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SENATE

FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES
COMMITTEE

Reference: Security threats to Australians in South-East Asia

THURSDAY, 25 SEPTEMBER 2003

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SENATE

FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE

Thursday, 25 September 2003

Members: Senator Cook (*Chair*), Senator Sandy Macdonald (*Deputy Chair*), Senators Hogg, Johnston, Marshall and Ridgeway

Substitute members: Senator Stott Despoja to replace Senator Ridgeway for the committee's inquiry into the performance of government agencies in the assessment and dissemination of security threats in South East Asia in the period 11.9.01 to 12.10.02

Participating members: Senators Abetz, Boswell, Brandis, Brown, Carr, Chapman, Collins, Conroy, Coonan, Denman, Eggleston, Chris Evans, Faulkner, Ferguson, Ferris, Forshaw, Harradine, Harris, Hutchins, Knowles, Lees, Lightfoot, Mackay, Mason, McGauran, Murphy, Nettle, Payne, Santoro, Stott Despoja, Tchen, Tierney and Watson

Senator Kirk for the committee's inquiry into the performance of government agencies in the assessment and dissemination of security threats in South East Asia in the period 11.9.01 to 12.10.02

Senators in attendance: Senators Brandis, Brown, Cook, Johnston, Kirk and Stott Despoja

Terms of reference for the inquiry:

To inquire into and report on:

The performance of the Department of Foreign Affairs and Trade (DFAT) and other relevant agencies of the Commonwealth Government in the assessment and dissemination of threats to the security of Australians in South-East Asia in the period 11 September 2001 to 12 October 2002, including:

- a) The assessment made by DFAT and other relevant agencies of the Commonwealth Government of the threat to Australians in South-East Asia from al Qaeda (and associated terrorist organisations) prior to 11 September 2001
- b) Any change in the assessment of the threat to Australians in South-East Asia from these terrorist organisations arising from the terrorist events of 11 September 2001 and the decision by Australia to participate in military actions with other coalition partners against al Qaeda in Afghanistan in November 2001.
- c) Any further changes in the assessment of the threat to Australians in South-East Asia from these terrorist organisations arising from the arrest and interrogation of the so-called 'Singapore bombers' in the period December 2001 to February 2002.
- d) Any further change in threat assessments to Australians in South-East Asia arising from the arrest and interrogation of Omar al-Faruq.
- e) Any subregional variations on the assessment of the threat to Australians in South-East Asia in the period 11 September 2001 to 12 October 2002, in particular within Indonesia including Jakarta and Bali.
- f) Any differences between the assessments of the threat made by DFAT and other related agencies of the Commonwealth Government agencies, and the assessments of the threat made by the United Kingdom, the United States, New Zealand, Singapore and Canada over the security of their nationals for the same period.
- g) Any differences between the assessments of the threat made by DFAT and other related agencies of the Commonwealth Government and the content of the travel advisories, embassy bulletins and travel bulletins provided by DFAT over the period 11 September 2002 and 12 October 2002.
- h) Any differences between DFAT travel advisories, travel bulletins and embassy bulletins between the period 11 September 2001 to 12 October 2002.
- i) DFAT's conclusion on improvements to the dissemination of travel advisories, travel bulletins and embassy bulletins to the Australian travelling public in the future.

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Committee met at 9.42 a.m.

CHAIR—I declare open this meeting of the Senate Foreign Affairs, Defence and Trade References Committee. I call the committee to order and welcome the members of the public who are present. Today the committee continues its public hearings into the assessment and dissemination of threats to the security of Australians in South-East Asia during the period 11 September 2001 to 12 October 2002. The terms of reference set by the Senate are available from secretariat staff and copies have been placed near the entrance to the room.

The committee has already taken evidence from a number of government agencies. Today is the first occasion on which we will be hearing from members of the public who have been associated with the events in Bali near on a year ago. We know that for many people the events in Bali have been traumatic and life-changing experiences. The committee cannot pretend to deal with, let alone deliver, a resolution to the many lingering issues, but it does hope to be able, as a result of its inquiry, to say some useful things about the threat assessments, how they were formulated, and about the quality and effectiveness of travel advisories at the time.

