Timor or the Solomon Islands, when the institutions responsible for law and order and security have broken down then you need to replace them. The two institutions that Australia can deploy are the Australia Federal Police and the ADF. We are doing more than just talking about it; we operate together in the Solomon Islands and in East Timor at present, and, as I said, I think we will do so again. There will be different circumstances but in the two that we have just mentioned, the instrumentalities for law and order and security failed. We went in and re-established law and order and security and we used the instrumentalities that should be used to help do that—the police and the military.

**Senator MARK BISHOP**—There were some untoward matters that occurred in East Timor and you are reviewing, your own practices—as are the AFP. Do you anticipate having to go into more detailed training down the line of your people into civilian law and order and not just warfare readiness?

**Lt Gen. Gillespie**—No. That is exactly why we want police to do police work and not multi-skill the military to move into a law and order environment. I do not think we need that; I do not think that is an expectation. But do we study law issues and things like that as they affect us, our rights and all the rest of it? You bet we do. Commanders are accountable for the decisions that they make in a given situation—and it might be a law and order situation where the police are not present, in the hills somewhere—so we need to train them and make sure they have all the skills necessary for the decisions that they are going to take.

**Senator MARK BISHOP**—In an overview sense, are you saying that there is a particular defence security job or task that your people often need to do that is critical but that there are a range of other matters that often arise in a law and order sense that are also critical but are better carried out by the AFP, and it is better that they are upskilled to carry out those tasks on the ground when there is a joint deployment and not necessarily overskill the ADF to do that work? Is that a fair summary of your evidence?

**Lt Gen. Gillespie**—Yes. The summary is that there is a role for both of us. There is a place where we meet in terms of capability. We have to do some work with the AFP and ourselves to make sure that where we meet in a capability sense there is not a gap that can be exploited by people when we work. That is a large body of the work that we are doing with the Federal Police.

**Senator MARK BISHOP**—That is really quite a fascinating comment. Not that it is wrong in any way, but it is contrary to the tenor of the submissions to this inquiry that seek, I suspect, a different role for the ADF. It is also somewhat at variance with current instructions or requests by government. I refer particularly to your civil role up north and in the west in a whole range of activities that are going to have to be carried out in terms of restoring law and order and then carrying out the health and education aspects, and building infrastructure.

**Lt Gen. Gillespie**—There is no parallel there. The military force that is being employed in the Northern Territory at the present time is an enabler for law and order agencies and other agencies to do it. We are providing logistic support for them to be able to live in the field and to move, those sorts of things. The Defence Force is not being used to apply issues of law and order or to do the job of Centrelink or anybody else. We are an enabler in a logistic sense doing what the military can do because we can deploy quickly and get to remote places with aircraft that other people have not got et cetera.

**Senator MARK BISHOP**—Thank you. That is a very useful response. In the domestic context, you are essentially an enabling agency that clears the way for others to come in and carry out their responsibilities—which is not so different from what you are doing overseas either.

**Senator FORSHAW**—Your presence can have an impact too—can it not?

**Lt Gen. Gillespie**—The military?

**Senator FORSHAW**—Yes, its visible presence. I am not trying to suggest anything sinister but simply that it can have an influence.

**Lt Gen. Gillespie**—I would like to think that our presence has a calming influence. We have been engaged with Aboriginal communities up there for a couple of decades, so we are known and trusted.

**Senator FORSHAW**—Yes, a presence that is not threatening or frightening but maybe reassuring, in the same way as civilian communities in hot spots around the world see a military presence. They understand they are friendly forces who can allay some of their fears about what might occur.

**Senator MARK BISHOP**—You referred earlier to the role of your commander in the field in East Timor and how he had to take a lot of very important decisions at a moment's notice. It strikes me that there are three things going on: one is the restoration or creation of a secure environment—an ADF role; the second is the maintenance of law and order on an ongoing basis—presumably an AFP role where required; and the third is that we seem to be morphing into supporting failed states—nation building and providing public administration, and creating or maintaining key institutions. Do you think that is correct? Is the ADF doing any internal training or analysis of that third need—that is, once you have restored law and order, the state has to operate effectively—whether it is East Timor, Solomon Islands or wherever? Increasingly, my take on it is that we are being asked to provide that support. Is there a role for the ADF in that currently or an emerging one?

**Lt Gen. Gillespie**—We spoke about defence and the police in East Timor, if I could use that example. The other elements of getting the government to work again—the election process and all the rest of it—were the responsibility of the UN and their mission. The UN mission was a political mission with that as an outcome.

