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AND TRADE

Reference: Australia's involvement in peacekeeping operations

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

Thursday, 6 September 2007

Members: Senator Payne (*Chair*), Senator Hutchins (*Deputy Chair*), Senators Mark Bishop, 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, Cormann, Forshaw, Hogg, 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.

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Committee met at 9.03 am**BURGESS, Mr Mark Anthony, Chief Executive Officer, Police Federation of Australia****WEBBER, Mr Norman Alan, National Research, United Nations Police Association of Australia**

CHAIR (Senator Payne)—I declare open this public hearing of the Senate Standing Committee on Foreign Affairs, Defence and Trade's inquiry into Australia's involvement in peacekeeping. These are public proceedings, although 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 the committee, and any 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 they should state the ground upon which the 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. Of course, such a request may be made at any other time.

I welcome our first witnesses to this hearing—representatives of the Police Federation of Australia and the United Nations Police Association of Australia. The committee has before it your joint submission, which is numbered 14, and it is a public document. Do you need to make any amendments or alterations to that submission?

Mr Burgess—Not at this stage. We have some recommendations, which we will hand up once we have finished our opening statements.

CHAIR—Thank you. I now invite you to make a brief opening statement, and we will go to questions.

Mr Burgess—I thank the committee for providing an opportunity for the Police Federation of Australia to appear at today's inquiry. We do so in a joint capacity with the United Nations Police Association of Australia, represented by Mr Norm Webber. Mr Webber is a retired chief inspector of New South Wales police who served in Cyprus from 1965 to 1966 and, at the time of his retirement, was the senior police prosecutor in New South Wales. The Police Federation of Australia is a national federally registered body representing the professional industrial interests of Australia's 50,000 state, territory and federal police through their respective police associations and unions. Together with their respective associations and unions, the PFA has industrial coverage of those sworn officers and a number of unsworn members currently serving in the IDG. Mr Webber and I will both make a brief opening statement and will then hand up recommendations that we would seek the committee to adopt.

This morning I will specifically speak on issues of resourcing, sworn and unsworn roles, award recognition through medals of service and our concerns over the proposal to include police work as compensation and rehabilitation for overseas service under the Safety, Rehabilitation and Compensation Act 1988 as opposed to a standalone piece of legislation. As

we mentioned in our submission, much of the national security workload is shouldered by the Australian Federal Police. At the same time, the expectations and level of preparedness required from state and Northern Territory police forces is also significant, with these officers providing first response and overall coordination functions in their jurisdictions for any security situation or critical incidence. Our concern is that the significant budget increases to the AFP over recent years has not translated into an associated increase in the number of sworn officers able to carry out this additional and growing workload, yet there appears to have been a significant increase in the number of unsworn personnel and Protective Service officers. This disparity in sworn versus unsworn numbers and the roles that they perform is also being raised in relation to the IDG.

We understand that, currently, some 360 state and Northern Territory police officers are seconded to the AFP to perform functions in the IDG and at the 11 first response counter-terrorism airports. In our submission to this inquiry, and in a further submission to all political parties in June this year, we raised concerns about the roles of unsworn personnel encroaching into sworn police roles and sought support for a national workforce planning study in a collaborative effort between the Australian government, the Police Federation of Australia and all state and territory police jurisdictions. We also highlighted the necessity to recruit in excess of 13,000 police officers nationally over the next three years.

In relation to the workers compensation and rehabilitation provisions for police currently serving overseas, the PFA and the UNPAA have grave concerns about the government's proposal that the legislation simply be an amendment to the Safety, Rehabilitation and Compensation Act 1988. We have been debating this issue with all levels of government since late 2003 and, today—in September 2007—no legislation has even been drafted let alone carried. I speak on behalf of the PFA and the UNPAA when I say that we seek a standalone piece of legislation, with the ownership of that legislation resting with the Minister for Justice and Customs and the administration of it being delegated to the Department of Veterans' Affairs. Our submission also picks up on concerns about the development of a dispute resolution process for members serving in the IDG, as one does not currently exist. We also raised issues concerning appropriate recognition of officers through medals. All these issues will be identified in the recommendations we will shortly provide the committee.

Mr Webber—I also thank the committee for the opportunity to appear today. UNPAA is a national organisation that represents some 3,000 current and serving former police officers who have been in overseas deployments or within the IDG. Historically, police have never sat easily within the provisions of the Veterans' Entitlements Act when it comes to compensation for overseas service. Nothing highlights this more than the 2002 Clarke report, where the committee attempted to equate overseas policing functions to the military definitions as defined under the act. Further, any inclusion under the military rehabilitation act would probably not have cured the situation. My association totally supports the Police Federation in saying that there must be a police-specific act for this type of service to put us on an equal footing with the ADF in overseas deployments. That would require bringing it to the level of the military act by the insertion of definitions that I will address in my recommendations. The key issues that I wish to raise this morning in my opening statement relate to what specific provisions we would require in a police overseas compensation and rehabilitation scheme.

I will take you back to operational areas where police have served. Police have been continuously part of UN or other peacekeeping missions since 1964. That relates principally to

Cyprus. The first 10 years of the Cyprus deployment was an extremely hazardous deployment in that we were some four minutes away from airfields in Turkey for Turkish air cover to come over. Under the Lucerne agreement, which gave Cyprus independence, both Greek and Turkish military units were deployed on the island. There was also a very large national guard on the Greek Cypriot side and a very well trained, well armed militia on the Turkish side

We found that there was a constant source of tension on the island. It was heavily mined in certain specific areas. There was manufactured friction between the parties to see who could obtain the ascendancy. I would recommend the committee approach the AFP to view a Turkish intelligence video which relates to an incident after the invasion. It takes some two hours and shows buses bringing up scores of young people to what is known as the 'green line'. It was a controlled demonstration. With respect to those who organised it, it could only have been done with official complicity. We also found that, prior to the Turkish invasion in 1974, tensions within the Greek Cypriot community were at such a height that the civil war erupted between them. There were still those who required or desired EOKA, which was unity with Greece, and those who considered that it should be a stand-alone nation.

The pressure on the police in those days was such that, for example, during or shortly after the invasion we had police officers made 'prisoners of war'—and I use that in inverted commas. They were detained by Turkish paratroopers under complete control, with no right of freedom of movement. We had one police officer evacuating refugees in a Jeep that hit a landmine. He was killed, another was seriously injured and two Turkish Cypriot women were killed as a result.

What concerns us—and what we say Mr Justice Clarke and his committee, with respect, could not come to terms with—is that the military definitions originally under the VE Act of 'qualifying service' and 'operational areas' and then possibly a far better situation of 'warlike' and 'non-warlike' just cannot fit into policing situations.

I will turn to Namibia and the deployments of police there. It is one of the most heavily mined areas on earth. In Cambodia, where agent Bill Kirk is a bit of a legend, in the early days of the operations overseas we volunteered to put Australians into the middle of the area held by the Khmer Rouge. Fortunately, although the area was heavily mined and there were ill-disciplined militia, the Australians came out unscathed. We have had East Timor, of course, and that is more recently within our collective mind, so I will not address that. We also have the situation of the failed states throughout the Pacific arc.

In the recommendations, I have referred to the fact that, in any act, there should be definitions of 'extraordinary overseas policing', which would be a situation that is alien to domestic policing—that is, minefields, failed states, air attacks, the existence of terror groups, a complete breakdown of law and order and situations that police would not expect to meet within the national boundaries of this country. That would equate to the military situation of 'warlike', and then overseas policing would be 'non-warlike', which I would respectfully say Cyprus is today. Cyprus is nonsense in relation to any United Nations peacekeeping service. It has been for 20-plus years. Whether we should look at tying up resources there is something that could stand scrutiny.

Equally, we would say the standards of proof for the Veterans' Entitlements Act should remain the same. The military got that in the MRC Act. The appeals situations should also be the same

as exists in the VEA, but with a police rather than a military bias to the membership of the appeal tribunal, naturally.

An area of great concern to my association is the fact that we have tried but we do not fit properly into the mentality of the act as it is administered. We find difficulty in accessing a position on committees, yet we represent, as I said, over 3,000 members who would be covered by the Veterans' Entitlements Act. There have been times when amendments have been passed without any reference to us. When the terms 'warlike' and 'non-warlike' came in in 1997 we only found out by chance, and we actively campaigned for the restoration of 68A because from a military point of view peacekeeping was not then seen to fit into the basis of the act. The deployment in East Timor in 1999 was such that the government realised that by excluding the division which commences with 68A of the act, police who went there in the initial deployment would not have been covered for this service.

Senator FORSHAW—I have a couple of questions. I am trying to figure out how to put this. With respect, why is there a need for a separate UN officers' association? I do not ask that as a criticism. What is the relationship between the AFP federation and yours?

Mr Webber—The PFA and the UNPAA?

Senator FORSHAW—Yes.

Mr Webber—We have been in existence now for in excess of 30 years.

Senator FORSHAW—All your members would be either serving or former members?

Mr Webber—That is right.

Senator FORSHAW—Of the AFP and state police forces?

Mr Webber—Correct.

Senator FORSHAW—So are they also, as it were, part of the Police Federation as an umbrella organisation? If policemen go on a peacekeeping assignment, are they then part of it?

Mr Burgess—Technically, the rules of the Police Federation do not cover retired members. So we have taken the opportunity to work collaboratively on all of these sorts of issues that affect not only serving members but also retired members. That is why we have been doing a lot of this work in conjunction with each other.

Senator FORSHAW—I have had the opportunity to visit Cyprus and to travel along the green line and over into the north. I have seen the good work that is being done there. But I certainly accept what you have said, given that you described it as a nonsense. It has been such a longstanding commitment. It seems it is going to be never-ending because attempts to reconcile the issues between Turkey and Cyprus and between the north and the south have failed so far, including the referendum a few years ago. I get the impression that maybe you think we should not really be there. How do we exit? The UN keep asking us to renew the commitment. I

understand that they reconsidered whether or not they would even have a force there—and that they do that every six months—particularly after the referendum folded.

Mr Webber—The UN has never gone in under similar terms of engagement ever since Cyprus, because of their open-endedness; there was never a termination date whereby the UN could say, ‘Resolve it because we’re going out by then,’ as with East Timor, for example. I think it was ComPol that tried to draw it down literally to zero some 15 years ago. But there are of course now resident in Australia a considerable number of people from both sides of the green line, and they thought, because of the impartiality of the Australians, they would like them to stay. I think the government heard them and said yes.

It seems to me, from my observations over the 40-plus years that we have been there, that it all depends on which side—by that I mean either Greece or Turkey—has the ascendancy as to which way the debate goes. At the present moment it is quite obvious that the Greeks do have, by virtue of their membership of the European Union, the clout. I think the federation looks like being about the only solution to the problems on the island. How do we exit? It may well be that we can look to a function other than policing, because all we do is stand literally on the border at the checkpoints there.

Senator FORSHAW—And you do patrols?

Mr Webber—Yes, we do patrols. But they have to be done by police. Is there some sort of civilian entity now that could, seeing that the friction there is practically non-existent and if it does flare up again we could always reinsert police? But I cannot see that there are any policing functions there at all.

Senator FORSHAW—There are people from other nations involved in UNFICYP. Remind me: are they all police? I cannot recall if there are any military.

Mr Webber—It is a mixture of police and military. But it has drawn down to next to nothing. We had a maximum of 50 police there at the height of the problems. Now we have drawn down to a rotation each six months of about 15 police.

Mr Burgess—Can I just make it clear from the PFA’s perspective that we do not have a policy about withdrawal from Cyprus, so we probably differ on that point. Whilst the government continues to keep police in Cyprus, we will continue to support them.

Senator FORSHAW—I am not advocating that either, but it just seems to be almost a permanent fixture that we have some presence there. There are certainly diplomatic arguments for that. There has been some talk of the United Nations setting up some sort of defined peacekeeping force. We heard about it yesterday. Do you have views about that?

Mr Burgess—As I understand it, there would be a permanently established force rather than inviting countries to participate in each engagement.

Mr Webber—I understand—and this has been in existence for some years—that the Canadians and the Nordic countries have always been pretty well involved in missions. Denmark and Sweden have a quasi-permanent quick response of lots of troops and battalions ready to be

deployed ASAP. From what we have seen over the years, the idea of a permanent UN standing army has never got very far at all.

Senator TROOD—Would it be fair to say that the essence of your submission to the committee is that the AFP has substantially expanded its role, particularly in the international arena, over the last several years and that the various supporting mechanisms in relation to that role have not kept up with these quite significant changes? A long list of things, such as matters of compensation, filling police positions in other parts of the country and arrangements between the state forces and the federal police, have not been attended to as the force has expanded—would that be a reasonable way of putting your plight, as it were?

Mr Burgess—I think you would be right to say that the knock-on effect of the expansion of the AFP's role has had some impact across all jurisdictions. It would be unfair to blame changes to workers compensation on the expansion of the AFP. They came about because the military moved to a new piece of legislation—the Military Rehabilitation and Compensation Act—in 2004. It appeared to us that no-one had taken into account what that change would mean to police, because the piece of legislation that had historically covered us—the Veterans' Entitlements Act—was full-stopped at the same time. We all of a sudden found ourselves with police officers potentially not having a piece of legislation underpinning workers compensation and rehabilitation. That is probably the issue there, but there has been a knock-on effect from the significant expansion of the AFP over the last several years.

Senator TROOD—I wanted to raise this question of the compensation arrangements. My understanding from your submission is that there was a particular section of the Veterans' Entitlements Act which applied to peacekeepers that covered federal police who were deployed on peacekeeping operations overseas. That has been excluded under the Military Rehabilitation and Compensation Act, but I am not clear where they are now covered, if at all.

Mr Burgess—It appears to us—and you may have deciphered this better than us through other evidence—that they are covered by virtue of a commitment by the government to continue to meet their workers compensation and rehabilitation arrangements in an equitable way as if they were covered by the VEA or the Military Rehabilitation and Compensation Act or the Safety, Rehabilitation and Compensation Act—Comcare. Our concern is that there is no legislation as it currently stands that underpins that. There was a commitment from as late as late 2003 that such a piece of legislation would come into being within this parliament. That has not happened.

Of course, our concern is heightened all the more by the notion that that piece of legislation was simply going to be an amendment to the Safety, Rehabilitation and Compensation Act, or Comcare. We say that was never, ever developed for looking after police in these types of environments; it was an Australian specific piece of legislation. So we are arguing for revisiting the commitment by the government to develop a new piece of legislation but doing it in such a way that it is a stand-alone piece of legislation that covers Australian police, and potentially others, serving in overseas postings.

Senator TROOD—Are you saying that there is no legislative instrument that covers your personnel while overseas—that, if the need for compensation or some kind of issue which might previously have been covered by the Veterans' Entitlements Act arises, this depends on the good

will or good grace of government? There must be some legislative instrument of one kind or another that covers your officers.

Mr Webber—Under, I think, section 27 of the AFP Act, the commissioner has the right to set the terms and conditions of employment, and this may be one of the avenues that is used. I personally cannot see why, upon an instrument being signed by the Minister for Defence, each overseas deployment in relation to police at the present moment cannot still be covered by the Veterans' Entitlements Act. It is still a live act.

Senator MARK BISHOP—Police overseas are covered by a legislative instrument if they are hurt in the course of their duties. That was not taken away in the MRCA Act of 2004.

Mr Burgess—Police officers are not covered by the military act. They were historically covered by the Veterans' Entitlements Act.

Senator MARK BISHOP—I said police officers on overseas duty who are injured in the course of their duty are covered for compensation purposes by a legislative instrument and that was not taken away in the MRCA Act. I know that.

Mr Burgess—What is the legislative instrument?

Senator MARK BISHOP—One of the three you have mentioned—the SRCA, the MRCA or the VEA, as relevant. They are not legislation free in terms of compensation.

Mr Webber—No, we have never said that.

Senator MARK BISHOP—I understood what you were saying. I just wanted to make it clear that there is an instrument that covers them if they are injured.

Senator TROOD—The written evidence seems to suggest that there was not a legislative instrument. I was seeking to clarify—

Senator MARK BISHOP—And I am interested in that point.

Senator TROOD—I see that.

Senator MARK BISHOP—If there is an argument about being covered by a different act, or an act that provides superior benefits or is more appropriate, I understand that argument. All I am saying is that police overseas are not legislation free in terms of injury for compensation purposes. Otherwise, people who are located, for example, to Cyprus and to other places, engaged in purely peacekeeping duties, would not be covered.

Mr Webber—Cyprus is an ongoing one under the VEA because it is mentioned in schedule 3. There is no need for that to be updated; it is an ongoing situation.

Senator MARK BISHOP—Perhaps we should get some advice from the DVA and Department of Defence as to the exact legal situation. My understanding is that your

organisation was pursuing negotiations with Justice and Customs to have either an award or an act of parliament to cover some of the deficiencies arising out of the 2004 act.