Our terms of reference are quite specific. Our terms of reference preclude us from examining things like government assistance to victims or the Red Cross Bali appeal. It would be useful if people presenting their views to the committee directed their remarks to the issues listed in the terms of reference. There may be people here today who are not listed to appear before the committee but who may wish to speak to us on the record. If that is the case, would you please let the committee staff know that you would like to address us and we will do our best to accommodate you.

There are a few formal things about the inquiry process that I need to bring to your attention before we get under way. Firstly, witnesses are reminded that evidence given to the committee is protected by parliamentary privilege. It is important for witnesses to be aware that the giving of false or misleading evidence to the committee may constitute a contempt of the Senate. If at any stage a witness wishes to give part of their evidence in camera, they should make that request to me as chair and the committee will consider that request. Should a witness expect to present evidence to the committee that reflects adversely on a person, the witness should give consideration to that evidence being given in camera. The committee is obliged to draw to the attention of a person any evidence which, in the committee's view, reflects adversely on that person and to offer that person an opportunity to respond.

When witnesses are first called upon to answer a question, they should state clearly their names and the capacity in which they appear. Witnesses will be invited to make a brief opening statement to the committee before the committee embarks on questions. That is the opening statement on behalf of the committee.

[9.46 a.m.]

MARSHALL, Mr David Grant, (Private capacity)

CHAIR—Welcome to the inquiry. Thank you for making yourself available. If you have a few opening remarks to make, please proceed.

Mr Marshall—I am the eldest son of Robert James Marshall who died as a result of the bombing in Bali on 12 October 2002. I am speaking on behalf of my family because none of our questions have ever really been answered truthfully about the so-called warnings from 11 September 2001 to 12 October 2002. Basically, my father was not given a choice to decide whether he wanted to travel to the area; whether it was safe travelling to Indonesia, given the potential for terrorist activity. That is about it for the moment. Sorry, I am a bit nervous.

CHAIR—Don't be nervous, Mr Marshall. While this has the appearance of formality, we conduct ourselves in a fairly—not casual, because we have a serious purpose—relaxed way. If anything else occurs to you that you want to say during the course of this morning, please feel free to add to any of your remarks. If it is all right with you, I will now ask the committee if they have any questions of you.

Mr Marshall—Certainly.

Senator BROWN—David, you have said that your father was not given a choice. Are you aware of what he knew about the potential for terrorism or the potential for danger in going to Bali before he set off?

Mr Marshall—What I knew and what the Marshall family knew was that it was a safe place to go to. We were not aware of any warnings whatsoever; no warnings had been given to my father or the group that he was travelling with when they booked. There was nothing. They believed it was 100 per cent safe to go to Indonesia. As far as we were concerned, it was a safe place to travel.

Senator BROWN—How long had your father been there when the bombing took place?

Mr Marshall—Just on 24 hours, I believe. They left Friday. It was just under 24 hours over there.

Senator BROWN—Maybe you cannot be specific about this, but you would have read most of the material that is on the public record now. What do you think about the state of affairs, if you like—the preparation or the warning that was available to the public? We have had various agencies saying that there was a high alert or a general danger warning for travellers to Indonesia and, indeed, to elsewhere in South-East Asia. What you are saying seems to be that that was not getting through to people who were travelling from Australia. Would you like to comment on the fact that there was from the department of foreign affairs a level of warning that had changed over the preceding year, and obviously your family did not know about it. What would you expect for the future?

Mr Marshall—About our never receiving so-called warnings: this is where the entire Marshall family has been disillusioned by what we have heard over the last 12 months. We have heard that there was, on 3 October:

... a warning by the Australian Embassy in Jakarta to maintain a high level of personal security awareness at all times. It warns that militant groups may conduct intimidatory activity against nightclubs, bars and other places where expatriates are known to gather. It advises bombs have been exploded, particularly in Jakarta and elsewhere in the past, adding that further explosions may be attempted. No updated travel advisory is released by the department for Australians intending to travel to the region, including Bali.

That was from the *Advertiser*, Wednesday, 27 November, and that is from Mr Alexander Downer. He wrote that.