We were part of the mosaic with the UN, and the government of East Timor was the other part of the mosaic. That is replicated in a number of countries at the present time. In Afghanistan the UN have the ISAF mission. They and the government of Afghanistan each have a role to play in developing a country that is sustainable, can see peace and can go on without the support that it is getting. That is the enduring nature of it.

When we talk about whole-of-government we mean that. The sorts of things that you are talking about are not just the prerogative of defence or of the police force, which we would see if it were an Australian-led coalition and mission in those places in which the other departments of state here are helping their sister or brother departments of state in the ailing country to grow, to come along and to start to take responsibility for their welfare. We are seeing that through the RAMSI process in the Solomon Islands.

**Senator MARK BISHOP**—It appears to be evolving as a function for whole-of-government in a lot of these areas where we go in. Your submission referred to a review being done by the United Nations into the peacekeeping process. Can you outline why that is occurring and what our role is within that?

**Lt Gen. Gillespie**—I can, but I think Mr Nagy could do a better job than me on the whole Brahimi process.

**Mr Nagy**—As you are probably aware, there are a range of initiatives that have been under review for quite some while within the United Nations Department of Peacekeeping Operations. Somebody referred to the Brahimi reforms. They date back to the mid- to late-1990s, addressed a range of issues in a very comprehensive manner and looked at, I suppose, the most significant package of reforms that we would be familiar with, both in terms of the how the UN was organised and how it planned, committed to and managed peacekeeping operations throughout the life of those individual operations. There were a number of associated follow-on initiatives that were spawned as a result of the work that Brahimi did. The UN looked at its stand-by arrangement system, in particular. It looked at the establishment of strategic deployment stocks which, indeed, were ultimately invested in and committed to in its logistic base in Brindisi, and it established a capacity to quickly mount and deploy operations at a level that was only dreamt of prior to that particular point in time.

Since then a number of reviews have been undertaken, mostly at the initiative of former Secretary-General Kofi Annan and other key personalities. Most recently, we are aware that the UN has undertaken a review of its planning processes. The most significant of those particular initiatives would be what has been called the integrated planning process. That is perhaps recognition of what has been alluded to by a number of the senators here this afternoon—that is, the UN itself has not been particularly adept at planning across a range of functions within the United Nations, recognising that the nature of peacekeeping has changed, that missions are invariably more complex and multidimensional and that it is simply no longer appropriate for just the Department of Peacekeeping Operations to deal with these missions, both in terms of the planning and mounting and through-life management of these particular operations. I think that very much parallels the sort of discussion that has just occurred here about recognising a whole-of-government approach. The UN recognised that it was a whole-of-UN approach with the additional layer of non-government organisations that the UN deals with in most of its complex peacekeeping operations. I would be happy to take more detailed questions if you have any.

**Senator MARK BISHOP**—So that review has commenced and is ongoing?

**Mr Nagy**—That review has commenced. I am not certain of what exact point in its life this particular initiative is at. We have become aware, through the Australian Permanent Mission to the United Nations in New York, of the various developments that have occurred. I think in general terms we are aware of the broad concept that the UN has in mind. But, as with all of these initiatives, there are of course a number of internal organisational and procedural challenges or obstacles that need to be overcome. The changes are so comprehensive that a number of established rice bowls, if I could use that term, and a number of organisational challenges are being presented because the nature of the changes is such that certain organisations which have existed for quite a long period of time and have been quite influential in the past in the planning and conduct of operations will now be folded into new parts of the organisation—or at least condensed into an existing part of the organisation—and therefore power bases would shift. This also requires additional funding—which is always a challenge for the United Nations, as you would understand.

**Senator MARK BISHOP**—Is the review we are talking about part-way through or has it concluded? Have recommendations of the nature that you have just referred to been made?

**Mr Nagy**—I would have to take advice on that.

**Capt. Scott**—I think DFAT will cover this in more detail tomorrow. They may have more information on this. In brief, on 29 June the Secretary-General's proposal to split the DPKO was approved—that is, the UN

Department of Peacekeeping Operations. They have now formed a department of field support concentrating on the logistics and support aspects and a DPKO concentrating solely on operational aspects. There is \$230-odd million of extra money to help facilitate the structural changes and the extra support required. I think the Secretary-General realised that they were underresourced and not capable of addressing the challenges.

**Senator MARK BISHOP**—And the world is changing and they have to review.

**Capt. Scott**—That is right.

**Senator MARK BISHOP**—I have a question for you, Lieutenant General. There has been criticism in the past that the role of the UN in some of the peacekeeping operations we have been involved in to a significant degree has been less than helpful—that sometimes they are hidebound, rules-directed, inflexible and perhaps have obligations or responsibilities that are not as clear as we might have thought. Does the Australian government hold that view or are those press reports simply wrong?