Mr Burgess—That was being pursued by the Minister for Justice and Customs and has now been handed over to the Minister for Employment and Workplace Relations because it is proposed that it go under the Safety, Rehabilitation and Compensation Act, which we are opposed to.

CHAIR—We have been pursuing that.

Senator TROOD—I understand your position on that issue. You are obviously uneasy, to say the least, about the possibility that it might be covered under the Comcare act, for example. Perhaps you can explain to us more fully what your objection is to that possibility.

Mr Burgess—As we argued from the start, Comcare is not a piece of legislation that was ever designed to cover police officers or any other workers.

Senator TROOD—I understand that, but that is not to say that there could not be some appropriate provisions included in the act which might apply very specifically to police officers overseas and that the kind of legislative regime that you are seeking might not be included in the act. Are there other reasons?

Mr Burgess—I think the real issue came about through discussions we had, particularly with the RSL, who advised us that it would be in our members' best interests to seek some sort of legislative cover, which was specific to them, which gave us some control over our own destiny into the future. As Norman has pointed out, when we were part of the Veterans Entitlements Act we were a small component of that and many changes were made and many things happened within the VEA that we were never consulted about. Our concern is that initially there was talk about putting us in the military act and the same would have applied. If we simply go as an amendment to Comcare the same is likely to apply. So we are arguing that if you have something specific then police—through the Minister for Justice and Customs or whoever is determined through the Commissioner of the Australian Federal Police—should have some control over the future destiny of what that might look like.

Mr Webber—Indeed that is completely supported, because Comcare is a domestic act. I take on what you say, that there is nothing to prevent it being expanded. But if that were the case there would have been no need for the Military Rehabilitation and Compensation Scheme. It could also have been included under the SRCA. But the military were persuasive enough to say that because of the unique circumstances, which we say we parallel, there should indeed be a specific act to cover overseas policing.

Senator TROOD—I can see that argument and it may well have virtue, particularly in the context of an increasing operational tempo for police into the future. But the committee will deliberate on that, no doubt. Your proposition to us then is that this particular issue is serving as something of an obstruction to cooperation between the AFP and the New South Wales Police force. Is that right?

Mr Burgess—That is part of the problem. New South Wales Police wanted a commitment, as I understand it, that the benefits that their members currently receive in New South Wales would be met if they were to serve overseas—which I understand was not able to be given by either the AFP or the government. But our view is that, if we were in a position to develop a new piece of legislation specifically to cover those, we may overcome the problems that New South Wales currently has.

Mr Webber—I never had any problems with New South Wales, being a retired New South Wales police officer, in going to Cyprus. I think management was quite happy with the Veterans Entitlements Act. It seemed to cover the immediate and long-term problems of officers that may have arisen.

Senator TROOD—So this problem arose after that relationship between the police and the Veterans Entitlements Act changed. Is that what you are saying?

Mr Webber—Yes, because New South Wales Police went to the initial deployment in East Timor. Our understanding is that when the VE Act was full stopped, then New South Wales stepped back and had a further look. What we are doing as a nation is excluding 15,000 police from possible IDG involvement. New South Wales is the largest police force within the Commonwealth, and you would not have any shortage of volunteers. It was said by a chief of staff to a veterans affairs minister some years back that police really did not need to be covered fully, because they were volunteers; whereas the military were ordered to go overseas. We said, ‘That excludes from any benefits anybody who went to World War I or World War II as a digger who served overseas.’ Really what we have got to take into account is not only the benefits that should accrue but the people who go overseas who are not conscripted or ordered. You will always find that there will be high-quality volunteers from the police services within the Commonwealth.

Senator TROOD—I can see that point. Is a similar general proposition true, in relation to this point you are making in your written evidence, about the resolving of unemployment issues?

Mr Burgess—That has moved a little bit closer through the latest certified agreement between the AFP and the Australian Federal Police Association. In the IDG, as you would probably be aware, the commissioner has a determination power and the commissioner can set the terms and conditions of employment. There is no challenge to that determination. For some period of time—and it still does exist, particularly with some of the states—if an issue arose with an officer from one of the states, not from the AFP, it was a matter of having some process to resolve those disputes. We think it is only appropriate.

We have always argued that we want our members to participate in these sorts of operations. We want them to have a fulfilling policing experience and to bring that experience back to their home jurisdiction. We do not want them to come back, down on morale, because something has happened and there is no process by which we can assist to resolve it. I think it is important that we have some process in place specifically with regard to how we resolve those sorts of disputes offshore.

Senator TROOD—Why would the normal provisions not apply?

Mr Burgess—Because it is an offshore arrangement, it is determined specifically by a commissioner's determination, which is not challengeable.

CHAIR—A commissioner's determination for each deployment?

Mr Burgess—Yes. He provides a determination that provides conditions of employment for that deployment, which is a clear determination.

Senator TROOD—Are they generally generic—that is to say, is there a broad degree of similarity between their deployments, or are they very specific?

Mr Burgess—They have varied. Some of the issues that caused us concern in the early parts of the process—and we were involved in trying to negotiate these—were things like composite arrangements. So you bought from the officers involved a certain amount of time and for that they were compensated. Instead of shift allowances and overtime, there was a composite arrangement. We debated for some time what those arrangements might look like. Because of the commissioner's determination, he could change that composite arrangement without any consultation with anybody.

Senator TROOD—Are there many of these incidents? Is this a serious problem? Are there a large number of those events occurring which are placing this issue very much before your members?

Mr Burgess—It would be wrong to say that there are a large number, but when they arise they generally cause concern and grief for individuals, which we would like to overcome.

Senator TROOD—You allude in your evidence to a problem in relation to sworn and unsworn officers. I read the point you make here: your concern, as I understand it, is that there are too many unsworn officers being deployed overseas.

Mr Burgess—We are not arguing that there are too many. Our concern is that they perform functions that are not sworn functions, the same as we would argue here on our own soil.

Senator TROOD—Why is that not a good thing?

Mr Burgess—Because, with all due respect, they do not have the full training of a fully sworn police officer. We would argue that there is a duty of care, on behalf of not only the AFP commissioner but all commissioners who provide police officers to these deployments, to ensure that their officers are working side by side in policing functions with officers who are fully trained. We do not want to see a situation where police officers are working side by side with people who are not fully sworn, not fully trained, but who, for all intents and purposes, from a visual perspective, look like police officers. We think there is a duty of care of commissioners to ensure that that is not the case.

Senator TROOD—Is it your proposition to us, Mr Burgess, that all officers in the IDG should be sworn?

Mr Burgess—No, that is not our proposition. What in fact we have asked is that we clearly define the roles that are performed by police officers, by protective service officers and by administration staff, if you want to call them that, so that we clearly understand the roles that will be performed by police officers and police officers only, the roles that will be performed by protective service officers and the roles that will be performed by administration, and so that there is not a potential, for example, for the unsworn people to move in and take on a sworn function when they are not fully trained to carry out that function.

Senator TROOD—So your concern is that there are people almost parading as sworn officers who are in fact not sworn, but for the purposes of the deployment they all appear to be part of the same organisation?

Mr Burgess—I would not like to point the finger to say that an individual is parading as a sworn officer, but the likelihood is that they could be asked to perform sworn officer functions when in fact they are not trained to carry out those functions.

Senator TROOD—Is this typical of all deployments?

Mr Burgess—It is certainly an issue that has been raised with us on numerous occasions about deployments, about clearly defining the role that a police officer will perform, that a protective service officer will perform and that an administration person will perform.

Senator TROOD—Does that differentiation run to different kinds of entitlements in relation to rehabilitation, discipline and things of that kind or is it primarily in relation to their operational duties and responsibilities?

Mr Burgess—We are not arguing about the terms and conditions of their employment; we are actually arguing about the type of role that they perform and the role that meets the training that they have been given to perform that role. It is primarily a safety issue for police officers to know that, if they are working with a police officer, that police officer is appropriately trained. But it is also about the safety of a protective services officer—for example, if we ask him or her to perform a function for which they are not fully trained.

Senator TROOD—There is another issue which relates to the relationship between the AFP and the state forces, and that is the proposition that you have put forward here that one of the consequences is vacuuming out police officers from other functions. I presume that relates to the community policing functions that are perhaps undertaken by the AFP in the ACT, for example. But what about in relation to state police forces? As I understand it, you are saying that one of the consequences of this active international role is that, increasingly, police officers are being taken out of their duties in Australia, whether they be in states or territories, and they are not being adequately replaced. Is that a concern?

Mr Burgess—That is a concern. In fact, what we have raised—and it is in our submission here, but it is also in the submission that we made to all political parties in June—is that we think that one way to try to look at this with a more holistic approach is to conduct a national workforce planning study. Let us look at what the impacts of all these things are, and not just international employment, because there is a whole range of other things that are impacting on policing, such as the recruiting difficulties in some of our jurisdictions. So let us look at this with

a holistic view. We argue that the federal government could take some leadership in that. It could fund a study, and that study could be done in something like a tripartite arrangement with the Commonwealth, ourselves and all of the state and territory police jurisdictions to ensure that we have the right number of police with the right skills in the right place at the right time into the future, be that in IDG, be that in airports, be that in counterterrorism or be that in community policing right across Australia.

Senator TROOD—I am a bit surprised at the extent to which this is an acute problem. My understanding was that the IDG was involved in a recruitment campaign which was focused at least in part on bringing into the AFP people who have not previously been in policing roles. So they are basically bringing new recruits in to obviate this particular issue.

Mr Burgess—Yes, I mean—

Senator TROOD—There was a figure in here—I cannot remember what it was. There was a deficiency that surprised me.

Mr Burgess—A deficiency in the AFP or in policing nationally?

Senator TROOD—It was a deficiency broadly.

Mr Burgess—Yes, and this is what we are getting at. This is not just about the IDG. This is a broader issue, leaving the IDG apart. We need to recruit in excess of 13,000 police across Australia in the next three years. I have raised this in other hearings. In fact, we have several jurisdictions who are struggling to meet their own requirement. They are going offshore to recruit. I do not think that is an issue where we can just say, ‘That’s their problem.’ I think it is an issue we should be looking at holistically across Australia, because of course then issues about IDGs, airports and counterterrorism will impact nationally. I think we should be looking at the issue about police resource planning from a national perspective as opposed to looking at it eight times across eight jurisdictions and saying, ‘I’m all right and you’re not—that’s your problem.’

Senator TROOD—I have one last issue, which is not really specifically related. Do you have any concerns about the level of training that your officers received prior to their deployment overseas? Are you comfortable with the fact that they are adequately and well prepared for the responsibilities they are undertaking when they are overseas?

Mr Burgess—Certainly from our perspective we congratulate the AFP. We think they do a fantastic job in that respect.

Mr Webber—That is agreed. Considering where we were 43 years ago, when we all started off blind—I can speak personally of the improvements—they have turned out one of the best, if not the best, UN policing groups in the world.

CHAIR—It seems there are no further questions. Gentlemen, there may be some issues which we need to take up with you on notice, once we do some follow-up on them ourselves, and we hope you will be able to assist us in looking at those. Thank you both for your attendance this morning and for your submission.

[9.51 am]

O'CALLAGHAN, Mr Paul, Executive Director, Australian Council for International Development

WENDT, Ms Neva, Senior Policy Adviser, Australian Council for International Development

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

Mr O'Callaghan—No, Senator.

CHAIR—We have before us your submission, No. 17. It is a public document. Do you need to make any amendments or alterations to that?

Mr O'Callaghan—No, thank you.

CHAIR—I ask you to make a brief opening statement and we will go to questions after that.

Mr O'Callaghan—Thank you for inviting the Australian Council for International Development to attend the hearing. We very much appreciate the opportunity and also wish to commend the committee on the rigour with which it has examined this important and complex set of issues for Australia throughout the process so far. The Australian Council for International Development is a peak body for Australia's non-profit aid and development sector. Its members operate in over 100 countries and most have had established relationships with the communities that they have been working with for many decades. Virtually all of them as agencies will continue to be involved in those relationships well beyond the periods involved in any particular peacekeeping operation.

ACFID runs an industry code of conduct for professional non-profit agencies in this sector. It also runs niche training programs and a range of information services for members and makes representations to government from time to time. As you would know, the ACFID submission addressed just two of the terms of reference but, if I could, I will make some brief comments before referring specifically to a couple of elements of that.

Unlike some of the member agencies within the Australian Council for International Development, which have quite specialist skills and expertise related to some of the operational peacekeeping issues and also broader policy issues that your committee is addressing, ACFID's main strengths at present relate to ensuring that there are effective communications between the sector and federal government agencies. That relates both to humanitarian and emergency responses where we have very frequent and very productive engagement and also to predeployment briefings. We also have a modest relationship directly with the Australian Defence Force's CIMIC unit. Just at the outset I would add that, in the case of the relationship with AusAID, I think this has proven to be a mutually beneficial framework for exchanging information, and we understand that it is viewed as providing direct assistance to AusAID in its

role in conceptualising and planning responses internationally. More generally, I would note that the NGO sector very much respects the sustained role of Australian peacekeeping forces over the last four to five decades. We know from our own direct contacts in communities overseas that Australian peacekeepers are held in the highest esteem for their professionalism around the world.

We also endorse the assessments of some of the expert witnesses who have appeared before the committee that Australian governments can expect to be called upon for an even greater contribution over the coming decades and that many of the conflicts that Australian forces will be drawn into will be complex intrastate ones. This is perhaps more salient for Australia than for some other countries given that our immediate neighbourhood includes some countries where a national government, or even state institutional structures, appear barely relevant for most of the population. In such cases, it does not make a lot of sense to talk of a failed state because, in essence, a state has never been conceived to exist by most of the citizens.

Given this, we believe that Australians have much to be proud about in that Australia has both the will and the capacity to continue to play a very valuable middle-power role diplomatically and in other ways around the world. That role is especially important in our neighbourhood and we already have first-rate capacities to rise to the challenges that we may face. In addition to the various branches of government with expertise, I note that our universities, business sector, churches and the broader NGO sector have relevant and significant expertise for addressing a number of these challenges. We anticipate that Australia will be called upon to engage in many situations in the coming decade or two which involve a very complex mix of functions, involving policing, humanitarian responses, development assistance and, in acute situations, a direct security role. In this regard, we endorse the views of Professor Wainwright, Professor Goldsmith and others that the relevant time frame for considering how Australia can broadly contribute to positive change is one of many decades rather than of several years. It is not to suggest that peacekeeping forces themselves would need to be present in most cases for such periods, but simply that the change processes are ones that range from 20 to 40 years. However, the underlying set of economic, social and political factors which are conducive to state formation and stability in many of our regional countries are going to take a long time to evolve.

I would also note that the role of any external parties, including Australia in the South Pacific context, will inevitably be only complementary to much more important internal drivers of change, as is the case in any country. This is one of the reasons that ACFID has urged the federal government to consider more seriously the potential impact of a modest labour market access program for some Pacific island countries, which have a burgeoning population of unemployed young men. As you would know, the World Bank has presented a very strong case for such a modest program, seeing it as potentially contributing to security and stability in a number of Pacific island countries.

I will turn now to the specific points. Firstly, we think that the whole-of-government processes which have been evolving in relation to peacekeeping have many positive features and seem to be developing in a way which can address the complex issues which arise, particularly beyond the immediate restoration of security. We think there really is some scope, however, to improve the quality of the informal links between that process, or set of internal processes, and the role of non-government actors in Australia who have relevant expertise. Secondly, we particularly welcome the recent substantial increase in the Australian Federal Police's own pre-deployment

training program. Its commitment to increase the scale of cultural and language training is certain to reap real dividends in the coming years. We also commend the AFP for bringing onto its own team people who have very strong skills in this field and who also have a good grasp of the value that NGOs can bring to bear, including through their extensive networks in relevant countries.

There are just four areas that we think could be enhanced, but we basically think the framework is a very good one. These are, firstly, making more use of Solomon Island NGOs for in-country cultural immersion, including through homestays or village stays; secondly, using Solomon Island trainers more extensively in language training; thirdly, pursuing a more active approach through training Solomon Island police about gender and reproductive health issues—and I note that simply because the incidence of gender-based violence in the Solomons, as in the rest of Melanesia, is extremely high; and, fourthly, encouraging the AFP to continue its good efforts in recent times to increase the proportion of female sworn officers in its deployments. My colleague Neva Wendt is able to speak about these issues with some significant expertise, not least because she spent 20 years working in Pacific island countries and has been carrying out the briefings for the AFP over recent years.

Finally, we do agree with the view put to you on 24 July by General Gillespie that there is a definite need to improve the understanding between the Australian Defence Force and Australian non-government organisations that have professional expertise in this area. We really do welcome his statement of a desire to work far more collaboratively. We see this as also being related to AusAID's observation to you that future government planning and conceptualisation will gain a great deal from better informal sharing of information. Having said that, if I set aside for a moment the useful but quite limited relationship that ACFID has with CIMIC, we do think there is scope for improved dialogue between the NGO sector and the ADF. This would ideally enable some discussion on issues to do with protection, humanitarian space and capacity building. We think that this is likely to be very beneficial for the ADF and for the whole-of-government process in coming years, particularly in preparing for the transition from what I would call the acute short-term phase on the security side to the set of activities that our AusAID colleagues have put to you earlier in this hearing process on the preparation for a reconstruction phase. So our desire would be to encourage that collaboration to develop.