When they say that there were warnings in Indonesia from the Australian Embassy, I do know of two families who were in Indonesia two weeks prior to 12 October. One of the family's father has many friends up there. He travels up there two or three times a year. He never heard of any warning whatsoever. There were no warnings for Australians in Indonesia and there were definitely no warnings for Australians intending to travel to Indonesia, including Bali. The mother of the other family checked the hotel noticeboard every day for activities for her children. She travels up there at least twice a year. There were no warnings whatsoever.

The other point I wish to make is that a lady by the name of Ms Christine Anderson, who is a teacher at a southern suburbs school where I work, had been given the all-clear by the CEO of the education department to take 20 students to Indonesia, because there were obviously no warnings given to stop these students flying into a war zone.

Senator BROWN—When was that?

Mr Marshall—That was on 13 October. At five o'clock in the morning they boarded a plane here at Adelaide Airport to go to Melbourne. I spoke with Ms Christine Anderson last night. She gave me a copy of what she did send through to the Hon. Peter Cook and she has given me permission to speak about what she sent through.

Senator BROWN—We have received that.

Mr Marshall—You have it? Okay. While they were waiting to reboard the plane in Melbourne, it was only by chance that a sister of one of the girls was in Bali and rang her on the mobile phone and told her not to get on the plane; to go back to Adelaide. She said it was a war zone. Ms Christine Anderson then made the decision to get the kids off the plane, and their luggage, because she was not going to take the responsibility of flying these kids into Indonesia. Again, I ask the question: how could the department of education CEO allow schoolkids to fly there? Two weeks prior to that, there was another group from Christies Beach High School who flew over there and flew back.

Senator BROWN—The implication is that the education department was not aware of the warnings either.

Mr Marshall—They were obviously not made aware. Since 12 October, what has happened is that apparently these travel advisory warnings are sent through to all schools. The principals now put them on the noticeboard. But it is too late now. This is something that happened before. We just cannot understand how we could allow kids to fly into a war zone. It is unbelievable. This is where I question the fact that they have said there were warnings for people in Indonesia: there were no warnings. They have not proved that they are talking about specific warnings. To me, Bali is as much to Indonesia as Tasmania is to Australia: if there is a warning against Australia, you include Tasmania, you include Kangaroo Island. They are part of Australia. That is what I have to say on the warnings.

Senator BROWN—Just going back a step, David: your father and the people you are speaking about would have been to travel agents to get the tickets and to book ahead and so on. Are you aware if the travel agents had any warnings or, whether or not they did, whether anything was passed on in the negotiation for the tickets or the travel ahead?

Mr Marshall—No. We do not know whether the travel agents were given warnings. Definitely no warnings were given to my father or the group that he was travelling with. I cannot speak on behalf of the Sturt Football Club, but I do know that no warnings were given to my father about it at all. He was so elated that six days prior the club had won the premiership here in Adelaide and that he was invited by the Sturt boys to go there with them, because he was one of the boys with them. He would not have gone had there been any warnings. He would not have let the Sturt boys go over there. He would have stopped them.

Senator BROWN—Thank you for that.

Senator KIRK—Thank you, Mr Marshall, for coming here today. We are very sorry for your loss. I have some questions to follow on from Senator Brown. You have indicated to the committee today that, as you understand it, your father was not given any warning at all before leaving Australia for Indonesia. I take it from that he was not aware of the travel advisory system that DFAT had in place?

Mr Marshall—No, he was not aware of it. Mum and Dad are not on the Internet. I think Dad was like a lot of other Australians: he just did not know what was supposedly put in place. As far as he was concerned, Indonesia, especially Bali, was a safe haven to go to; to enjoy and celebrate their victory the week before.

Senator KIRK—Senator Brown asked you whether or not the travel agent had brought these matters to your father's attention and you seem to think that that is not the case—that it was not raised by the travel agent. Is that your understanding?

Mr Marshall—That is my understanding. As I said, Dad would not have allowed those boys to go. Dad would have brought it up with the Sturt Football Club. If he had known anything about these warnings that were supposed to have come out on 3 October, nine days prior, he would have gone straight to the Sturt club and put his doubts to them and changed it to go somewhere else.

Senator KIRK—Did your father fly with Qantas to Denpasar—which airline was it?