**Lt Gen. Gillespie**—I cannot answer for the government.

**Senator MARK BISHOP**—In that case, can you answer from your own experience?

**Lt Gen. Gillespie**—The United Nations missions are challenging simply by their nature. What you are doing is putting a group of people from many nations throughout the world with different standards of training, education and ability together in a country where they meet for the first time—and they are meant to take that troubled land forward. This has its challenges just from the construct of the UN process, so it is easy to criticise. It is much more beneficial to sit back and try to understand how difficult it is to get the missions working in the right direction when they are formed in that sort of way. In fact, by and large, when they have moved into countries to separate warring parties, to conduct elections in difficult environments or to establish governments, they have managed to do it. So there is a level of success that goes with that.

Could it be done better by a single nation where everybody is imbued with the same spirit? Maybe it could. I think that is one of the reasons the UN has subcontracted some of these complex operations, because it is easier in a subcontractor sense for a coalition of people with similar skills and outlook to achieve progress. I think that shows some agility on their behalf. So, no, I am not on the critical team. I think that, despite some significant challenges, they do not a bad sort of job.

**Senator MARK BISHOP**—The force that went into the Solomons was not a UN approved operation as, for example, East Timor was. The nature of that operation in a legal sense is different; is that correct?

**Lt Gen. Gillespie**—Sorry, where?

**Senator MARK BISHOP**—Our task force to the Solomons to restore order there has a different legal authority than did our task force, for want of a better description, that went into East Timor to engage in activities.

**Lt Gen. Gillespie**—Yes. Unless I am missing the mark here, it is UN sanctioned under the chapter 8 article of subcontracting out to a regional organisation. If you like, there is UN Security Council cover for what we are doing, despite the fact that it is not a mandated mission under a—

**Senator MARK BISHOP**—Does the legal authority derive from the UN sanction or from the decision of the intervening powers?

**Lt Gen. Gillespie**—The UN Security Council resolution that covers it certainly adds legal status to the process, but the fact that it was done under a regional cooperation basis at the invitation of the Solomon Islands government meant that it did not really need UN cover at that time; it just reinforced that the UN thought that the job that we, New Zealand, Tonga, PNG and Fiji were doing to support a request by the Solomon Islands government had great credibility.

**Senator MARK BISHOP**—In terms of carrying out your task, and latterly the task of the AFP, was the request for assistance from the government of the Solomon Islands and the perceived authority given out by the domestic government and then support from the nearby states of assistance to us, New Zealand and the other forces in carrying out our task?

**Lt Gen. Gillespie**—Absolutely. If we had not been invited, it is doubtful that we could have gone there.

**CHAIR**—We are coming towards the end of the time available for consideration with the Department of Defence. General, one area that we have not been able to get to in the time available is conditions of service. We have had a number of submissions, though, from organisations such as the Australian Peacekeepers and Peacemakers Veterans Association, the Regular Defence Force Welfare Association, the Australian Veterans

and Defence Services Council Inc which have made a range of observations in relation to matters concerning service deployment, redeployment and issues like that. I apologise for the fact that we have not been able to deal with all of this in the time available, but we will have to put a number of those questions to the department on notice. We would appreciate responses on those.

**Senator FORSHAW**—My question relates to the review of the Brahimi report. Is that review considering the issue of the need for more rapid decision-making and deployment of UN peacekeeping forces or missions to particularly prevent genocide? I know that is an issue that has been before the Security Council.

**Mr Nagy**—I am not specifically aware of whether or not it was done to address genocide. That is always a sensitive term, as you would well understand. I think it was done more broadly to recognise that, with the challenges that were beginning to confront the UN and the move from what we would normally understand as traditional peacekeeping to the world of more complex and more significant peace operations, it simply recognised that the demand was such that the traditional bidding process that the UN would enter into after a Security Council resolution was not meeting the expectations of the international community or indeed the UN as an organisation.

In an effort to respond to the lag and the time it might take for governments to make their own minds up about whether or not they had a particular interest in assisting or participating in that particular mission, the UN sought to seek earlier commitments and explored a number of alternatives as to how governments might be persuaded to indicate what support they might be able to commit in the future, under what sorts of circumstances in terms of time—from government consideration to deployment of forces—and what the nature of the various capabilities might be that governments again might be able to provide given that other circumstances which might impact on such decisions simply could not be identified that early in the process.