CHAIR—Thanks very much, Mr O'Callaghan. Ms Wendt, do you wish to add anything?

Ms Wendt—No.

CHAIR—In your submission you make some specific observations in relation to RAMSI, including the monthly pre-deployment briefing that you do. Can you outline for the committee what that briefing covers and what other agencies you interact with in that process?

Ms Wendt—ACFID's briefing is once a month for 45 minutes, so it is not a long time frame. It is not training; it is purely a briefing. We try to impart some information about the development challenges that face the Solomon Islands. We try to advise the police of who they are likely to come across in the Solomon Islands—the Australians who are working there but who are not necessarily part of RAMSI. We try to give them an idea of the views by civil society in the Solomon Islands of the RAMSI intervention. We get quite a bit of feedback through our member agencies. There are 25 Australian NGOs, various church groups, volunteer-sending

agencies and general community development groups working in the Solomons. They all work with local civil society partners, so they get quite a bit of feedback. Our briefing to the Australian police is informed by the views of the Solomons civil society.

CHAIR—How long have you been doing that?

Ms Wendt—We have been doing it for over two years now. We watch fairly closely, too, the Solomons civil society's perceptions of RAMSI, particularly through the pilot survey that was undertaken. We try to update our briefing continually so as to put those elements into it.

CHAIR—Was that initiated at the invitation of the AFP?

Ms Wendt—Yes, it was, and we welcomed that.

CHAIR—You recommended in your comments that the deployment of AFP officers—and I assume you mean all Australian police officers—be extended to equate with the length of deployment of Pacific Island police. I think there are some practical limitations on that in view of the high level of tasking currently underway within the Australian police posted overseas—broadly speaking, the IDG and its component parts or representatives from the states. I wonder whether you have raised that with the AFP. It seems to me that that would be an ideal situation, but it may be slightly Utopian.

Ms Wendt—We recognise that it is the ideal rather than the practical reality. But we also recognise that when people—including our own members—are deployed into the field, they are really only finding their feet in the first six months. We are aware that it must be very difficult for the IDG people to quickly come to grips with things. We think, too, with language training—and we have really welcomed the AFP including it—that people probably do not immerse themselves in it so much when they are going for only four months. I have noticed during the briefings that people who deploy for four months will sometimes deploy again a bit later for another four months. That is quite welcome.

We particularly welcome, too, the role that the AFP plays in briefing the Pacific regional police forces. That is a very positive element. We think quite a bit of camaraderie is built up and quite a bit of indirect cultural emersion goes on just by involving the Tongans and the Samoans et cetera in those briefings. We think it is a very practical and good way to do things.

Mr O'Callaghan—We appreciate that there are significant logistical operational considerations, given the range of deployments of the AFP. I would just add that it is obviously more desirable to have people who can stay longer. Where it is feasible to achieve this, there is also likely to be a much better impact—and I think in particular of intelligence gathering, for example, in Honiara at the time of the riots last year. One cannot predict what will happen, but it is likely that, through longer periods of exposure—as you find with DFAT people and other government people who go in country—information is picked up more readily where people are more tuned into local situations.

CHAIR—At the time of the Honiara riots after the elections last year, I am not sure that even the RSIP were getting that sort of information. So there are challenges all around. I am interested in the observations on local produce that you made in your submission. If I understand it

correctly, the supplies for the Australian Federal Police are provided from probably Australia or New Zealand—and you think that is a bad idea.

Ms Wendt—We recognise the practical difficulties, but this comes to us directly from the Solomons civil society as a strong criticism. They claim that all sorts of products are brought in for the Australians. The Australians do not go to the local markets, so they do not help the economy. When a force comes in like that and gets too much from the local economy, we recognise that it sometimes artificially skews things and it becomes a bit dependent. But, given that RAMSI is a long-term thing, we think there could be some mechanisms to encourage greater use of local produce. The Solomons civil society definitely see the RAMSI people as a little bit elitist. That does not just relate to the produce; it is the fact that they are aware that many of the public servants from Australia are earning very big money, and they see them very much as an elite.

CHAIR—There is some degree of inevitability attached to that in a process where you have placements and people like public servants being embedded in a quite different community.

Ms Wendt—There is that, but, from my experience in the Pacific, some of the best development undertaken has been through people who have been working in a department on the same basis as the local people. I refer to the Australian volunteers, for instance. They go in on a local wage; they live in the same sort of housing. I realise that this is not practical all the time for police, particularly when they have to have a bit of distance from the people that they are working with, in one sense.

CHAIR—You were not talking about police; you mentioned public servants.

Ms Wendt—Public servants, yes. I think there is a lot of scope. In the Pacific usually the public servants who are there drive the big four-wheel drive vehicles, and they are referred to quite a bit by local people. It is inevitable, but I think some mechanisms could be put in to make things a little bit more equal—particularly when people are doing the same job, as they often are, and particularly if we do not want to have the Australians doing the job. They are there to impart skills to their counterpart person. I think there could be more equality.

CHAIR—That depends on the remit—that is, on the instruction under which they go.

Ms Wendt—Yes.

Senator MARK BISHOP—Mr O’Callaghan, we have heard evidence from a range of NGOs who have been in some respects a bit critical of the role of the ADF and the AFP and the way they carry out their duties. But at the same time it has been clear that each of the NGOs has a particular focus, a particular doctrine and particular internal responsibilities—lines of command—as to how it carries out its function. Does your organisation have any role in coordinating the various activities of the NGOs when the Australian government might choose to put a peacekeeping mission into a country?

Mr O’Callaghan—At this stage we do not. In the past in Cambodia—although this was not peacekeeping—there was significant government use of ACFID as a coordinating body to channel resources and to do work in a reconstruction phase. The simple fact of the professional

global NGO sector is that there is a relatively small number of very large agencies which operate with their own doctrines. There is a fair bit of variety, partly in where they operate. Some of them specialise in particular areas of activity. I will take as an example Christian Blind Mission International. It specialises in all issues related to disability, whether in conflicted countries, post-conflict settings or a variety of other settings. Others cross a range. It is true to say that the 10 or 12 largest international agencies are involved in the full spectrum of humanitarian and emergency responses as well as long-term development activity, but there is quite a degree of variation there.

I suppose I was alluding to this earlier in my comments. Looking out to the next decade the one area that strikes us as being a bit weak, given how effective the dialogue is with AusAID and how it is emerging with the AFP as well, is having an informal dialogue with the ADF in the way we do on a variety of other issues with other agencies. That does not seem to be something that the ADF is disposed to do in an informal way, and we find that a bit strange.

Some of the issues that your committee has been dealing with go right to the heart of how messy the situations are on the ground. No two peacekeeping situations are the same. There are some thematic similarities when you talk about patterns of more militias being involved rather than conventional armies and so on, but everywhere is quite different. Our view very much reinforces the statement by General Gillespie that there is quite a gap in understanding between these two areas of activity, even though these NGO agencies are going to be operating in these countries for the next 40 or 50 years on a continuous basis. There is not currently in Australia a framework within which we can channel some of the ideas in an informal way. I think that would be desirable for both sides. There is a lot that the NGO sector can and should learn about the way the ADF itself needs to plan and prepare for deployments, and at the same time I think there could be some significant benefit for the ADF from that process.

Senator MARK BISHOP—Is there a peak organisation of humanitarian NGOs that are engaged in these types of broad international peacekeeping issues?

Mr O'Callaghan—Do you mean a global organisation or an Australian organisation?

Senator MARK BISHOP—No, a peak organisation in Australia.

Mr O'Callaghan—To the extent that these issues are looked at in this coordinated way, it is through the Australian Council for International Development. You would have heard in your earlier hearings about some of our work—particularly by 10 of the major agencies, which are mostly global organisations, and Austcare, which is a significant Australian based organisation. These organisations have specialist skills. They bring to bear a kind of professional knowledge not just, if you like, the in-country specific knowledge on culture, politics and so on but also about issues of this humanitarian space question. I believe it would be prudent for the ADF to engage with them.

Senator MARK BISHOP—I accept that. But would it also not be prudent for the NGO community to be organised and have a peak office, to have someone who can engage with the ADF, who can receive information and give information back? I was struck by Ms Wendt's evidence earlier that you have had 20 or 30 local groups in the Solomons who exchange information. My take is that some of the NGOs and some of our police and military simply are

not talking to each other. They want to talk to each other, they want to exchange information—they will both benefit from it—but no-one seems to be pushing either side to do so.

Mr O'Callaghan—With respect, I think it is a much better situation than that. We do get a lot of feedback from these counterpart agencies. There is a very strong bond with our counterpart peak body there. That has been working well. Indeed, with the earthquake in the Solomons, which we thought was going to be a tsunami, the exchange of information was excellent and it fed straight through into AusAID and other agencies here in Canberra. I do not think the framework there needs to change at all.

Senator MARK BISHOP—We are not really talking about humanitarian exercises in response to things like tsunamis; we are talking more about peacekeeping operations where there is heavy involvement of either ADF and AFP. There seems to be a bit of a conflict or difference in terms of understanding of the roles of the AFP, the ADF and the NGOs. That has come through from the Red Cross, World Vision and Oxfam. Is there a need for an organisation at a peak level for NGOs to engage in dialogue, coordination and exchange of information with the ADF and the AFP, because they are so important in these crisis situations?

Mr O'Callaghan—We have quite a positive dialogue with the AFP and an excellent framework with AusAID on the issues, and that is on a week-to-week basis. In terms of representing issues that have been raised with you regarding humanitarian space and the responsibility to protect and so on, to date that has been done more by individual agencies. I think that is partly because there has not been a disposition within the ADF to engage in this particular dialogue.

Senator MARK BISHOP—Or a disposition within the NGO community to engage in this dialogue. You keep saying that it is the fault of the ADF. There are two sides—

Mr O'Callaghan—We have sought to raise it and there has not been a disposition to respond to it for dialogue with ACFID on this question. So we are ready. That is why I commended General Gillespie. If what he says to you were actually put into practice, we would be thrilled to bits; we would think that would be excellent if there were an opportunity for an occasional informal dialogue on those complex issues so that we could contribute something in that way. The framework is there. We do it in lots of other areas but there has not been a possibility of really engaging the way we would have hoped so far.

Ms Wendt—There is already a mechanism—the Humanitarian Reference Group, which is made up of the agencies that Paul was referring to. They do try to engage at the moment. They are there and ready to engage. It is just a case of enhancing the engagement.

Mr O'Callaghan—There is one other area where, purely at an operational level, we think we can add some benefits and information. It might be only in occasional situations, but it was certainly the case in East Timor last year, when we had 17 member agencies operating on the ground. There was a particularly bad period of a few days where groups of young men with machetes and some guns were hovering outside some of the refugee camps. That is not a common situation for us as a peak body. We were advised directly by the CEOs of several agencies that there was a real possibility of significant bloodshed. We were asked if we could pass on this information on. Regrettably, because we have not really been able to establish a

useful lower level connection to operations command to pass information on, we ended up going through more political channels and passing it up to the Parliament Secretary for Defence. That was probably not the best way to do it, frankly. If you look to the next 10 situations that the ADF may be involved in, there could well be value in simply having a point of connection where, if we do have what seems to be credible information from serious people, such as country managers going through their CEOs, we can contribute that if we think it might be useful. But, at the moment, we do not have that capacity.

Senator MARK BISHOP—At the moment is there no peak organisation of NGOs that is carrying out that function?

Mr O'Callaghan—We would be the organisation to do it. We can get that information.

Senator MARK BISHOP—Your organisation could do it, but you are not doing it and no other organisation is doing it—correct?

Mr O'Callaghan—That is right.

Senator MARK BISHOP—Are you of the view that that is an ongoing problem that needs to be remedied?

Mr O'Callaghan—To be honest, I do not think this is a huge issue compared to the policy issue, which I think is a significant gap for the government in deriving quality from non-government actors. On this particular thing, from time to time there could be benefit in a commander of an Australian force receiving information through lower or middle levels of operations command that some information has come to light that there could be an issue arising in a particular location. They would have to verify it and so on. I think it is unfortunate that we cannot do that at the moment. I think that particular part would probably be easy to resolve.

Senator MARK BISHOP—I am hearing very different evidence from you as the peak organisation than from the individual NGOs. They raised serious policy issues, space issues, awareness issues, issues of problems in the field, issues of blurring of responsibilities, issues of lines of authority and issues of when it is appropriate for them to be engaged and when it is not. I thought each of those issues were of consequence and, from their perspective, so they can carry out their important work properly, need to be resolved and should be pushed by someone. They have raised them in a public forum with a bunch of senators for a reason. They are probably not getting—

Mr O'Callaghan—The reason is that there is no channel for communication on that issue at present. That is the point I am making. We have a framework in which to do this. We use it in many other issue areas. It is not problematic for other issue areas. This is one particular gap that we have identified. We admit that these are very complex issues. I have read the transcripts from your previous hearings. There are a variety of views. There are some clear differences. As a peak body representative, all I would say is that it is desirable to have a dialogue on some of these issues at a policy level in an informal way from time to time rather than to, in a sense, operate on the basis that there are no relevant views coming from outside government.

Senator MARK BISHOP—Why do you stress the need to do it at an informal level and not at a much more formal level where the organisations properly consider their problems and issues and feed them up through their networks so that someone like you can put them formally to the ADF and the AFP?

Mr O'Callaghan—I will give an example. In the case of international financial issues, which we are actively involved in, the Treasury, and sometimes Finance and AusAID, DFAT and others, come together in a roundtable twice a year. We bring the key people—and it is a small number of people—from the sector who have a lot more expertise than I have in that field. It is a very productive exchange. We do the same thing on human rights where we come together with DFAT and other agencies. We actually have quite a good pattern of doing this sort of thing on a range of issues. It seems to be a fact, not just given the complexity of the issues, that it is almost guaranteed Australia is going to be called upon over the next 10 years fairly often to be drawn in—and it is appropriate that we would be, as a middle power. It seems unfortunate to us that we cannot put this in place.

That is why I come back to General Gillespie's point. We would very much like to see that put into effect. If that desire for collaboration is genuine, we can help come to the party by bringing some of these players together. It is not a very complex thing to do but it does challenge some in the ADF, I think, who worry that it could impact on their doctrine. The reason it is better for it not to be formal, I would suggest, Senator, is that it is more likely to be a productive exchange of views if it is done in a way which enables the ideas to be tested out. No-one is perfect in these things.

Senator MARK BISHOP—I think you are right: it does need to be pushed. If the ADF have got particular problems and issues with doctrine and their enforcement and security and military roles, it seems to me that the NGOs, if they are going to carry out their tasks, need to have an informed understanding of those sorts of policy drivers that the ADF has in place.

Mr O'Callaghan—I feel certain that the NGO sector would benefit greatly from being able to listen to those views in this kind of structured but informal setting in the same way that we do when we hear the Treasury people tell us about recent developments in finance.

Senator TROOD—Have you raised this with Defence?

Mr O'Callaghan—We raised it last year at senior level and the view was that we should deal with AusAID.

Senator TROOD—So you have raised it once?

Mr O'Callaghan—On a couple of occasions I have raised it at senior levels in ADF—

Senator TROOD—The instance you gave of your relationship with the Treasury—was that initiated by Treasury or did you initiate that particular—

Mr O'Callaghan—It is a very longstanding one, Senator. I think it goes back at least 10 years or more. There has been a perception of mutual interest there. Certainly within the Treasury and AusAID we deal with these issues often at international meetings where we are together there

sometimes. We may not always agree but there is a framework for very productive exchanges. There is a perception that they would benefit from it and that is why we are delighted that they keep contacting us to want to do these biennial meetings. Human rights issues are also very messy issues and my perception is that people within DFAT find it useful to hear some of these views.

Senator TROOD—I thought you were talking about Defence. Are you also saying that the same problems or issues arise in relation to DFAT as well?

Mr O’Callaghan—No, I was just trying to say that there is a perception in other federal agencies that we deal with that there is benefit to be gained from having some dialogue on some issues where—

Senator TROOD—Aside from Defence, okay. I was struck by your submission that you directed your observations primarily to the Federal Police in that they seem to be open. In fact the evidence that we have received is that they are open and anxious for dialogue and conscious, perhaps, of their need for expertise. That does not seem to be the view that pertains within the Department of Defence.

Mr O’Callaghan—I think it is important in terms of your considerations in looking at the next decade or so that the CIMIC function is not regarded as equivalent to the whole of the ADF. It has a very particular role and we actually have a good relationship there. But on some of the issues I am talking about CIMIC would inevitably have a fairly limited role. Perhaps I could just finish by saying that what I am suggesting is no more than a framework for an ongoing dialogue, which does not exist, and no more than that.

CHAIR—Thanks, Mr O’Callaghan. That brings us to the end of this session. We appreciate your time and Ms Wendt’s time. Thank you both very much for your time and for your submission.

Proceedings suspended from 10.29 am to 10.44 am

SMITH, Major General Michael G (Retired), Chief Executive Officer, Austcare

CHAIR—Welcome. I understand that you have been provided with a copy of today's opening statement. Do you have any questions about the document?

Major Gen. Smith—No, I do not.

CHAIR—We have before us a submission from Austcare, which is numbered 11. That is now a public document. Do you need to make any amendments or alterations to that submission?

Major Gen. Smith—No, I do not.

CHAIR—I would like to ask you to make an opening statement and then we will go to questions.

Major Gen. Smith—Thank you very much. I appear before the inquiry with the full support of the President of Austcare, the Rt Hon. Ian Sinclair AC, and our voluntary board of directors. Austcare wishes the committee well in its important deliberations and thanks the committee for considering Austcare's submission and for the committee's invitation to appear before it today. As explained in our submission, Austcare is a wholly Australian specialist humanitarian aid and development non-government organisation that is nonprofit and nonsectarian. Since its formation in 1967, Austcare has worked to assist refugees, internally displaced persons and people affected by landmines, as a result of conflict and natural disasters, in over 30 countries to build local capacity, enhance human security and reduce poverty.

Austcare's position on peacekeeping has been shaped by its humanitarian involvement in conflict and post-conflict situations for 40 years. As CEO of Austcare, I represent the views of the agency, but it is also true that Austcare's position has been influenced by my previous 34 years of service in the Australian Defence Force. During that time, I gained personal experience in peacekeeping operations in Kashmir, Cambodia and East Timor. The latter operation was Australia's largest peacekeeping deployment and one in which I was intimately involved in Australia's whole-of-government planning. This included extensive consultations with the United Nations as well as service as the first deputy force commander of the UNTAET peacekeeping force that replaced the Australian-led INTERFET multinational force commanded by General Peter Cosgrove. I have spoken and written extensively on peace operations and peace building, some of which has been referenced in Austcare's submission to the committee. I continue to be actively involved in this area and I am frequently asked to attend and speak at domestic and international forums.

In our submission to the committee, Austcare contends that communal peace and prosperity globally as well as regionally is in Australia's national interest and that peacekeeping is an important means to helping reduce poverty, achieving the Millennium Development Goals and securing the human rights of the most vulnerable and marginalised. We encourage the Australian government to enhance Australia's commitment to peacekeeping and we believe that peacekeeping will remain a significant responsibility for Australia in the foreseeable future, particularly in the Asia-Pacific region.

I would like to highlight for the committee the following key points in respect of the many recommendations in Austcare's submission. First, Austcare encourages the committee to agree and promote the widest interpretation of peacekeeping, more appropriately called peace operations, to include peacemaking, peace enforcement and peace building, in addition to more traditional peacekeeping. In doing so, the committee will be able to advocate for the multidimensional nature of modern peacekeeping beyond the deployment of military and police forces with a clearer focus on state building and the achievement of end states that reflect viable governments, security and sustainable development. Such an approach emphasises the achievement of a durable peace through building human security and strengthening civil society from the grassroots as well as governments.

Second, Austcare encourages the committee to understand and promote the effective application of protection in peace operations. Austcare welcomes the Australian government's interest in protection and considers that more work is required to integrate protection in peace operations. Protection should be a cross-cutting issue that is reflected in a consistent manner in government policies and white papers on foreign policy, defence and overseas aid. Increased effectiveness and greater synergy will be achieved in post-conflict situations if military, police and humanitarian responsibilities operate through a protection prism to build local capacity and promote the rule of law. Austcare considers protection to be a fundamental element of security sector reform in postconflict environments. The responsibility to protect, R2P, agreed by Australia and most states at the World Leaders Forum in 2005, represents an important pillar of the protection regime. But it urgently requires the development of operational doctrine. Australia should aim to be at the forefront in developing this doctrine.

Third, Austcare encourages the committee to recognise that peace operations generally will be more effective if principles and doctrine are developed and applied consistently and uniformly. Austcare considers that the United Nations provides the best mechanism for ensuring international legitimacy for intervention and that the United Nations has developed the most advanced practices to implement peace operations effectively. These practices need to be accompanied by an adequate allocation of resources. Australia should do more to understand, influence and support the development of UN practices, noting that on occasions the UN mechanism may be denied because of political realities. In such cases, however, UN principles and doctrine can still be applied.

Finally, Austcare believes that, despite its high level of operational activity, Australia is no longer a leading nation in its understanding and application of peace operations. More work needs to be done to better integrate the whole-of-government approach well before crises occur and to involve civil agencies and NGOs in contingency planning. Austcare therefore encourages the committee to strongly recommend that the Australian government establish an independent national institute as a centre of excellence to undertake necessary training and research on peacekeeping, including disaster management and complex emergencies more generally. Such a centre would have a regional focus and would help to develop a regional understanding of peace operations and postconflict reconstruction. Austcare recommends that a study be commissioned to confirm the structure, location and costs of such a centre based on world's best practice.

More is covered in Austcare's submission but I will stop here and do my best to answer your questions.

CHAIR—Thank you very much. The Austcare submission is a very comprehensive one and the committee is very grateful for that and for the perspective that you bring to our considerations today. As you know, we have met with a range of witnesses in recent hearings. I think Senator Bishop, in his discussion with Mr O’Callaghan, was alluding to some of the subtle variance between perspectives that we have heard in recent times. You advocate in your submission, for example, an emphasis on the R2P doctrine and call on the government to do more to implement that doctrine. We have heard that message emphasised by some NGOs but not so emphasised by others. How would that change the way Australia goes about doing this particular set of tasks? How would it change the planning, the implementation and even the evaluation of our involvement in what you would prefer to see called peace operations, whatever status the operations have?

Major Gen. Smith—I think your question on R2P and what effect that would have on change needs to be seen, as I said in my opening statement, within the broader issue of protection. R2P is one element of a much broader protection issue that needs to be developed. I know that in our submission I actually said that there were, certainly when I wrote that submission at the time, 55,000 troops around the world that had as the mandate under which they were operating the protection of civilian communities. They were not on an R2P mission. But many of the missions now under the UN banner have, as one element of their mandate, ‘protect civilian communities’. There is no doctrine for any defence force to protect civilian communities.

Earlier this year, I had the privilege of being asked to attend a select panel in Accra to look at this whole issue of protection. Other people around the table consisted of former force commanders, deputy force commanders and some civilian police. It was under the banner of R2P. We did case studies looking at how the operation would be different if you looked at it through a protection prism. It is significantly different, because most militaries now go on these missions to provide security. That is a different thing to specifically protecting civilian communities, and there is no doctrine for that yet.

The other thing about protection is that, if you are going into an integrated mission, it is no good a force commander looking at the protection of civilian communities in isolation from the other UN agencies that might be there, for example. After all, an agency like UNHCR has the cluster lead on protection within the UN system, so there are going to be a raft of humanitarian interventions required which any force commander and his or her special representative to the Secretary-General, or the head of mission, will want to make sure is coordinated on the ground. So protection does have an influence on how things will be done on the ground in all of these complex emergencies. That is regardless, by the way, of whether you do it under a UN mission banner or a multinational force arrangement. There will be the same issues on the ground.

Senator MARK BISHOP—Your opening statement was very provocative and I want to go to it in due course. But, on this point, when you were a member of the ADF at a very senior level and heading up missions—not particularly missions of a humanitarian nature but where the ADF and the military went in to secure a place, such as East Timor, at the outset of a total breakdown in law and order and the potential for massive harm—if you had been tasked with that responsibility then, knowing the potential harm that could have occurred to civilians and property, would you as the officer in charge of restoring security to that country have had the same protection emphasis that you are arguing for now when your mandate was to essentially

create security? They strike me as being different things with possibly different times for implementation in the operation. You bring both perspectives, so could you address that?

Major Gen. Smith—Absolutely. It is a great question. For a military person, and particularly for a civilian head of mission, it depends on the mandate of the mission. Protection was not part of the mandate for either INTERFET when it went in under a UN mandate or UNTAET, but there was a humanitarian requirement in the mandates for both of those missions, as you probably are aware.

Senator MARK BISHOP—Yes.

Major Gen. Smith—The difference now is that Australia has signed up to responsibility to protect, R2P. It has now done that. That was subsequent to East Timor. We did not have the protection requirement in East Timor that we now have. Tomorrow Australia could well send forces somewhere as part of a mission under the responsibility to protect. Therefore the Australian contingent would want to know—I would hope—what the doctrine is and how they are going to do that specific mission. We do not have that. No nation has that doctrine yet, except for the Brits who have developed some formative doctrine. They are trying to work through it.

Senator MARK BISHOP—It is very much at an early stage though, isn't it?

Major Gen. Smith—It is at an early stage, but I think if governments are going to commit forces to do specific acts, as 191 nations have, then it is pretty important that doctrine gets developed to make them do it. Can I come back to East Timor?

Senator MARK BISHOP—Yes, but can I refine the question. Say we had the same situation now, a total breakdown in civilian law and order, a totally dysfunctional government, the withdrawal of the previous occupying force and the potential for guerrilla gangs, and the government said, 'We are not going to have this country in our neighbourhood collapse. We are sending in two or three battalions. Fix the joint'—their mandate is still going to be for security at the outset and not protection, isn't it?

Major Gen. Smith—Yes. I think in that type of assistance that you are talking about, the initial mission will be to stabilise the situation and to stop it becoming totally—

Senator MARK BISHOP—Out of control.

Major Gen. Smith—Exactly. I think that is true and, increasingly, the two things could come together. For example, the reason that Australia, and I think 190 other countries, signed responsibility to protect was to try and avoid situations like Rwanda happening again. So there is not that much of a distinction between the two things that you are talking about.

Senator MARK BISHOP—No, and I do not really quarrel with your argument in principle. I am more trying to address the situation at the outset where a nearby country goes into total chaos, our government receives a request for involvement and they believe it is a matter of such consequence that you have to send up two or three or more battalions. It is at the outset a security job, and these other considerations, on my untutored take, really come in post securing the country.

Major Gen. Smith—Yes, but let me tell you that, regardless of responsibility to protect or not, in relation to East Timor, I think Australia did make a bad mistake when we went in. And I am largely to blame for that, because I was in New York at the time. The mistake that I made—and it was a total lack of training and understanding—was in relation to the humanitarian dimension of that operation. There was a clause in the mandate that said that INTERFET would conduct humanitarian operations within force capabilities. Had I been educated about the way the UN works, I would have immediately organised with the incoming humanitarian coordinator being deployed to East Timor to arrive in Australia for discussions with General Peter Cosgrove to ensure that the humanitarian plan had been sorted out in advance. As it was, it took 10 days on the ground before the humanitarian coordinator and the INTERFET commander actually got their humanitarian plans in sync. They were actually very, very divergent. That is an example of the sort of cooperation that I think needs to go on in planning and preparation. There is an excellent organisation in the United Nations that we co-fund and we should ask them to step up to the plate and put pressure on them to do that, and that is UN OCHA, the Office for the Coordination of Humanitarian Affairs. So I think more coordination is needed.

Senator MARK BISHOP—We had a discussion with ACFID, the previous witness group, about the apparent or alleged unwillingness of ADF to engage in serious negotiation or information sharing or explanation with a range of the NGOs at a peak level. Firstly, is that your understanding from your time with the ADF? Secondly, if it is, why is that the case?

Major Gen. Smith—I think it generally is the case that liaison between NGOs and Defence is less than desirable. Why is that the case? I think it is because the cultures of the two organisations are very different. Ironically, when the rubber hits the road out in the boondocks in these places, these people are both on the ground at the same time, and often on the ground you will find that arrangements work more smoothly. Why? Because out of necessity they have to. However, there is no current mechanism that I have managed to see where the NGO community, AusAID and Defence come together in any type of planning way for any of these crises, and I think that is something that needs to be addressed.

Senator MARK BISHOP—There should be some mechanism or committee where there is an exchange of views to ADF and from ADF on their responsibilities.

Major Gen. Smith—I think it is too late to commit to an operation and then expect NGOs to magically fit into whatever template you might have decided is required. The earlier that representatives of NGOs can be brought into this planning process, the better it will be. This will not mean, by the way, that when the deployment goes ahead and is on the ground that you will not get NGOs not in sync with what the rest of the mission wants to do. That is the nature of NGOs. The greatest strength of NGOs is also their greatest weakness, and that is the disparity between NGOs. But there are a number of NGOs that are very keen to work cooperatively with the ADF and the AFP in a planning role. It does not mean that they would always work together on the ground; it will always be on a case by case basis. Sacrosanct to every humanitarian NGO are the universal humanitarian principles—if they feel that any part of a mission will not abide by those, then they cannot sign up to them. But, generally speaking, I think there is a willingness.

There is a huge misunderstanding among many NGOs about the nature of the ADF. The ADF—more so than the NGO community at the moment—run lots of exercises, and they do

invite NGOs to attend those exercises. This is laudable. However, the NGOs perspective of what they call civil-military cooperation, or CIMIC, tends to be, 'How can we work with civilian agencies to achieve our military mission?', whereas the UN focus is on civil-military coordination rather than on cooperation. It might only be a name difference, but the definition is very different. The definition is about developing a mutual understanding of the problems affecting civilian agencies and the military in areas of operations—where they may be able to work together cooperatively and where they cannot. That, in my view, is a better mechanism for interfacing.

Senator MARK BISHOP—One final issue: as you more than anyone else in this room would be aware, the ADF developed its own view of the world over time. It has its own doctrine, properly thought out and implemented, and it has its own methods of operations for its own purposes, including protection of its own people. And this is entirely proper. Is there value in a policy sense and an information sense of those drivers of the ADF—its doctrine, its operations, its responsibilities and obligations—being used to impart some of that detailed knowledge to NGOs so they have an understanding of the fundamental roles of the ADF in security, protection and operations and its need to protect its men and women in the field?

Major Gen. Smith—There is a great need to do that. From what I have seen, I think the ADF are doing more and more of that. I think there is a willingness to try to move more into that area. They need to do some basic things—for example, making sure that their doctrine is going to be unclassified so it can be distributed to the agencies with which they want to work. But I think that will happen, and I noted General Gillespie's willingness to move in that area.

Austcare, for example, has suggested to General Gillespie that we should specifically look at four case studies, where the ADF and NGOs have been in the same place at the same time to see what lessons we can draw out of those. The four that I have recommended to him are these: one high-threat environment, that being Afghanistan; two not-so-high-threat conflict related instances, one being the Solomons and the other East Timor; and then a non-conflict emergency, that being Aceh after the tsunami. These would be great case studies for the ADF to work on with an NGO and AusAID, and even the AFP, and to say, 'Let's examine these because they either have happened or are ongoing, and let's look at the lessons that come out of them.' I am still waiting to hear back from Defence on that. I am hoping that the response will be positive.

Senator MARK BISHOP—On that final point: most members of this committee have been on the committee for a long time, so we have some familiarity with Defence and I do not think anyone argues that they are in any way perfect in a lot of the things they do. Nonetheless—wearing both your hat as a former very senior officer and your hat as, now, the CEO of a very major NGO—are there like shortcomings, deficiencies or problems that the NGO community needs to address internally within its own forums and groups so that it can add value in the negotiation or information-sharing process with the ADF?

Major Gen. Smith—It is a very good question. I would say that there is definitely more work to be done in the NGO community here in Australia to work out how it wants to relate more to government and, particularly, the Defence Force on this very critical issue of humanitarian space and places where the NGOs and military and police might be in the same place at the same time. A lot more work needs to be done on that.

It was largely for that reason that in our submission we recommended that AusAID work with the NGO community in Australia, particularly through the Australian Council for International Development, to try and push that issue forward. It is also the reason underpinning one of our fundamental recommendations—that is, that this independent centre needs to be set up. Quite frankly, with the best will in the world, as other nations have shown, until we get this independent centre these sorts of issues will not be embraced in the sort of dispassionate way in which I think they need to be.

I am very impressed with what is happening in European countries—even at places like the Centre for Excellence in Hawaii in the United States, the Pearson Peacekeeping Centre, the new German centre that has started and the new Swedish centre. These are all centres that are under civilian control. They are centres that are independent of government. They are centres that have long-term funding and they are able to bring these various elements together to look at how to be more effective on the ground.

Senator MARK BISHOP—I was struck when, at the end of your comments, General, you said, I think, that Australia was no longer a leading nation in peacekeeping. That is a fair bit at variance with a range of the other submissions that we have had. I had gained the impression that a view was emerging that Australia, over the last 15 years, had developed considerable expertise in this area; that there had been improvement at government level, particularly with the functioning of IDCs; that there were capable lead departments; and that, certainly at a civilian and humanitarian level, there was respect; and, finally, that other nations were now sending people down here to observe and learn lessons. That had been my take on the evidence. Can you respond to that and develop your argument as to why we are no longer perhaps as good as some of us might have been led to believe?