**Senator FORSHAW**—That was a very diplomatically answered.

**Mr Nagy**—Thank you.

**Senator FORSHAW**—I appreciate the point you are making.

**CHAIR**—Thank you very much. That brings us to the end of this session. Defence have been our first witnesses in this inquiry, which I get the feeling is going to be a very comprehensive inquiry. It may be that we seek to enjoy your company again before the conclusion of the hearings, but we do very much appreciate the time that you have taken with your officers and your members this afternoon to assist the committee. We will also appreciate your assistance with answers to questions which may be taken on notice.

**Lt Gen. Gillespie**—Thank you to you, Chair, and to your members.

[4.04 pm]

**JOHNSON, Mr Mark David, National Manager, Compensation Policy, Department of Veterans' Affairs**

**PAGE, Mr Martin Leslie, Assistant Director, VEA Compensation Policy, Department of Veterans' Affairs**

**CHAIR**—Welcome. I understand a copy of today's opening statement has been provided to you. Do you have any questions regarding that?

**Mr Johnson**—No.

**Mr Page**—No.

**CHAIR**—We have before us the submission from the Department of Veterans' Affairs, which has been numbered 27. It is a public document. Do you need to make any amendments or alterations to that?

**Mr Johnson**—Yes, I would like to make one amendment. In the submission we included a reference that VEA coverage for Australian Federal Police deployments does not apply to deployments that commenced after 30 June 2004. There actually has been one deployment where VEA coverage has been provided. That was to a peacekeeping delegation to the UN mission in Sudan. That was dated 1 January 2006.

**Senator MARK BISHOP**—Is there power in the regulations to give coverage?

**Mr Johnson**—Yes.

**CHAIR**—Just let me clarify that in relation to the document, Mr Johnson. You are referring to the last paragraph of the covering letter from Mr Killesteyn?

**Mr Johnson**—Yes.

**CHAIR**—Thank you. Senator Bishop, did you want to pursue that?

**Senator MARK BISHOP**—Yes, is that okay?

**CHAIR**—I am going to ask Mr Johnson and Mr Page if they wish to make an opening statement and then we will go to questions.

**Mr Johnson**—No, I do not have an opening statement.

**Senator MARK BISHOP**—Correct me if I am wrong, Mr Johnson, because you will remember this better than me. The power to give coverage to the AFP was taken out of the VEA when the act was amended with the new act in 2004. Was the power taken out of the act and given in the form of regulations at that time?

**Mr Johnson**—No, the VEA continues in place. It did not close, so the power was still there. But all deployments for Defence Force personnel get picked up under the new act, the Military Rehabilitation and Compensation Act, which is military specific.

**Senator MARK BISHOP**—Yes. Does that have a power in the act or in regulations?

**Mr Johnson**—It is a determination by the Minister for Defence.

**Senator MARK BISHOP**—He was given power in that act to give status to AFP under the—

**Mr Johnson**—No, just to ADF.

**Senator MARK BISHOP**—He has power in the MRCA to give status to ADF personnel?

**Mr Johnson**—Yes, that is right.

**Senator MARK BISHOP**—And that status is 'warlike' or—

**Mr Johnson**—Or 'non-warlike'.

**Senator MARK BISHOP**—So that is just a continuation of the status quo?

**Mr Johnson**—Basically, yes.

**Senator MARK BISHOP**—Okay.

**Mr Johnson**—It is just that the VEA does not apply to any Defence Force service after 1 July 2004.

**Senator MARK BISHOP**—Yes. Thank you.

**CHAIR**—Mr Johnson, I assume that the department has had an opportunity to look at some of the submissions to the inquiry that the committee has received?

**Mr Johnson**—Yes, we have had a quick look through them.

**CHAIR**—In the submission of the Australian Peacekeeper & Peacemaker Veterans' Association, in perhaps an almost summary description, they observe that they have concerns that some of the officers of your department charged with investigating claims relating to peacemaking and to peacekeeping related services do not have the sort of appreciation of the environment in which ADF members have served that would be preferable and certainly optimal in doing business, as it were. I think you should have an opportunity to comment on that, for starters. Does that reflect concerns that are raised with your department as a matter of course, and how do you then go about ensuring that your officers and staff have enough appreciation and understanding of the experiences of the people for whom they are doing this work to be able to assess the claim adequately and fairly?

**Mr Johnson**—I suppose there are a number of things that the department does. A number of our staff are former Defence Force personnel or serving reservists. We do organise sessions with Defence to try to get an appreciation. We also have a fairly regular visiting program to bases to talk to people who have claims or may be thinking about putting in claims under the various pieces of legislation that we administer. And we do have regular contact with ex-service organisations, both in our state locations and at the national office, which bring various points of view to us on how we process claims and how we can improve processes.