Major Gen. Smith—I think we delude ourselves that we are better than we are. That is the fundamental issue and it is always dangerous when we do that. The issue of peacekeeping is not sending in the INTERFET stabilisation force or deploying RAMSI and preventing the country going totally belly up. That is not peacekeeping; that is one element of peacekeeping. The whole point of peacekeeping is to try and ensure that there is a durable peace and a strong, stable, civil society which will lead to much longer term peaceful outcomes. Dr Wainwright mentioned that 50 per cent of these places revert back into conflict within five years. So it is a long-term commitment. It is understanding the difference between stabilising a situation and then going on to peace building and nation building in the longer term. The idea of saying, as many of the Western countries now are, ‘We’re very good at putting in a stabilisation force and then afterwards we’ll flick this over to the UN’—which has less capable forces and fewer assets—‘and it can try and magically make this work,’ will not work. You have to have a long-term commitment.

When I look at the body of doctrine about peacekeeping that is coming out of Europe, some parts of the United States—I would not say the Pentagon but some other parts of the United States—and Britain, at the great synergies between DFID, the AusAID equivalent, if you like, the British government and the British military and at the way that the British military is taking a leading role in developing doctrine in many of these areas, I do not think that we are at that level. I think we have fallen behind, and we should face that. People say, ‘Oh, we’ve got a peacekeeping centre.’ That is an internal little ADF centre of about three people. When we say, ‘We provide people to the United Nations and they understand peacekeeping,’ I contest that view

vigorously, from this point of view. I do not know of a military person who has gone to a really senior military appointment in the United Nations and not been pensioned off or where it has not been seen as a terminal posting. I do not know of an Australian who has been head of a major UN agency probably since Jim Ingram led the World Food Program. That is going back quite a while. I am very pleased that Commissioner Hughes has been appointed to run the police in the United Nations. That is a positive thing. We should be advocating to get Australians at key places in the United Nations, not only in the secretariat but as special representatives of the Secretary-General billets around the place. We should be actively doing this, because if we want the UN to step up and do what we want it to do we have to be a major player and stop sniping at it.

Senator MARK BISHOP—Thank you, General.

CHAIR—Senator Hogg, I opened the questioning and then Senator Bishop asked if he could ask one question on that point, and that was 20 minutes ago. So, if you do not mind, I will just pick up on something that General Smith just said.

Senator HOGG—That is fine.

CHAIR—General, I think that you are interestingly very negative about the contribution that Australia is making and has been making for some time. If you read the *Hansard* of Dr Wainwright's appearance before the committee, you will see that that is a fairly good contrast. You have cited her as a reference point, but she in fact was much more positive than you are about Australia's engagement, most particularly in RAMSI. When you add together the activities of RAMSI—not just the military and policing contribution but the engagement in the public sector, the addressing of law and justice issues at a bureaucratic level, not just the law enforcement level, and a range of other activities—whilst I would always say that there is room for improvement in every case, I do think that the Australian, the New Zealand and the Pacific partners' contribution have made substantial differences. What I always say at this point is that domestic politics in the country of engagement always plays a role in making things look perhaps less rosy or more challenging. Is there any room to acknowledge that in your observations?

Major Gen. Smith—I do; I frequently acknowledge it. I go around the world talking about—

CHAIR—Not this morning. You just said we were doing a very bad job, a very poor job.

Major Gen. Smith—No. I have said we can do a better job, a much better job. I think we have actually gone off the pace. We have had some wonderful opportunities, but I am not sure we have capitalised on them to the extent that we could have. I am not contesting that we should not do things like RAMSI. What I am actually saying is that we can do them better.

CHAIR—But that is not the message I am getting, I must say.

Major Gen. Smith—Let me say it more clearly: we can do better than what we are doing now. One of the ways that we will do better is to establish this centre of excellence so that we can bring the various elements together to understand how we can do better. I am very proud of the fact that Australia is prepared to step up to the plate in these situations, but also I get

disappointed when I see the great opportunities that we have to do things that then do not happen because either we have taken a shortsighted view or we have not thought things through enough. There were great opportunities missed in East Timor in 2006 when the Australian Defence Force went in to help re-establish security. Some wonderful opportunities were missed, quite frankly, and there was very little consultation with NGOs that had been on the ground for years and years. It took some months before the UN and the ADF—or, as it became known, the international security force—did anything. The NGOs could not even find out the rules of engagement for the soldiers on the ground. So there are things like that, things that are critical in these sorts of instances, on which we could work together better. That is where I think this centre in Australia could be really useful, not only for us to get our own act in order a little bit better but also for us to play a greater role regionally. By having a regional focus for this centre, we could actually work much more cooperatively. There is no better way to work cooperatively with people in your region than through a peace prism.

CHAIR—How will that peacekeeping centre, for example—and I am not arguing against one at all, because it is an interesting proposition that has been put to the committee, which I think will consider it—mean that NGOs on the ground in East Timor would know about the rules of engagement?

Major Gen. Smith—I would say this. If you look at some of the stuff that is coming out of these other peacekeeping centres now, you find that people deploying to these situations have a much greater understanding of what other people need to do their job. That is what it really is all about. It is actually trying to say that this is not the Australian Defence Force going over there to do something as a military force in isolation, as peacekeeping is much broader than that. In fact, General Gillespie says that in his submission to the committee—and that is right. Therefore everybody needs to understand what everybody else is trying to do, where they are coming from and how they can work together. Most importantly, everybody needs to understand much better than at the moment the aspirations of the people with whom they are working. They are going there for a purpose. The purpose is, hopefully, to provide peace and security and to eventually get rid of poverty and allow people to have their dignity in this place that they are going into. So the local population has to be understood.

CHAIR—I understand that. We have also been discussing that at some length. I think that when you were talking before about similar centres you indicated that they were independent and well funded. Obviously, I understand the concept of independence from government, but by whom and in what way are they well funded?

Major Gen. Smith—They are well funded by the governments that have set these things up—the German government, for example, and the Swedish government.

CHAIR—And these you call independent?

Major Gen. Smith—Yes, I do. I think that we have instances in Australia—

CHAIR—I am just clarifying it; I am just after clarification.

Major Gen. Smith—of other organisations that can receive funding from the government. Austcare is totally independent but we do get funding from the government—not total funding, and we would not want total funding. So there are mechanisms in place to do that.

CHAIR—Thanks, General Smith.

Senator HOGG—You said that people going into these senior positions in the United Nations, being from the military and so on, are more at the end of their career. Isn't that a product of the difficulties for those people within their defence force, for example? Their going at an earlier stage in their career may well harm their career opportunities. So unless something is done to address the issue of career paths within not only the ADF but also, I presume, the AFP, you are always going to run into that problem. Is that a fair statement?

Major Gen. Smith—It will take the act of one CDF or Chief of Army—because most of these positions are in the army—to change that. I think that is going to happen. Eventually, it will have to happen. In other words, I am proposing that we look for opportunities to get our senior people into important billets in the United Nations or in other coalitions of the willing in peacekeeping so that they understand that this is a major task for the military in the future rather than where it is at the moment. We just recently sent a major general to the Middle East—when I say 'Middle East', I am talking about UNTSO, the United Nations Truce Supervision Organisation—for his terminal posting. I think that is a critical place to have somebody who can come back to Australia and give us the benefit of his experience there.

Senator Hogg—How well do you think NGOs address the issue of prevention, as opposed to peacekeeping, in conjunction with whole of government?

Major Gen. Smith—The NGOs are probably trying to do the prevention side earlier than government in many respects. That is because they are normally on the ground before hostilities occur and they are living it every day and they know what is happening, but they do not have any executive authority to intervene.

Senator HOGG—How well do they relate to government on the prevention issue and are there as many mechanisms needed for prevention as there are when one reaches the final stage where there is a failed state and there is a need for coordination on the ground in that set of circumstances?

Major Gen. Smith—Absolutely.

Senator HOGG—Is there a difference in the coordination and, if so, how would that occur?

Major Gen. Smith—Through organisations like the International Council of Voluntary Agencies, which is one of the peak international NGO bodies. They are consistently raising issues of this nature. Most NGOs are wedded to prevention rather than cure. One of the themes of the Make Poverty History campaign is that, if people can be brought out of poverty, the likelihood of these sorts of breakdowns will be lessened. Conflict prevention is a very important element for many NGOs.

Senator TROOD—What functions do you envisage the centre of excellence might have? You mentioned the development of doctrine et cetera. Will it be a training institution? Will it be a research institution? Will it be an institution for briefing people before they go on deployments? Perhaps you can explain a little more clearly precisely what this institution might do.

Major Gen. Smith—I have given a lot of thought to this, but it really needs a proper study. I cannot give you the end state for this centre of excellence at this stage; I can only give you what I think are some good ideas. Fundamentally, it should be focused on training. It would need to have a strong research component as well, but I do not see it as being yet another peace research centre. I see the research being directed to the applicability on the ground in the sorts of situations that we are talking about.

Looking at the German model, they are doing some very interesting things. They are doing research, they are doing training and they are doing the recruitment of the many people that would be required to deploy to these situations. I am not necessarily saying that is what our centre should do. I do not know yet. I think the way the Defence Force set up its senior college at Weston Creek was quite brilliant. The first principal of that college was given time to go around the world. I believe the centre he established was the world's leading centre at that time because he was able to distil the best of all these centres. That is what we should be doing here, in my view, hopefully in conjunction with New Zealand and some of our regional neighbours as well. I cannot say, 'This centre would have so many people in it and you would need this amount of funding for it.' That study needs to be done. Because it is going to be concentrating on high-level training—and I do not see this, by the way, as replacing the very good work being done by Defence for their lower level training or the international deployment group for the AFP et cetera; they would go on—this would be a place where specific courses would be done on specific issues relevant to complex emergencies and peacekeeping missions, as these other institutes are now doing them. It would be sensible to establish it in a place where you will attract people from the region to come, so it needs to be in a good location. I would not, for example, stick it in Bungendore and I certainly would not put it—

CHAIR—As a New South Wales senator, Major General Smith, I am very offended at the disparagement of Bungendore!

Senator HOGG—I think the Gold Coast would be better!

Major Gen. Smith—I think you understand what I am saying here. There is a bit of a cultural thing about bringing people in from overseas and showing off. I think the Prime Minister would say that about APEC at the moment. I think it is a really exciting proposition for Australia to take the lead in this.

Senator TROOD—I think you were clearly pointing to Queensland, Major General, as a natural place for this.

CHAIR—New South Wales has the numbers here!

Senator TROOD—So this is a national centre, but it reaches out to the region, both South-East Asia, presumably, and the Pacific—is that right?

Major Gen. Smith—Yes. When I tried to think of a name for it I gave it the name ‘Regional Institute for Complex Emergencies’. I went away from the ‘peacekeeping’ title because ‘peacekeeping’ can be too limiting. We want something that is broad enough to enable us to bring people together for all these sorts of emergencies that we could confront.

Senator TROOD—Moving on, you said in your remarks a few moments ago that peacekeeping—and I acknowledge the broad definition you are giving that—is a military function. To what extent do you regard that as a military function?

Major Gen. Smith—Peacekeeping is no longer a military function. I would certainly recommend to the committee that they request a copy of the latest draft of the capstone doctrine that is coming out of the Department of Peacekeeping Operations in the United Nations, to which Australia has contributed. That doctrine clearly indicates that it is not military; it is military, police and civilian agencies, and it can involve electoral activities and human rights. The name ‘peacekeeping’, as it was originally intended, is no longer relevant to the way it is interpreted today.

Senator TROOD—The committee will consider that. The proposition has been consistently put to us that the narrow definition of ‘peacekeeping’ as it was originally conceived within the context of the UN is no longer applicable, and we are talking about a wide range of different kinds of operations now. But you have made some, obviously, quite critical observations about the ADF and its contribution in many ways. I am interested to know whether you regard the ADF as having the kinds of structures, processes et cetera that it needs to respond to the kinds of challenges that we are now facing internationally. You have said, for example, that it does not have a doctrine. That is not an unusual, specific ADF weakness; it is common to countries around the world, as you have said. What about the ADF and its particular structures and whether it can adequately cope with the needs we are going to be placing upon it into the future?

Major Gen. Smith—I think it is in transition and I think it is moving slowly to embrace that broader definition of peacekeeping. There has been, and I think there remains, a strong war-fighting notion within the ADF. I myself was a war fighter. There is a feeling by some senior military people that if you go the peacekeeping route then you will lose your professional war-fighting capability. I do not subscribe to that theory, after having been both a war fighter and a peacekeeper. I actually agree with Major General Ford that the best peacekeepers come out of the war-fighting tradition.

My heart went out to the Australian diggers deployed in Dili last year, who were not really equipped and prepared for the task that we were asking them to do. That is my point. So we cannot anymore say that you are a war fighter or you are a peacekeeper; you are a soldier. The same people who might be doing the traditional peacekeeping thing of monitoring for one part of their assignment might be doing almost war fighting for another and then in the middle they might have to do some crowd control as well. So we have a responsibility to prepare our young men and women for that and make sure that they are properly resourced. To send a detachment of soldiers into a community when there is no way that they can communicate with the people in the community that they are trying to maintain security for is, quite frankly, not very sensible. Yet the ADF can adapt quickly, and the training we give everybody is fantastic—that is why our soldiers are world-class—but we need to go further.

Senator TROOD—This seems to be at the heart of the problem. We have consistently received evidence—and this is I think the ADF's position—that the ADF are better able to accommodate the broad peacekeeping tasks of building on a base of war fighting. That is their core responsibility; that is their mission in life. It is true that the large number of low-level missions are an increasingly important part of their responsibility. The question, at least in part, is: do we continue to train war fighters and then do a bit of adding-on when we have to send them off to Timor or the Solomons, or do we spend rather more time in the context of overall training, providing people with the skills they need because at some stage during their period of service they are going to be required to be involved in peacekeeping missions?

Major Gen. Smith—The bottom line is: you do both. That might mean that we need some additional assets as well as increased training. A lot of that comes down to the resources that we provide to them for peacekeeping operations, which are sometimes different. I have written about this to some extent in the lessons learned book I did on East Timor. I talked about the need for military forces these days to do constabulary and civil-military tasks. If we are asking our soldiers, sailors and airmen to do those tasks, we have to make sure, one, that they are trained and, two, that they are resourced to do it. That changes your force structure element to some extent. However, the costs involved in that, in my estimation, would be way less than for any sort of major equipment purchase that we might be thinking of getting at the war-fighting end of the spectrum, if you get my drift.

Senator TROOD—But you would be unusual as a military person arguing the case for peacekeeping, broadly defined, as a force structure determinant, wouldn't you?

Major Gen. Smith—When I left the Defence Force we used to have the adage: 'We are structured for war and adapted for peace.' That was the adage. I have come to the conclusion, after seeing Australian forces deployed all over the world on what are fundamentally peacekeeping operations, that that does not make sense. So you structure—and you have a responsibility to structure—for the type of operation for which you are going to be sending your service men and women. Not to do so is a dereliction of duty, quite frankly. If we are going to be putting our people into harm's way in any way then we should train and equip them properly to do that.

Senator TROOD—There is a kind of logic to that, I suppose, at a superficial level anyway. But Canada comes to mind as having a defence force which has attempted this kind of adaptation—and by all accounts not wildly successfully. Did they take the wrong course, in your opinion? You may or may not be familiar with it.

Major Gen. Smith—I am very familiar with it. They took totally the wrong course. What you are talking about—and there are vestiges of this opinion still in the ADF—is the old, traditional peacekeeping. I mean traditional peacekeeping in terms of: 'We are going to have a defence force structured to go on observer missions or monitoring missions.' That is not what I am talking about. There might be an element of that in a particular mission or there might even be a mission that does that. That is pretty easy to do, quite frankly. It is the more complex missions that we are now involved in. I would say that, yes, Canadians and some of the Nordics who went down that early peacekeeping road in terms of force restructuring and training were wrong. But, if you look at what is happening now in many of the European countries and in the British military in particular, I think they are spot on. That is the reality of life, and that is what we need

to train for. I think that recognition is now in the ADF, particularly amongst the junior people I see who get deployed out there.

Senator TROOD—Could I just broaden this beyond the ADF and ask: what is the implication of your position for government as a whole and the cooperation between the agencies? Is there a lesson to be learned in relation to that proposition as well as inside the ADF?

Major Gen. Smith—I was involved in probably the first whole-of-government attempt to do things for East Timor. I was intimately involved in that. It was not just the UNTAET leg. I did the ballot leg. I then went to the UN and, while INTERFET was deployed, did a lot of the work there. So I went almost from start to finish. The whole-of-government approach is definitely required. It is probably like political parties: not all elements of the whole of government always necessarily see the whole in the same way. So there can always be improvements. But I was surprised that there was not an IDC or a real whole-of-government approach to the recent East Timor mission. There was to RAMSI. So it does not seem to necessarily be consistent. One of the great values of creating this independent centre of excellence I am talking about is that it provides a venue where a lot of these issues can get discussed well in advance of these crises developing. So, getting back to your earlier question, in that centre it would be fantastic to be able to role-play a number of different scenarios and look at who would contribute and how and all the rest of it. That is the way we would develop our expertise in government and within the NGO community to then be able to react more positively to these situations.