**CHAIR**—For the number of personnel, for example, that you say have that experience, what proportion would we be looking at?

**Mr Johnson**—I could not say. I could not give an educated guess on that.

**CHAIR**—What about an informed guess, if you go back and have a look?

**Mr Johnson**—Okay; I can have a look.

**CHAIR**—Thank you. How would you view a recommendation such as that that the Australian Peacekeeper and Peacemaker Veterans' Association make that it might be useful to have some sort of education program for your staff to provide them with more of a background in the sorts of conditions experienced by peacekeepers?

**Mr Johnson**—I would not have any concerns about that. We actually have done that. We have invited various people who have had various experiences in the Defence Force to speak to officers in the department and, as I said, we have very regular contact with the Australian Defence Force on what is happening, deployments, OH&S issues and those sorts of things.

**Senator HOGG**—Do you have any long-term studies going of the effects of service in peacekeeping operations in particular on the personnel who have taken part in those peacekeeping operations?

**Mr Johnson**—We have not done a study that I can think of, though Defence are doing various studies with pre- and post-deployment in some of their more recent deployments. We have done lots of health studies, but not one on peacekeeping that I can recall.

**Senator HOGG**—How many claims would you be confronted with by people who have taken part in peacekeeping operations?

**Mr Johnson**—I do have some figures. I will put some riders on the figures. Under the VEA, approximately 1,600 veterans with eligible peacekeeping service have submitted claims for disabilities.

**Senator HOGG**—Over what period of time?

**Mr Johnson**—That was as at about the middle of this month. That is how many we have captured on our system since the early eighties. It may go back beyond the material that was put on the system, but that would be pretty much for all of our peacekeeping operations, I would have thought.

**Senator HOGG**—How many more people potentially would there be other than the 1,600?

**Mr Johnson**—That is under the Veterans' Entitlements Act. I also have the figures for some deployments under the Safety, Rehabilitation and Compensation Act. For East Timor we have had approximately 1,300 claims. Some of those will be people that had dual entitlements, so some of them may have claimed under both the Veterans' Entitlements Act and the Safety, Rehabilitation and Compensation Act. For the Solomons we have had 45 claims and for Bougainville we have had 94. I do not have figures for others. They have been a bit difficult to get off our system.

**Senator HOGG**—The claims that you have are the known cases. What would be the main area of claims? Is it post-traumatic stress disorder?

**Mr Johnson**—I do not actually have a breakdown for the VEA. As to that number that I gave you under the VEA, those people that have claimed disabilities number about 6,000 but not all of those would have been from peacekeeping service; they would have been from other eligible service that they had under the Veterans' Entitlements Act. I cannot actually get that breakdown of disabilities just for peacekeeping but I can do so under the Safety, Rehabilitation and Compensation Act. For example, for East Timor out of approximately 1,300 claims 1,047 have been accepted and, of those, 440 are for what is classified as injury and poisoning, 183 for mental disorders, 122 for infectious and parasitic diseases—these are accepted—100 for diseases of the musculoskeletal system and then the others come into other categories.

**Senator HOGG**—So you get these claims once these people have left the Defence Force?

**Mr Johnson**—No, not necessarily.

**Senator HOGG**—Take the 1,300 claims that you have outlined. A number of these would be by existing serving personnel?

**Mr Johnson**—It is possible, yes.

**Senator HOGG**—It seems to me that, whilst the numbers do not seem to be terribly large, a large number of people would serve in these regions over time. I think we heard from Defence this afternoon that since the Second World War we have participated in the order of 50 peace operations and that there are of the order of eight currently. Some of those would have some large contingents involved. It would seem that there would be a large population that would be at risk and therefore covered by benefits from DVA. Is that a reasonable assumption?

**Mr Johnson**—Yes. My understanding is that somewhere around 18,000 to 20,000 ADF personnel went through East Timor.

**Senator HOGG**—We are talking about peacekeeping operations?

**Mr Johnson**—That is right.

**Senator HOGG**—So a substantial number of people could potentially fall under the umbrella of DVA and entitlements under DVA?

**Mr Johnson**—Yes.

**Senator HOGG**—That is why I raised the question as to whether or not there was some sort of long-term study being undertaken. You said that there was a study being undertaken by the defence department.

**Mr Johnson**—Yes. I think Defence are looking at doing some sort of postdeployment study on deployments now—some sort of assessment—but Defence can best fill you in on that.

**Senator HOGG**—Unfortunately, we have finished with Defence for the moment. I suppose we can put that question on notice to them. I am wondering if there is a role for such a study within DVA and how one captures that section of Defence Force members who have subsequently left. I presume that once Defence have finished with them, as they have been discharged from the Defence Force, no study is made of their long-term health implications.

**Mr Johnson**—In the past when the department has done studies, one of the first things that it has tried to do has been to establish some sort of nominal roll of people that participated in, for instance, the conflict in Vietnam or in the British nuclear tests. That is very time consuming. It is difficult to get current names and addresses and to seek the permission of those people to participate.

**Senator HOGG**—If a study were to be done by DVA, you would have to go through a fairly long process, to say the least? You would have to establish the roll?

**Mr Johnson**—Yes.

**Senator HOGG**—You would have to get the cooperation, then you would also have to get duly qualified people to conduct the study and then come to the conclusions?

**Mr Johnson**—You would also need a comparison group if you were going to compare the health—

**Senator HOGG**—I will tell you why I raise the question—

**Mr Johnson**—Can I just raise one other thing.

**Senator HOGG**—Yes.

**Mr Johnson**—If you are going to do a health study, you need to have a reasonable number in the health study to get scientific power in the study to reach some reasonable conclusions from any results that come out of the study. Some deployments that are very small are difficult because of that. Different deployments may have different factors—for example, environmental factors. I am not a scientist—

**Senator HOGG**—I accept that.

**Mr Johnson**—but I would have thought that lumping them together would also be difficult. You would have such a jumbled group and to come to any conclusions about the health impacts, or otherwise, of the aggregate group would be very difficult.

**Senator HOGG**—I wonder whether there will be long-term consequences for those who have served in peacekeeping operations. Whilst they are not warlike operations, are there other consequences of serving in a peacekeeping role that might not yet be known? That is why I am asking whether there is any intention, therefore, to undertake long-term studies in this area? In 20 years time when someone says, ‘Everyone has now been scattered hell west and crooked; it is too hard and too late to do such a study,’ there might be enormous pressure to undertake such a study. The reason I say that is consider what happened to the Vietnam veterans. It took them a long time to get a study underway in respect of their service. I acknowledge that their service was different from those personnel undertaking peacekeeping operations. But is there justification or a necessity to look at a long-term study, or the terms of reference it might be given, and also at how one would conduct such a study?

**Mr Johnson**—I will take that on notice and get back to you with some points around issues that there may be with undertaking such a health study. There could be some difficulties with having people who have been on multiple deployments participating in a health study of a type of deployment. Health studies is not my area of expertise. I can perhaps get back to the committee with some points on health studies, because they are not easy to set up. You have to be able to define your group; otherwise, it is difficult getting—

**Senator HOGG**—But the difficulty is that, once the opportunity is missed, it is gone forever. That is why I am now raising it. Trying to raise this issue in 10 or 15 years time—and I certainly will not be here—it may well be difficult for those who follow.

**Senator SANDY MACDONALD**—Just picking up on an area that Senator Hogg was talking about, the classifications of war and non-war service, are you comfortable with the classifications of peace operations generally?

**Mr Johnson**—We do not make those determinations. They are made by the Minister for Defence. While the terminology of the classifications of warlike and non-warlike is different, they have longstanding classifications, which were in the VEA and are now in the MRCA. From a departmental perspective, I do not think we have any difficulties.

**Senator SANDY MACDONALD**—No. I can understand that. It is difficult to give an opinion on these things. Clearly peace operations are a very broad church and I know that different benefits flow from whether somebody has had warlike or non-warlike deployments. I was just wondering whether there are any aspects of it that you are uncomfortable with.

**Mr Johnson**—I will make one comment on the differential benefits. The only additional benefits from warlike service over non-warlike service are a service pension at age 60 and an automatic gold card at age 70. The compensation benefits are exactly the same. They get the more generous standard of proof for both warlike and non-warlike service.

**Senator SANDY MACDONALD**—So they can qualify for a gold card if it is service related, can they?

**Mr Johnson**—That is right. On entry, they can qualify for a gold card. There is an automatic gold card at age 70. That and a service pension at age 60 are the only differences. But, increasingly, I think fewer and fewer Defence Force personnel will probably qualify for the service pension anyway because of superannuation.

**Senator SANDY MACDONALD**—What about a TPI pension? Is there a different qualification?

**Mr Johnson**—No. You are eligible under the Veterans Entitlements Act for a special rate pension whether you have done warlike or non-warlike service.

**Senator SANDY MACDONALD**—Was that rectified under the Military Rehabilitation and Compensation Act changes?

**Mr Johnson**—No. The levels of proof for warlike and nonwarlike were carried over into the new legislation. The special rate pension is available under the new act, but it is really there as a safety net. We think that most people, if they qualify for the special rate pension, would probably opt for incapacity payments and permanent impairment payments, but the option is there for a special rate pension.