CHAIR—Could I just clarify something? You mentioned the German model of the centre and indicated it was undertaking training. Is it training members of the German military?

Major Gen. Smith—I want to preface my remarks by saying that I have not visited it. I have spoken to the head of that centre. I have not studied it in detail but my understanding is that, yes, members of the German military are involved in this centre and attend training courses. Another good centre—an example for comparison—is the Netherlands centre of excellence, the CIMIC centre of excellence. That particular centre is also good and does great stuff, but it is mainly a military focused centre. I would like to see Australia having this multidisciplinary centre which was at a much higher level and which would bring everybody together. Then if each of the relevant entities like Defence, AFP and Customs required specific training they would still do that. I do not see any interference with that.

CHAIR—I have another point for clarification on the German model that you were citing. You mentioned that they were engaged in recruitment. Do you mean that they are recruiting members of the police or of the military?

Major Gen. Smith—No, I do not think they are recruiting the military. I think in these complex missions there are always billets required for a whole raft of people with different expertise: police, human rights people, protection officers and civil servants, who are going to these things. My understanding is—but I would need to confirm this—that they have been given by the German government the task of maintaining rosters for those and making sure that anybody who is selected to go on those would be trained and equipped and would understand the whole nature of peacekeeping and complex emergencies in general and the specific mission to which they were being deployed. I do not think we have anything like this in Australia. Let us

say a Treasury official or a Customs official or somebody was going over to one of these billets. I am not sure that we would go through such a rigorous selection process. I am just not sure.

CHAIR—As you would have seen in her evidence, Dr Wainwright spoke favourably of the engagement of other agencies of government such as Treasury and the Attorney-General's Department in developing units pertaining to the Pacific—for example, in their own departments—and the value of that, given Australia's increasing and dynamic engagement. That, to some degree, may address those issues.

Major Gen. Smith—It may.

Senator MARK BISHOP—I have one point for clarification. Following on from Senator Trood's discussion, in the context of this broadened definition of peacekeeping and possible institutional arrangements, is not the formation of this new IDG in the AFP going a significant way down the path that you are advocating?

Major Gen. Smith—Yes, it is, for the police. I am most encouraged by the way in which the AFP have moved forward. They are actually learning their lessons and asking, 'How can we do things better?' They are more willing to talk with NGOs, as I think some other people might have said in evidence. But that is one component of a much broader issue. I would see, if we had this independent centre established, that the AFP and Defence would contribute to the centre to make sure, at the higher levels, things were done. The IDG is preparing their people from a policing context. That is great and it should continue.

CHAIR—Thank you very much again for the submission from Austcare and for your attendance here today.

Major Gen. Smith—I thank you, Madam Chair, and the committee, and wish you well in your deliberations.

[11.50 am]

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

McKASKILL, Brigadier David, former Commandant, Australian Defence Force Warfare Centre, Department of Defence

McLAUGHLIN, Commander Rob, Legal Adviser, Military Strategic Commitments, Department of Defence

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

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

CHAIR—Welcome. I remind witnesses that the Senate has resolved that an officer of a department of a Commonwealth or of a state shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister. This resolution prohibits any questions asking for opinions on matters of policy, and it does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted. I also remind you that any claim that it would be contrary to the public interest to answer a question is one which must be made by a minister and should be accompanied by a statement setting out the basis for the claim. General, would you like to make an opening statement before we go to questions?

Lt Gen. Gillespie—No.

CHAIR—As I understand it, you took a number of questions on notice at our hearing on 24 July and, on 1 August, we returned a set of questions to Defence, which we have not received answers to as yet—which makes it quite difficult for the committee today.

Lt Gen. Gillespie—I am sorry. I have no knowledge of the second set of questions; I do know about the first.

Capt. Scott—We answered those questions, Senator, and forwarded them through the chain. Where that has broken down I am unsure. Certainly I am of the opinion that they have not come back. I will chase it up, of course.

CHAIR—I appreciate that. The committee, however, is not in the fortunate position of being in possession of them. We will do some simultaneous checking, if some of your staff who are here or who are glued to their wirelesses at Russell could do it for us at their end. I have some clarification: they do not seem to have come out of the minister's office. That deals with that at your end and does not make it any easier for us, most unfortunately.

Thank you very much for coming back again today and for providing the committee with more of your time. We have had some very interesting witnesses in recent hearings—in Sydney, Melbourne and here this week—which have done a great deal to enhance our perceptions and perspectives on the nature of the inquiry that the committee is undertaking. You will probably know that we have had some emphasis on the R2P concept, the ‘responsibility to protect’ concept. One of the things that I think we would be interested in hearing from you is how, if in any way, that would change Defence’s approach to its operations if it became the primary consideration, if that was a decision which was made. We have further proposals and have further developed the concept of a peacekeeping centre or institution which would be outside Defence—so not within, for example, the peacekeeping centre at Williamstown but external to that process.

The third thing that I would like to advance is that in recent hearings the last time we spoke about this you mentioned, General, the engagement, for example, of the AFP within the ADF and that level of communication and coordination. We have since had evidence from both AusAID and the AFP that in relation to AusAID in their Fragile States Unit they started quite positively with a member of Defence seconded or deployed into that unit. But that stopped, and I would be interested to know whether that is a full stop or something that Defence is going to consider again. As far as the AFP is concerned, is there any contemplation to perhaps insert some members of the ADF around the IDG process in the AFP to make that a more two-way arrangement? I will leave you with those three easy things to kick off.

Lt Gen. Gillespie—If we talk about R2P first, I do not necessarily think that any further development in the R2P area would have a profound effect on us. By and large, the principles that underpinned it, that were agreed in the UN in 2005, are the sorts of principles that we would apply to our considerations and advice to government anyway. They are sound and they are humanitarian. It is interesting to note that the military principles which underpinned that and were part of the submission were not accepted and so they lie in limbo at present. But the principles that are laid out, which we are well associated with, are the sorts of principles that would apply in the ADF anyway. If there were a greater enactment of the R2P philosophy and a greater acceptance of it by governments and the United Nations itself, I do not think that would cause us any profound concern at all.

On the issue of a combined centre, I personally think that is a matter of policy. I would like to think that with our reach out to organisations and interdepartmental committees at the present time we attempt to do that. I spoke to you and we hear about understanding that no one department owns these sorts of operations when we mount them and that you need a whole-of-government approach. In fact it is wider than government when you have NGOs and other groups out there and the United Nations et cetera. We certainly understand the need to do that. The AFP and the ADF have started on the right path. The relationship will get stronger as time goes on. There is now an ADF member in the ADF Warfare Centre associated with those things. We lecture on the police courses. Policemen are coming onto our staff college courses, and the association between our Joint Operations Command and the International Deployment Group is pretty fresh and vibrant, I think, and will grow over time as we look at the two agencies with a significant role to play in these sorts of operations working closer together.

On the issue of AusAID, we have reinvigorated that, I think, probably since we spoke to you in July. There has been a huge amount of work done by AusAID, AusCare and us, for example,

on the humanitarian support direction we might take in Afghanistan over the coming months and years. So my view is: if there is a centre, that is a matter for policy. We work really hard as an organisation and through the IDC processes that we have and the engagement activities that we participate in to make that a reality today anyway. For example, Brigadier McKaskill's successor in the Warfare Centre is in Darwin at the present time participating in an Asian regional forum venue which is looking at humanitarian affairs, disaster relief and reconstruction, and we are participating in another one in Japan later on this month along the same lines.

We actually use the humanitarian and reconstruction process to engage our regional neighbours in a way that is non-threatening in a military sense—because that is a very real risk, which has been recognised from time to time in our past and which will be recognised again in our future. This allows us to build transparency and understanding. It is a process that we use quite legitimately as a tool for making our regional neighbours understand, when these things come to pass, that we are not looking at it as a military operation; we are looking at it as what militaries can do in a humanitarian sense and trying to build transparency and support in that regard. If we have a centre, that does not cause us any concern, and I think that we are working hard towards it at the present time in the way that we conduct ourselves.

CHAIR—Perhaps the area that was left out of those observations, for which I thank you, was the engagement with NGOs. I know that on the last occasion you had some very positive remarks to make in relation to that. Since then, we have heard from some NGOs which have acknowledged that—and some which have not, but that is the way it works. Do you think that sort of centre would help to enhance that process? A sticking point for some groups does seem to be that they find themselves expected to carry out a particular role in effectively the same space as you are in as the Australian Defence Force, but not always with the best communication—at least, that is the view that has been put to us. The proposition further advanced is that if you formalised it a little more, perhaps through this institution or centre, then that might really go a long way towards dealing with the gap.

Lt Gen. Gillespie—Without being unfair, I think that there are some NGOs who are progressive and who are causing us to extend ourselves academically and professionally about where we might go in the future and the sorts of relationships we might have. There are other NGO groups who, without doubt, see the participation of military forces in humanitarian operations as being an anathema to their sort of ideology.

CHAIR—We did notice that.

Lt Gen. Gillespie—Some groups we will never please in that regard. It is okay if you are in a very clinical humanitarian situation, but if you add to it a security dimension and the fact that the United Nations and the governments of the world have decided that there is a need to protect their nationals and NGOs—and remember that much of the humanitarian support is not from non-government organisations; it can be from government organisations—then that is where we get the operating space that creates those sorts of frictions. I think I recall saying when we met here in July that that became apparent in May last year in Timor, where the priorities of the NGOs and the priorities of the ADF in the security context were slightly different, and that creates friction. Friction is not a bad thing; you learn lessons from it, and I think we did. But there are some groups who would never see that we should be involved in these sorts of things.

Sometimes you have just a pure humanitarian case. I think you could say that about Aceh, for example. In Aceh, the military was involved but we were not conducting security operations; we were simply part of the humanitarian space that was there. Why were we there? The sorts of things that we do as a military make us able to plan quickly, react quickly and bring the sorts of capabilities to a problem spot that others take a while to warm up to do. We went, we did that and, at a very appropriate time shortly thereafter, we left and left it to other organisations to do. But if you have a security dimension then that is always going to result in that friction between some groups and the ADF or any other military that is participating.

CHAIR—Thank you. I appreciate your putting those statements on the record.

Senator FORSHAW—How much of this sort of negative reaction or friction from NGOs results from the fact that, I assume, military personnel have authority to direct NGO representatives on the ground, and in that way the NGOs sense that their work is being interfered with? I am assuming that there are a lot of circumstances in which you would be able to direct them to do something or not to do something—not to go here or not to go there.

I understand that the principle we have heard from some witnesses is that the military just should not be doing humanitarian work because that is not your role primarily, and they do not do military security work. But, on the ground, how often does that manifest itself, and how do you deal with those situations if you have NGO representatives who simply want to take a particular course of action, go into an area or whatever, and you are saying, ‘You can’t do it’?

Lt Gen. Gillespie—One of the things we have that NGOs and a lot of people who participate in the humanitarian disaster aftermath do not have is that we have a unified command structure. So, unlike a lot of them, there is a single point at the head of the military apex that you can go to and lobby, coordinate and do those things, and it permeates down. That is not necessarily true of the humanitarian organisations that arrive in an area. I think that a lot of the work that we have been doing with organisations like Mike Smith’s and others is to try and understand how we can better coordinate our efforts. Very rarely, you will come up against an intractable problem where an NGO will want to do a particular act where we know or suspect that the outcome in a security sense would not be one that we would want to live with, and then you confront it. We simply escalate it back up our command chain to whoever is the military commander in the area. If the NGO organisations were to have a similar coordinating mechanism then in my humble opinion a lot of that friction would go away.

Senator FORSHAW—Is that relationship, in terms of looking at the authority that the defence personnel may have over NGO representatives, laid down in the rules of engagement?

Lt Gen. Gillespie—No. In fact, in a lot of ways, we do not have authority over them. I can recall areas where we have given very strong advice that something should not happen and it has been ignored. Sometimes they have gotten away with it; at other times we have had to come and help. So there is no command authority over these organisations. It is easier when you deal in a country which still has a modicum of government, because then the government can act in a legitimate way to constrain the activities of people who are coming in, but if you have a country where the government has disappeared as part of that process then that becomes a little bit more tense and a little more challenging.

Senator FORSHAW—They are the circumstances I am thinking more of. I appreciate the nature of the authority you do have and you do not have, if I can put it that way, but I am clearly looking at situations where it has broken down to such an extent that, if you are patrolling the streets and having to take substantial steps to keep law and order, that in turn applies to NGO representatives.

Lt Gen. Gillespie—I cannot think of any occasion in the last decade where we have undertaken major security operations in a humanitarian environment where we have arrived at an intractable problem between the NGO community and ourselves.

Senator FORSHAW—That is good.

Lt Gen. Gillespie—But there are some NGO groups who, through upbringing and all the rest of it, look upon the military with great suspicion: we are ‘warmongers’. We actually see ourselves as humanitarians. You go from each end of the spectrum to somewhere in the middle. I think, by and large, it works out pretty well. There will always be lessons to be learnt. There will always be groups who think they could have done better if we had taken a different approach or even if we had not been there. But I just remind you that we do not go there voluntarily; it is as a matter of policy that we go to do those things.

Senator FORSHAW—Thank you for that.

Senator MARK BISHOP—General, there has been some criticism of the ADF. I am going to just repeat it but not endorse it—put it on the table—and then ask you to respond. It comes from a range of the NGOs. Essentially, they say that the ADF refuses to engage with them, refuses to share information, often at conflicting purpose. In response to them, various members have suggested that there might be utility in a peak organisation of NGOs that could liaise unofficially with the ADF to exchange information. The ADF could impart its view of a situation and explain its doctrine and its rationale, so that those thinking processes that the ADF engages in could permeate through the NGO organisations and provide them with an informed understanding of your role. That has been the nature of the discussion. I do not necessarily accept or endorse it. Do you think that is a fair criticism? Is there value to the ADF in engaging in that sort of negotiation/information exchange at either an official or an unofficial level? Is there advantage to the ADF in imparting that knowledge to the NGO community about the way you do business as a way of bringing the two groups together?

Lt Gen. Gillespie—I do not think the criticism is fair. I would be delighted to see an NGO coordinating body that we could work with in the places that we go to. In May and June last year in East Timor, which is probably the most recent case that people are quoting in terms of the relationships between groups, our mission statement was concerned with the security of the institutions and the people of East Timor, and we placed our military effort towards achieving that mission. Many in the NGO community believe that we should have given up that mission and supported them in the running of refugee camps and food aid, and handing over our vehicles to the movement of NGOs stores et cetera.

Again, if you take the left and right of arc on that, there are groups who believe emphatically that we should have done that and will be critical of us for not doing it; there will be others who understand that we were there for a different purpose and that we contributed to that sort of

process where we could. That is in the nature of the organisation and the different roles that they have. If you can understand the roles, you can work cooperatively together to get outcomes.

I do not accept the criticism. I do think sometimes that we do not explain ourselves well enough. As an organisation, we are perhaps not as well understood by NGOs as we should be. I think, and certainly from where I sit in directing it, we reach out regularly to try and do a better job. About information sharing, one of the things that I task my people with in Joint Operations Command, for example, is that for every new mission that comes up we understand that there is a bunch of missionaries and people who have been working in almost any area that we go to and that those people should be our first source of information for politics, language, the lie of the land, what is going on and what the major issues are. I do not see an information gap. In fact, I am encouraging our people to reach out to those people and do it. We have trouble sometimes getting interpreters. The NGO community is not a bad place to start because they have been involved in many of these countries. It is not as though they are newly in need; they have been in need for sometime and those sorts of things are there. Some groups will criticise us and it will be about mission understanding and the nature of what it is that we think we are charged to do. I think that we are getting better at information sharing. We are good at sucking it up, perhaps we are not as good at passing it out as we could be, and we will make advancements in that area.

Senator MARK BISHOP—Thank you for that considered response. You needed the opportunity to go on the record and effectively rebut those criticisms, which you have done. Would there be value to the ADF in a peak organisation of NGOs whom you could liaise with and engage in dialogue with on issues associated with missions?

Lt Gen. Gillespie—My view is that in operational areas there would be. There are not all that many operational areas we go into where the ADF operates unilaterally. It is more about working with the United Nations or a coalition group, but I certainly see that as being a benefit. During my time in military operations one of the frustrations always was that the community of NGOs was a fractured community. They had very different views on where they should be working and how they should be working. If you still have a modicum of government that is a good thing because you can shape it. Sometimes we should be looking to the UN and others to do more in that regard.

Senator TROOD—I just want to clarify a matter in relation to some correspondence that has passed between you and the committee. You were good enough to write to the committee in mid-August in relation to some items on the record. In particular you wished to correct something you had said in relation to a question that I had asked you, about whether or not we had ever declined to participate in a mission through a shortage of forces, or a limitation. You have corrected the record saying that we have declined to participate not solely because we did not have the forces. Could you amplify, for me, precisely what that means?