**Senator SANDY MACDONALD**—Two submissions—those from the Police Federation of Australia and the United Nations Police Association of Australia—said that Australia's police serving in overseas deployments apparently had been covered by the VA as peacekeepers, entitling them to the same disability benefits as the ADF. These submissions stated that the situation changed with the commencement of the MRCA in 2004 and that from then on police as peacekeepers have been excluded. I understand that the AFP may be looking at their own rehabilitation legislation. Does the DVA have any responsibility for AFP veteran peacekeepers at this time?

**Mr Johnson**—Yes. We administer to those who are eligible under the Veterans Entitlements Act. We continue to do that.

**Senator SANDY MACDONALD**—But that responsibility was cut off in 2004, was it?

**Mr Johnson**—Largely, yes—with the exception that I mentioned at the beginning of the proceedings. People who have had that coverage will continue to have it under the VA. There is some thought that we would administer any new provisions in the Safety, Rehabilitation and Compensation Act to cover overseas deployments of Australian Federal Police.

**Senator SANDY MACDONALD**—You will administer it?

**Mr Johnson**—There is some discussion around who would be responsible for that.

**Senator SANDY MACDONALD**—Do you do that for any other agency?

**Mr Johnson**—No. We administer entitlements to the Australian Defence Force under the three pieces of legislation.

**Senator SANDY MACDONALD**—So the AFP are having legislation drafted for which they have sought your advice?

**Mr Johnson**—The Department of Employment and Workplace Relations have the lead role in that. We have made ourselves available to provide technical advice on their legislation proposals.

**Senator SANDY MACDONALD**—So perhaps you do see a role for DVA in assisting peacekeeping veterans.

**Mr Johnson**—That is a matter for government and other agencies, but there has been discussion around whether we would administer it.

**Senator SANDY MACDONALD**—There is a new display, which unfortunately I have not seen yet, at the Australian War Memorial regarding Australia's peacekeeping activities. Did DVA play a role in putting that display together?

**Mr Johnson**—I am sorry. Is this the memorial—

**Senator SANDY MACDONALD**—I understand that there is a new peacekeeping display at the War Memorial. Did you play a role in that?

**Mr Johnson**—I do not know. If it is at the War Memorial, I would think it was probably done by the staff at the War Memorial perhaps with input from the Federal Police—but I do not know.

**CHAIR**—But usually matters pertaining to the War Memorial are discussed in conjunction with the Department of Veterans' Affairs, so would there be someone to whom you can refer Senator Macdonald's question?

**Mr Johnson**—Yes, I can do that.

**Senator HUTCHINS**—Among the submissions that the committee has received are submissions from three groups: the APPVA, which has been referred to already, the Australian Veterans and Defence Services Council and the Regular Defence Force Welfare Association. Those submissions talk about the treatment of medical records when dealing with healthcare and, in one of the submissions, particularly for non-ADF health service people. Are you aware of any problems relating to medical record keeping for Australian peacekeeping personnel?

**Mr Johnson**—No, I am not aware of any particular issues from—

**Senator HUTCHINS**—Have you seen that submission?

**Mr Johnson**—I have seen that submission. I did see that comment.

**Senator HUTCHINS**—Would that be one that we should probably put on notice to the department?

**Mr Johnson**—I can take that on notice. When we receive a claim, we seek service records and relevant medical records from the Department of Defence. I am not saying that sometimes there are not difficulties in sourcing relevant medical records from defence on claims that have been put forward, but I am not aware that particular issues have arisen from peacekeeping forces. I noticed the comment about—

**Senator HUTCHINS**—Three reputable organisations that represent people in these predicaments all refer to difficulties in the accessing of medical records.

**CHAIR**—Mr Johnson was just going to finish his answer, Senator Hutchins.

**Senator HUTCHINS**—I thought he was just going to say that he is not aware of it.

**Mr Johnson**—As I say, I am not aware of any particular issues with peacekeeping. I notice that they were saying that it is sometimes because the treatment is provided by doctors and medical staff from other countries. But my expectation would be that those records would still go back with the Australian peacekeeping member and be part of their ongoing medical record that is held with defence.

**Senator HUTCHINS**—Do your officers regularly or irregularly come up against this complaint by these organisations?

**Mr Johnson**—I can honestly say that it is the first time I have heard of this complaint.

**Senator HUTCHINS**—We may put some of these questions on notice to assist you in your deliberations.

**Mr Johnson**—As I had said, from time to time there are issues around accessing a particular medical record that relates to a claim, but that is a more general issue than relates just to peacekeeping.