Lt Gen. Gillespie—We are trying to be very precise in saying that sometimes the government has considered approaches, from the UN for example, about Australian forces participating in a mission and we have looked at operational tempo and the allocation of forces as factors in advising the government, but we have never knocked a mission back because we did not have anything left in the larder. The tenure of the question, as I remember it at that time was, ‘Are you so stretched that you couldn’t do these things?’ The answer to that was no, but I needed to go back and be clinical in the answer and say that how many forces we have, what we might have in

terms of concurrency, what could be out there and how the government might want to consider our disposition would always be part of the advice, but we have never knocked a mission back because we have gone to the government and said, 'We don't have the forces for this.'

Senator TROOD—That is helpful; thank you for that. We have had some evidence this morning in relation to the conditions under which Australian forces, particularly the Australian Federal Police, are deployed overseas, and the legislative protections that might exist in relation to the risks to which they are subject. I do not expect you to comment very directly on that but would you regard it as a fair proposition that when AFP forces and ADF personnel are deployed on the same mission and in the same operational environment they should have broadly similar kinds of protections, access to rehabilitation and things of that kind? Is there a need for that or is there something that distinguishes the ADF from the AFP that, perhaps, demands some different kinds of consideration in relation to their welfare?

Lt Gen. Gillespie—I think I spoke about this last time I was here. The roles of the military and the police are quite different but are sometimes needed in the same operating space. The police are about law and order; the Defence Force is about security and perhaps the delivery of lethal force. It is the latter which makes them different from policemen, in my view, in how we conduct ourselves. We are working on the association between the two groups of people to make sure that the ADF does not get drawn into doing police work and the police do not get drawn into doing ADF work. I see them as being quite separate tasks. Sometimes, in situations like Aceh, we could all go under the same auspices, because we are not there for fighting or security; we are all there providing support in a humanitarian space to help people who have suffered greatly. So I am of the pretty unequivocal view that the ADF is a different beast entirely to the Australian Federal Police. If you want a discriminator it is that one force could be responsible for the delivery of lethal force and the other is about law enforcement.

Senator TROOD—I see that distinction. It is a very clear distinction, and I think it is an entirely appropriate one to make. But in the context of an operational environment the local population may see the force as integrated—they may see that these are RAMSI people or Australian people whether they come from the AFP or the ADF—and the personnel may all be at risk in many ways. Your forces may be at risk as Commissioner Keelty's forces may be at risk, and in that sense they face potentially similar kinds of risks. I am wondering whether that circumstance changes the nature of the exercise, even though you and I and Commissioner Keelty can see quite distinct missions that you are undertaking on a particular mission.

Lt Gen. Gillespie—I still see that there is a delineation between the forces. If you were to go to the Solomon Islands and have a look at AFP operations and military operations, you would see they are poles apart. If you had a look at where and how we live and if you considered that the ADF works, operates and is paid seven days a week, 24 hours a day whereas police work in shifts and attract penalty rates and those sorts of things, you would see that there is a significant difference between the two forces. The fact that they can work harmoniously together to achieve an outcome is the good thing that comes out of that. I do not think that trying to match the service conditions and all the rest of it is appropriate, because they come from different organisations, operate differently culturally and operate differently in theatre.

Senator TROOD—On another issue, one of the impressions that I have received generally from the evidence is that in many ways the ADF performs the functions that it is required to

undertake in the various theatres in an exemplary way, that it is an effective force that coordinates well with the other parts of government as required and that the kinds of arrangements that we have in place seem to work very effectively. On the other hand, there has been a stream of evidence, although not overwhelming, that has suggested that the whole idea of peacekeeping as broadly defined is not well synthesised into the nature of the Defence Force's responsibilities—in relation to doctrine and training, for example—and that the force has some way to go in coming to terms with the fact that a large part of its responsibility increasingly seems to be to undertake these low-level threat missions of one kind or another. Could you respond to that perception, please?

Lt Gen. Gillespie—I agree with you in the first case. Since I deployed in 1989 to Namibia, the ADF have been involved in a string of peace operations. Without question of a doubt, they have returned great results to our nation and to the Defence Force. Do we need to change our processes? I think we probably recognise the need to change more than any other group that is looking at the problem at the present time. Why is that? I think the complexity in failing, near-failed or failed states has risen dramatically in the last 20 years with terrorism, insurgency and non-government groups and non-state actors participating. The difficulty is assembling military and aid organisations to do those sorts of things, and I think we turn ourselves inside out in a 'lessons learnt' sort of process to try and understand how that changes.

We have developed courses. We run CIMIC—civil military cooperation—courses to try and work our way through that. We have a 'lessons learned' process, where we sit back and analyse our performance—not only our performance on the ground in those places but also our performance here in Canberra. We ask: how did the organisations that mounted them do those? So I think we have a learning culture in our defence organisation. I do think that we produce great results. Our young people are first-class Australians. If there is a criticism that we are slow to react or to learn, I think that is a bit misplaced. We recognise, perhaps better than anybody, how complex the world is at the present time.

Senator TROOD—It is gratifying to know that you are conscious of these things. I think it is very important that you should be. You say you have a learning culture in relation to specific missions, but has there ever been any kind of overall assessment of where peacekeeping fits within the ADF as a function and an important part of its mission? Have you undertaken any kind of comprehensive analysis of that and what the implications are for force structures, training, doctrine and things of that kind? Has that particular exercise been undertaken recently?

Lt Gen. Gillespie—It happens from the top down, with the government issuing strategic guidance for what it is that they want the defence organisation to be able to do. We have updated the white paper again just recently which articulates the government's view on those things. We have the defence strategic plan which gives us further guidance in that area. We have international engagement policy. So there is a plethora of policy documents that guide us in that direction. There has been a view—and I expressed that last time we were here—that we focus on what it is that Defence needs to do for the country: that is, be prepared to defend Australia and its interests, and we force-structure along those lines. We have found that we can adapt that force structure and our preparedness model to help in the sorts of environments that you are talking about. Sometimes that adaptation is a war-fighting adaptation. Sometimes it is like going to Aceh and doing it unarmed and just using military brute manpower to bring about an outcome. So I think we look at it pretty heavily.

I do think we have had some examples around the world where nations have restructured their defence forces because they see peace operations as being the way of the future, and when those nations have been called upon to do a serious job of war-fighting they have been found wanting. I am not going to mention names here but there are examples if you go and look at that.

So I do think that we look at it in force-structuring terms. We make sure that we have the kit necessary to do it. If we get a job going into any nation now, the very first thing that we do is to have a look at how we might equip the force. Does it need anything special? Do we need to do any training that we have not done before? And we do that on every operational deployment that we do.

Senator TROOD—I think we know the examples, and I do not press those upon you; I do not think that would be a sensible, rational or intelligent way to encourage reform within the department. But I was struck by something yesterday when we spoke to the official history unit that is preparing an account of Australia's peacekeeping operations over a 60-year period, virtually. The thing that became very clear from their evidence was that we have, very effectively, been innovative; we have been very effective in adapting the national assets we have for the particular contingencies with which we have been confronted. But that had been a process of evolution; it had been a process of adaptation, of changing as we went along. There did not seem to be a point at which anybody had sat down and said, 'Further demands are being made upon us to do these kinds of things; we have made changes along the way; perhaps it is time to just sit back and reflect on what we've been doing and where we are going, in a comprehensive way.' At some point, organisations, in my view, should be doing that sort of thing. I am wondering whether or not that is something that might recommend itself to the ADF—apart from the policy statements, of course, with which you are very familiar.

Lt Gen. Gillespie—Those policy statements and the advice that we give to government are actually the end process of what you are talking about—sitting down, looking at our navels and seeing whether we have learned anything. In the complexity that we find ourselves in at the present time in the world, we developed a process of rapid acquisition. What we discovered is that, for almost any problem set that the ADF can be given to, you will find something that we do not have in our larder—because the nation could not afford to equip us for everything—and we are able to very quickly re-equip and retrain the group for a particular problem set. So I think we do have a learning culture. Part of Brigadier McKaskill's organisation, the ADF Warfare Centre, is about contemplating our navels—lessons learned, rechecking our doctrine, seeing whether we want to make any change. The senior Defence committee process is about considering that sort of advice and what we do about it. People can criticise us if they like, but my view is that we do have a learning culture. It is not one of our weaknesses.

CHAIR—General Gillespie, in some of the submissions to the committee, most particularly the submission from retired Major General Tim Ford, there are some observations about the closeness—or lack of it, in fact—between Australia and senior leadership positions in the UN, which pertain to the peacekeeping discussion that we are having here and a criticism that we are not assertive enough in pushing ourselves forward for those sorts of opportunities. I wonder whether you have any comment to make on that. Could I also ask Brigadier McKaskill whether there is any engagement between the peacekeeping centre and those who run these processes within the UN anyway.

Lt Gen. Gillespie—I would not want to comment too much on senior people in the UN—I think that is a matter of policy that does not rest with Defence; it is a broader issue for government. In a Defence sense, General Ford is making those observations because we freed him up to fill a major UN appointment. General Smith filled a major UN appointment. General Ian Gordon is in the Middle East now.

CHAIR—Yes, but I think they both think those sorts of things should happen early in people's careers so they can return to the ADF some of the advantages they gain.

Lt Gen. Gillespie—Again I would say that Mr Nagy, sitting here, has worked in the UN and New York. If you look at the medals sets of those of us here, we have all participated at different rank levels in the United Nations. It would be nice to have some senior Australian people in the peacekeeping department in New York. As I said, I do not think that is a matter for Defence; it is a wider policy issue about what we push there.

CHAIR—We can pursue that.

Lt Gen. Gillespie—But we consider very carefully every bid that we get from the United Nations asking us whether we want to contribute for these particular operations and appointments. So we have a say every time.

CHAIR—Did you have any remarks to add, Brigadier McKaskill?

Brig. McKaskill—My only comment is on the engagement portion. We speak with our counterparts in the UN, but that is on doctrine, where policy is going and how we bring in aspects of the UN training into our training—for instance, we conduct e-learning in UN courses and there are correspondence courses. That is where we plug into the UN side. Similarly, we plug into the region. In fact, Australia and Malaysia co-hosted the first regional forum for peacekeeping countries. We plug into those sorts of areas.

CHAIR—General Ford thinks there should be a UN senior mission leadership course held in Australia—or hosted by Australia at least. Do you have a view on that?

Brig. McKaskill—Not at this stage, because it had not been brought to my attention prior to that.

Lt Gen. Gillespie—Philosophically we have nothing against it.

CHAIR—Would it be an advantage, Captain Scott?

Capt. Scott—I think we see that there would be some advantages. We answered that in our response to that question in questions on notice. It will eventually come here!

CHAIR—Thank you. I will have a look at them when they get all the way to us. Thank you very much. I appreciate that. General Gillespie, as I said at the beginning, may I thank you again for your time today and for that of your officers and members of the department. We are grateful for the assistance that Defence has provided to us in this inquiry process.

Lt Gen. Gillespie—Thanks, it has been a pleasure. I am going to chance my hand at the APEC security arrangements now.

CHAIR—The very best of luck. If you cannot do it, General, I do not know which of us mere mortals is able to!

[12.36 pm]

CROSSLEY, Mr David, Executive Director, Australian National Audit Office

MEERT, Mr John, Group Executive Director, Australian National Audit Office

O'BRIEN, Mr Timothy, Senior Director, Australian National Audit Office

ROWLANDS, Mr David, Acting Executive Director, Australian National Audit Office

CHAIR—Good afternoon. Welcome to this hearing. Thank you very much for attending today. A copy of today's opening statement has been provided to you. Do you have any questions about that?

Mr Meert—No.

Mr Rowlands—No.

CHAIR—Thank you. What I would like to do, if it is appropriate, is to invite you to make an opening statement. We will go to questions after that.

Mr Meert—Chair, would you like us to provide a brief outline? I can get the relevant people to talk about the two audits and then answer questions.

CHAIR—That would be really helpful, Mr Meert. Thank you.

Mr Meert—I can also give you a handout which provides a summary, which might help the committee. We have just done a copy of a little summary of the reports.

CHAIR—Thank you. That would be great.

Mr Meert—I will get Tim O'Brien to cover the Department of Foreign Affairs and Trade and AusAID report—*Coordination of Australian government assistance to Solomon Islands*—first.

Mr O'Brien—I will talk briefly about Audit report No. 47 2006-07: *Coordination of Australian government assistance to Solomon Islands*. Overall, this audit concluded that RAMSI is a complex, multi-year initiative, involving input from a range of Australian government agencies and regional partners. Significant progress has been achieved over the first two to three years of RAMSI's deployment. However, the task has become more difficult as the focus has shifted from restoring law and order and stabilising government finances to capacity building. Over the last year, this has been further complicated by strained relations between the governments of Australia and the Solomon Islands.

Notwithstanding these challenges and complexities, the ANAO concluded that DFAT and AusAID have put in place arrangements that enable the effective coordination of Australian government assistance to the Solomon Islands. Program objectives have been established, and

significant progress has been made in the development of an outcomes monitoring framework. As the framework is refined, it will be important to shift the focus from measuring outputs to outcomes, to better assess the impact that outputs are having on the Solomon Islands community.

Coordination arrangements between Australian government agencies are sound. An evolutionary approach to strategic planning has been employed by agencies, reflecting the need to react flexibly to emerging circumstances. A strategic approach to risk assessment has been adopted, reflecting important elements of good practice. Some elements need strengthening, such as ensuring that treatments are clear and identify indicative timing. Arrangements have been established which enable regular whole-of-government reporting on RAMSI to the Australian government. The inclusion of a limited number of key performance indicators and targets, and consistently reporting against them, would strengthen this arrangement.

The ANAO made five recommendations to DFAT and/or AusAID aimed at improving the arrangements for coordinating, measuring and reporting on Australian government agency assistance to Solomon Islands. DFAT and AusAID have been responsive to the audit and have agreed to all recommendations.

Mr Meert—Chair, I will now get David Crossley to cover off the Federal Police audit.

Mr Crossley—This was report No. 53 2006-07. The audit was planned in 2004 in response to the increase in offshore deployment of AFP members. This also coincided with the Prime Minister's announcement in 2004 regarding the formation of the IDG, the International Deployment Group, within the AFP and the commitment of significant budget allocations at that time to the AFP in respect of Australia's increasing obligations and interests offshore. The objective for this audit was to examine the effectiveness of the AFP's administration and management of its overseas deployment in a broader sense.

Two specific deployments were chosen: the RAMSI role, representing a planned, longer term commitment where the AFP also had logistical support responsibility for the first time, and the Thailand engagement, which was a very rapid response engagement. I should declare that my expertise in this was more in relation to the Solomon Islands; I did not visit the Thai operation but I was in the Solomons.

On the audit coverage, the AFP's role in RAMSI was as a member with 14 others of the PPF, the participating police force, but notwithstanding the AFP's lead role in the PPF mission—which was the case in Thailand—the audit did not attempt to deal with the issues regarding PPF or RAMSI operations per se. It was thus concerned only with issues regarding how the AFP planned and managed such a large-scale deployment and whether it had identified and applied the lessons it had learnt from previous deployments, most specifically Timor Leste.

On the key issues and recommendations that came out of the audit, we found that the AFP displayed a sound capability in responding quickly and with appropriate personnel who were able to have an immediate impact on the mission objectives. Similarly, the AFP's capacity to maintain proper training for staff about to be deployed has been enhanced since the building of the international training facility out at Majura Road. The development, eventually, of a formal risk register now provides the AFP—this is in respect of the Solomons engagement—with a sound structure and process for identifying and managing the risks in and to the mission.

However, notwithstanding that that risk register was developed in 2006, from the very beginning of their deployment, and in a cultural sense, the protection, health and wellbeing of AFP personnel on the ground was demonstrated as a key driver in the AFP's logistical and operational approach to risk mitigation. There are a number of examples of that which we can go into.

Without going into all the recommendations, I will turn to two areas of relevance for the committee's inquiry covered by the recommendations. One relates to item 'b' of the committee's investigation. In the Solomons, the capacity development phase, the third phase of the deployment, could have been better planned—although it was noted this was the first time such a responsibility had been undertaken on this scale—including either deployment of more appropriately trained officers or better guidance, elaboration of intent and performance measurement for already deployed officers in that capacity development phase. In relation to Thailand, the need for cultural pre-training and for ensuring there was a proper basis and rationale for officers and experts who were deployed to Thailand was a feature of our findings.

The second area relates to item 'd' of the committee's inquiry. In the Solomons we believe that the need for greater engagement and agreement with the other jurisdictions—that is, state police jurisdictions—and an emphasis on integrating returning officers was highlighted to enable the AFP to maintain long-term capacity and to maximise the lessons learnt, especially as many of the returning officers in this period were from other jurisdictions. In relation to Thailand, we believe that contract management lessons and preparing a standard set of off-the-shelf contracts for future logistical support providers would be beneficial.