**Senator HUTCHINS**—We will put these to you.

**Mr Johnson**—Thank you. In that same vein, at least one of the submissions said there was an onus of proof on the veteran to provide material. Under the Veterans' Entitlements Act and the new act, the Military Rehabilitation and Compensation Act, there is no onus of proof on the member, either serving or former. The investigation is all with the department; the responsibility for investigation is with the department. It is somewhat different under the Safety Rehabilitation and Compensation Act, but under the VEA and the MRCA the responsibility is with the department.

**Senator TROOD**—Mr Johnson, you may not be able to answer this question, but the peacekeeper and peacemakers association, in their submission, have made some general points about the recognition of peacekeeping service with regard to the War Memorial's roll of honour, with regard to a peacekeeping medal and also with regard to the memorial that is being planned on Anzac Parade, as I understand it. Are you able to give us any information about those three areas of activity, or will they need to be referred—

**Mr Johnson**—The medals are actually a defence matter. That is not an issue for Veterans' Affairs. The department has attended meetings with the memorial committee and provided advice as required on the issue of a memorial. The aspects of the project remain the responsibility of the committee that has been established to look at establishing a memorial on Anzac Parade, but the department has provided advice to the committee as they have sought it.

**Senator TROOD**—Do you happen to know what sort of progress is being made?

**Mr Johnson**—No. I think the committee is still making up its mind about what it wants to do.

**Senator TROOD**—I assume the matter of recognition of those peacekeepers who have died in service is a matter for the War Memorial itself. Is that right?

**Mr Johnson**—I can take that question on notice and get some advice from the War Memorial.

**Senator TROOD**—Thank you.

**CHAIR**—Mr Johnson, there are a couple of recommendations and observations which have been made in submissions to the committee concerning particular aspects of the health status of returned peacekeepers and peacemaking veterans. In a couple of submissions we have had particular concerns raised about the addressing and treatment of PTSD. This is a matter we have discussed at length in the estimates context as well as in recent times. Can you give the committee some idea or some information on the number of ADF personnel

returning from peacekeeping operations who have raised concerns about their post-deployment medical care through your department and how you go about addressing those concerns?

**Mr Johnson**—I gave some figures under SCRA of people who had had a mental condition accepted.

**CHAIR**—I mean more broadly than that, though.

**Mr Johnson**—People can get treatment for PTSD even if we have not accepted the condition as related to service. That is treatment that we will pay for. There is a range of treatments available, from both hospital-type care to non-residential-type care. So people can come to the department and ask us to pay for treatment as long as they have a diagnosed condition.

**CHAIR**—And if they have been discharged?

**Mr Johnson**—That is if they have been discharged. If they are still in service then defence are responsible for their healthcare—that is, all of their healthcare, not just for psychiatric conditions.

**CHAIR**—Is it the case that if a reservist who is deployed is discharged immediately on return from deployment that they are no longer covered by ADF medical services? I assume they come through you then.

**Mr Johnson**—Yes.

**CHAIR**—There is no restriction on them accessing medical services—related to their services, obviously—through the DVA, is there?

**Mr Johnson**—Is this for a reservist?

**CHAIR**—Yes, a reservist who has been discharged.

**Mr Johnson**—No. If they consider it is due to their service and we accept the condition then we will pay for all care. It is the same with any condition. If the Commonwealth has accepted liability for the condition due to service then all treatment is paid for.

**CHAIR**—To use this example again, if a discharged reservist finds themselves with a condition that they believe relates to their service but it is some period down the road—a matter of months or whatever it might be—is there any restriction on them accessing support through DVA?

**Mr Johnson**—No. There is no time cut-off. In fact, under SRCA most of our claims are some years after the date of injury.

**CHAIR**—There was some concern raised by the Regular Defence Force Welfare Association about this particular issue and I was just trying to understand their concern in this context. We might pursue it independently with them. Mr Johnson, there are a couple of matters that are not necessarily within your purview that you have taken on notice for us. Thank you very much for that; we would appreciate the assistance of the department with responses to those. As we proceed through this inquiry, I suspect there may be more issues that are raised with us on which we may come back to you with questions on notice as well.

**Senator HUTCHINS**—Or we will ask them to come back, if need be.

**CHAIR**—Indeed, we may, although time is not our friend in all of this. Mr Page, and Mr Johnson, thank you both very much for appearing this afternoon and for your assistance.

**Mr Johnson**—Thank you.

**Mr Page**—Thank you.

**Committee adjourned at 4.42 pm**