CHAIR—Thank you both.

Mr Meert—We are happy to answer questions.

CHAIR—Thanks, Mr Meert. Mr Crossley, may I just clarify something. Does the reference to the Thai deployment refer to the post-tsunami DVI and other activities deployment in Thailand?

Mr Crossley—Yes.

CHAIR—Where you have made recommendations, particularly in relation to some of the subtleties of building up capacity and then coordination issues, do you essentially get good responses from the agencies involved? Have they agreed to take up and pursue the recommendations the ANAO has made?

Mr O'Brien—I will comment on the whole-of-government approach. We certainly found with RAMSI that there was a sound whole-of-government approach underpinning it. The key coordinating agency, DFAT, had certainly established a range of mechanisms to facilitate effective coordination. They have established an Office of the Special Coordinator in Honiara. There is a weekly IDC meeting between agencies in Canberra and the OSC, the Office of the Special Coordinator, in Honiara by telephone hook-up. There is a weekly situation report prepared by the OSC. There are thrice-weekly coordination meetings in Honiara. There are working groups that operate both in Honiara and in Canberra, looking at specific issues. There is a six-monthly report to the National Security Committee of Cabinet which is tied together by DFAT but has input from all agencies. Overall, we found the coordination to be quite effective. Agencies operate in quite a collaborative way in delivering RAMSI.

Mr Meert—Tim can correct me, but I think a part of the arrangements that assists in the coordination is clarity of funding—knowing who has accountability for the funding. If you look at some of the other whole-of-government arrangements where it is not that clear who is accountable for the funding, I think you will see more coordination issues and challenges. In this case, because DFAT and AusAID are quite clearly responsible, coordination is facilitated.

CHAIR—Recommendation 3 in the RAMSI report talks about capturing lessons from the 2006 civil unrest and riots and it talks about having a strategy that ensures a better approach in shorthand terms to capturing the key lessons from that. We have had some interesting submissions commenting on our ability or inability to collect the intelligence that would have told us that that was going to happen in the first place and then making further comment on how we should learn from the experience. When the ANAO talks about formally capturing lessons, what do you mean? What do you expect the agencies to do? When they say they agree the response, does that mean that it is done?

Mr O'Brien—In communicating with civilians after the post-election crisis and riots that took place, we found that some civilian members of RAMSI were well-informed about developments and others were not. After that crisis, it was a matter of getting down the issues that arose and trying to have a formal session to learn lessons from that in order to put them into place for the future. We certainly did not look at any of the security or intelligence aspects leading up to the riots and weaknesses that may or may not have occurred in that regard.

CHAIR—Do you know if they are being examined in any other context?

Mr O'Brien—Intelligence aspects?

CHAIR—Yes, those intelligence and security aspects.

Mr O'Brien—Not that I am aware of.

CHAIR—How long does the process take—I am asking this of Mr Crossley as well—for carrying out the sort of audit that you have done on RAMSI, for example?

Mr O'Brien—The audits are fairly long. They take around 11 months. We generally have fairly small teams. In this particular audit there was me as the audit manager and one other staff member for about half of the audit. It is a fairly long and involved process.

Mr Meert—I think this reflects the need to get together with the agency in order to understand what we are doing, to make sure we get the message straight. It is quite easy to be critical; it is more complex to put it in context.

Your question was quite reasonable about recommendation 3, but I would put an extra spin on it. In any of these situations, you have got a rapid response phase, where there is lots of frantic activity and pace and where everyone is in there—generally, when you read the papers, there is not a great deal of criticism there about our response—but then, when the initial flurry of activity dies down and the bureaucracy, the administration, comes back in, you have got to do your homework. Were the funding arrangements and delegation authorisations in place to allow you to respond rapidly and spend money? What was the capability and capacity of staff? Were you

able to call on the necessary skills and staff numbers to respond? All of that sort of stuff is where you review any activity like that and then draw the lessons in and, hopefully, build what you have learned into the next case. It is the same with any agency; you are supposed to be prepared. So, for me, that is what that is driving at. When the time comes and the heat goes off, start reviewing your activities.

CHAIR—It seems to me, Mr Crossley—if you are the right person to ask—that in the inquiry into the two areas which you were pursuing, the post-tsunami DVI environment and the RAMSI environment, you found that they were very different exercises in terms of the activities and capacities of the AFP. I am perhaps not as appreciative of the processes of your office as I should be, but how do you compare those apples and oranges when you are auditing those two very different processes?

Mr Crossley—They are apples and oranges, Senator, and I guess that is why we chose those two deployments. We wanted to see how the AFP went about planning what was going to be a long-term deployment to the Solomons—where there was a degree of preplanning but it was only on the ground, when they got there, that a lot of the actual planning began to take place. We wanted to see how this compared to the immediate requirements in relation to the Thailand deployment. We wanted to see whether the AFP had the capacity to engage in both of those very different types of deployments and how they handled it.

With the Thai deployment, yes, it required a degree of engagement with the other jurisdictions. A number of the personnel that we sent over to Thailand at that time were not AFP personnel; they were state police jurisdiction forensic people or forensic people from special institutes, academic type institutes. As a result of that, our recommendations reflect the fact that perhaps the AFP had not thought through the implications of that very different engagement of people.

So, if you look at the report, one of our comments was that, because they did not have in place an agreement with either the state police jurisdictions in relation to forensic people or these academic type institutes, those people were only interested in short-term deployments. This affected our ability to put people on the ground, to have them understand what was going on and to have them contribute meaningfully, because they would only be there a few weeks and then they would be pulled out.

This is different to what has happened in the Solomons, where the AFP has been very conscious of the need to have continuity and to have fairly complex, built-in ‘wave models’ for the engagement of staff for 100 weeks or more. So it was very much looking at how they differentiate between that rapid response and something where they were able to plan.

CHAIR—To take the RAMSI example, which fits more into what we have been looking at than the post-tsunami environment does, and your examination of their long-term planning processes, it seems to me that, interestingly, the IDG in particular has found itself in a very dynamic environment in recent times and subject to a number of announced enhancements to its operations. Obviously the AFP has been putting a lot of effort in on the ground, both at Majura and in its other work, to really ramp up the basis of the IDG: its training, its activities, its reputation and its perspective within their own organisation. It does play into your audit process at all?

Mr Crossley—Again only to the extent of what depth of skill they have put into the process. We actually lived the part in this audit. We went after the predeployment training—where they put people out there in the middle of the night—and we went to the postdeployment training and indoctrination, if you like. There is very great depth. That, for us, was how they had lessons learned since they had hit the ground. A lot of the predeployment and postdeployment training was very specifically targeted at instances that they had recognised during their time there. It is continually being updated. An example is unexploded ordnance; the Solomons is full of World War II ordnance. The implications of that have now been factored into their postdeployment indoctrination and the set of procedures that the police must go through—how they deal with encountering it and the process they then have for isolating it, bringing it to a central position and then destroying it—are all lessons that they have learned and procedures have been developed to adapt to that very specific example.

CHAIR—So the assessment you came up with at the end was that, in terms of the RAMSI activities in particular, they are learning those lessons reasonably well.

Mr Crossley—Yes. Sorry, getting back to your original point about how they have adapted, they have brought on very specific people to deal with those situations.

CHAIR—Right.

Mr Crossley—There is a depth of people. It is not just police. They have brought in police who have an expertise in, say, firefighting, because they needed that skill up there. They get trained separately before they go and now they get trained when they are up there. That training then extends across the whole of the mission and so on. The reaction is that, yes, they have identified the depth of people and the diversity of people, and it is not only the sworn agents that go but also those they call the ‘brown shirts’—the civilian public servant members of the AFP. So they have adapted that as well.

CHAIR—In your audit process, did you visit the Solomon Islands as well?

Mr Crossley—Yes.

CHAIR—How does that benefit you in putting together a report like this?

Mr Crossley—Incredibly. It is very difficult to get a real feel for it when sitting in an office here reading a bunch of papers versus going up there to the Solomons and actually visiting the outpost police stations, talking to the police who have been deployed to those outposts, understanding the implications of their role there and looking at what they do and the difficulties they face in terms of transportation. I mentioned the cultural imperative within the AFP for the safety and wellbeing of their officers and staff over there. Seeing the medical facilities and the evacuation procedure, understanding the extent of the curfews and the transportation issues that they face there and looking at the facilities they have there gave us a much greater depth of understanding of not only their role there but the environment in which they are working and how they are adapting to that. For us, visiting those places as part of the audit was invaluable.

CHAIR—Would you say the same, Mr O’Brien?

Mr O'Brien—Yes, certainly. In fact, most of the actors who were delivering the programs in the Solomon Islands are obviously located in the Solomon Islands. We have the office of the special coordinator, the special coordinator and the deputy and the assistant special coordinator, the program directors and so on. Part of the audit was engaging with those people and talking to them at some length about the difficulties that they face.

CHAIR—Do you also talk to local community members, whether they are officials or bureaucrats within the Solomon Islands community, about their perceptions or attitudes towards RAMSI in that process—either of you?

Mr O'Brien—In terms of the coordination audit, no, we did not.

Mr Meert—Sometimes we do that quite specifically. For one thing, we have a jurisdictional problem and we go in—

CHAIR—Yes. I was not sure how that would play out, so I thought I would ask.

Mr Meert—If we go into performance measures, which some of you have heard us talk about before, we have real issues about measuring performance because we are in a different jurisdiction and we have no access. So accessing locals and getting views, which are not necessarily evidence, is very difficult to translate. To answer your question about visiting, as some of you would know, the biggest challenge for us is the context. Nobody argues with us about facts; what they say is, 'You need to understand the context.' It can save a lot of effort to go and have a look, and we have that with defence constantly. You go and have a look at it on-site. It is an investment that is well made.

Mr Crossley—For the Solomon Islands visit, we were able to arrange a series of meetings in various locations throughout the Solomons with local community leaders at which we were able to discuss their perspective on how the PPF was effective in trying to achieve the mission objectives. So, yes, we did engage with various stakeholders—village chiefs, local church officials and public sector officials in health and education in those regions. Again, that was to get the context of what it was truly like and what their on-the-ground personal response was to what was happening.

CHAIR—The final recommendation in your report, Mr Crossley, is about the AFP doing more to assist personnel who are returning from their duties. This is an interesting issue for us, in relation to both the AFP and the ADF, but in this context do you arrive at that observation or that recommendation by virtue of evidence or information that you received from police who had been on deployments and found the environment on return not so fantastic? How did you form that view?

Mr Crossley—That is a part of what we did. We actually spoke to some of the people who had come back. We also asked the AFP to demonstrate what process they had in place for returning officers and it was based on a lack of formality around that process. I guess it was exacerbated by the very real factor, especially in relation to the PPF deployment, that a number of the police who were initially engaged to go over there were from other jurisdictions. They were not serving AFP officers; they were essentially from the New South Wales, Victoria and Queensland police forces. They sign up to join the AFP, which means that when they return they

are out of their own normal jurisdictions and the AFP did not really have any process to understand the implications of that almost cultural transition for a number of them into a different environment—specifically, when they got back, what they would do and how they would perhaps be able to utilise the skills that they learnt from the deployment back in the environment.

The AFP does keep records of the history of officers returning, not settling in and then leaving. It was through a combination of the formality of the process of interviewing some returning officers, looking at their records in terms of departures from the AFP, asking them why that was the case and being given the excuse, ‘They didn’t really have anything for me.’

CHAIR—Based on your recommendation and their agreement, we hope that that is going to get better.

Mr Crossley—Yes. Our anecdotal evidence post the audit is that they have put in place a number of measures to address that.

CHAIR—My last question is about the planning for RAMSI’s operations. I think it is paragraph 15 in the summary where you talk about the third phase of the mission, which is all about making the RSIP a better police force and putting into practice all the work that had been done since 2003. I am really interested that they started that process without what you describe as ‘a clear staged strategy for implementation’. It sounds to me that they started out with all the best of intentions, but it was as though they rocked up for work one day and went, ‘Right, here we go,’ not really sure of where ‘here we go’ was going to take them.

Mr Crossley—That is partly the problem.

CHAIR—It is colloquial, I know—

Mr Crossley—The observation that perhaps comes out more in the body of the report is that it was very difficult to differentiate when one phase stopped and the next phase started.

CHAIR—Having been there a few times myself, I can understand why you say that.

Mr Crossley—But, having said that, I think our conclusion stands that they were not really prepared. They did not have a clear idea of what they wanted to achieve. When they did start, they did not have a clear idea of who would be the best people to achieve that phase of the mission. We observed that the people on the ground at the time, who were mainly involved in phase 2—the restoring law and order portion—were practical police officers.

CHAIR—Not trainers, not instructors.

Mr Crossley—Not trainers, not instructors. And, more than that, they would get quite frustrated—and we actually saw examples of that when RSIP officers would come along to an event and take a statement. Again, you must understand the context: the average educational qualification of the RSIP police force is the equivalent of our grade 4 in terms of communication skills and written skills. Police officers would go along to an event and say, ‘I’m here to watch your RSIP member take a sworn statement from this witness,’ but the RSIP member had no idea

of how to do that. So the police officer would get frustrated and do it himself. We are saying: 'That is not exactly capacity building. We understand that you've got to do it.' They were examples like that. They did not have the people they needed on the ground nor a strategy to achieve that phase.

CHAIR—You believe the effect of your report will be a significant change in that approach—she says optimistically!

Mr Crossley—The AFP has a more focused approach to it. I would put a caveat on it: I think they are working in very difficult conditions, not only the conditions of the RSIP personnel but in a sense the political situation over there, for what it is they are trying to do and in what time frame they are trying to do it. It is very difficult for them to make a three-year or a five-year plan when they understand that, realistically, they may not be there for that time frame. So there is every intention on the AFP's part to improve that process. Again, anecdotally, we understand steps have been taken to do so, but it is in a difficult environment.

Senator MARK BISHOP—I have two questions arising out of your comments, Mr Crossley. You said that when you were out in the areas you spoke to village chiefs, elders, community group people, local church leaders and the like. Did they pass any comment to you as to the utility and performance of the work of the mission members? Secondly, did you relay those comments from those local people to the powers that be who were administering the mission? The reason I ask that question is that a number of the NGOs have made some comment that perhaps the degree of liaison with the locals by the RAMSI force members could have been better.

Mr Crossley—Again, perhaps context is important. The forums that were organised for us were in outlying locations—very much village—not in Honiara; we did not have the equivalent meeting in Honiara. I think it would be fair to say that the communities in those outposts were incredibly supportive of RAMSI and the whole context, given what they had been through. By implication they were not critical of the people. They saw them as being an extension of RAMSI. Our overwhelming conclusion was that the RAMSI process had a profound effect in those communities outside of the main capital and that they were incredibly supportive and, by definition, incredibly supportive of the local police. All of the outlying police stations are manned by both an RSIP person and a PPF person. Our observation was that the community was very supportive of those police. We actually went on a couple of patrols into these communities, and the observation was that the police, certainly from my own perspective, were very highly regarded and very well regarded.

Senator MARK BISHOP—I think that is a very interesting comment. Thank you for that.

Senator TROOD—I am interested to know the extent to which the ADF intruded into either one of these audits. I understand that was not the study. Did they appear as an actor in these audits at all?

Mr O'Brien—Certainly in the audit of coordination they were one of the actors in support of the PPF in Honiara. They did participate in meetings such as the interdepartmental committee meeting and the thrice-weekly coordination meetings. As I mentioned before, all of the actors appeared to us to be quite supportive of one another and to operate in a collegiate fashion.

Senator TROOD—But you were not specifically focusing on the ADF role?

Mr O'Brien—No, we excluded the operational activities of the AFP and ADF from our audit.

Senator TROOD—Are you planning to do any work on an audit of the ADF activities in relation to any of these operations?

Mr Meert—Not on coming here. But given the time line for these activities probably the year after we would consider it, just to see the impact. Going through the internet site, you can see some of the claims about success: law and order is being restored, revenue is increased, there are new recruits, 1,000 public servants have received training. There is a mix of outcome/output type on indicators which are just on their net. I think the year after next might be the year when you could go in and start seeing how you measure results.

CHAIR—We will look forward to that.

Mr Meert—I think we had a conversation about the broad objectives last time.

CHAIR—We did, about public diplomacy.

Mr Meert—‘Helping government better serve the people’ is a bit hard for an audit office to look at.

CHAIR—Sometimes it is hard on this side of the table, too!

Mr Meert—That is what we would struggle with.

Senator TROOD—We are a bit too ISTJ for that! Perhaps we have concentrated your mind on the problem, more so.

Mr Meert—You do. The other thing will be the jurisdiction: how we get the evidence when, basically, it is overseas.

CHAIR—May I on behalf of the committee, Mr Meert, thank you and all of your colleagues very much for joining us today. We found it to be a very useful and interesting exchange. I want to thank all of the witnesses who have appeared in the last two days in our continuation of the inquiry into Australia’s involvement in peacekeeping operations.

Committee adjourned at 1.15 pm