Mr Marshall—That's a good question. I did not actually see him take off. I saw him on the Thursday.

Senator KIRK—The reason I ask is I wondered whether or not Qantas or the airline would have brought the matter to your father's attention, but I take it the answer would be no to that as well. As you say, it sounds like he would have then immediately said, 'Well, that's it. We're not going.'

Mr Marshall—Yes. Dad would have stopped them. He was basically the unofficial chaperone for those boys. Although he was a boy at heart himself when he was around his beloved Sturt boys, he would not allow any of them to come to harm.

Senator KIRK—Looking back on it now, what sorts of warnings do you think should have been brought to your father's attention and those of the boys, and by whom? Who do you think the responsibility lies with? Is it with the airline, the travel agent; is it with the government, by advertising these things in newspapers? How do you think people such as your father would have been made aware of the warnings?

Mr Marshall—I think through the government. The government should have made Australians intending to travel to Bali aware of it, as they are now. They are making it quite clear to those who are intending to travel to Bali for the first memorial. We are hearing it on radio; we see it on TV; we see it in the papers. Yet there was nothing prior. I do believe it is up to the government. One sentence I have here is:

I firmly believe, and the Marshall family firmly believes, that the Australian government has failed in its duty of care to provide adequate warnings to ensure the safe wellbeing of Australians travelling to Indonesia, including Bali.

I firmly believe that they have failed in their duty of care to Australians, considering since 12 October they have always let us know about not travelling to Bali, to America, or to Iraq—'Don't go there.' There are no specific warnings, but, 'Don't go' or 'Defer all non-essential travel'.

Senator KIRK—In your view, it falls to the government to do such things as advertising on television, radio, newspapers and the like. Is that where you see the first responsibility as falling?

Mr Marshall—Yes. I believe they could do that. I did get a letter from the Hon. John Howard, stating that they had upgraded the amount of travel agents who they were going to give these warnings to that they had to pass on to travellers. I think it is up around 3½ thousand now. Also, I cannot see why at all international airports they could not have something similar to their smartraveller.gov.au—which I took off the Internet this morning. They could have a screen there with a picture of the world and they could have a red area over areas where there are warnings, so that if people do not understand English, they can see, 'Well, we're going to that area. Let's go and press it and find out what's going on.' They could then be given any warnings and, if they have to cancel their trip, well, they get to make the choice. They at least are given a choice as to whether they want to go there or not. That is how I see it, and how the Marshall family sees it, too.

Senator KIRK—You mentioned earlier an embassy bulletin that was available in Jakarta, but obviously Jakarta is a long way from Bali. I understand from what you are saying that you also think that similar sorts of posts—let’s call them—in Bali would be helpful as well for Australian travellers to be able to go to and find out what the latest information is in relation to the whole of Indonesia.

Mr Marshall—It would help. When I went up to Bali last October to find Dad, we found out the next morning that the hotel we were staying at had had a bomb scare. The owners would not tell us because they were afraid everybody would leave. I found out from, I think, Brian Diamond from the Australian consulate in Denpasar. Apparently these warnings are faxed out to the hotels and they are asked to put them on their noticeboards, but they do not make it. Obviously, the hotel sees that and thinks, ‘We’re going to lose visitors here.’ So, yes, they should have something else in that country. I have something here: apparently it was, ‘The Australians in Indonesia were warned’, and yet I know two families who were there two weeks prior and never heard a word, not a single word about it. One of them actually went past the Sari Club at 10 to 11 on the night. He was leaving that night and drove past the Sari Club, so 15 minutes later and he could have been another victim. Him and his family could have died.

Senator KIRK—Thank you, Mr Marshall.

Senator JOHNSTON—Mr Marshall, coming back to the point you made then about the notices going out to hotels and the proprietors or staff of the hotels not conveying the notices to their Australian guests, can you tell us any more about that? What other details have you heard about that? I think it is very important we understand that, if there is a suppression of these notices onshore in Bali, that is also of considerable concern, such that DFAT need to be aware of that. Has somebody said something to you? Can you remember exactly what was said?

Mr Marshall—We were staying at the Jayakarta Hotel. It was just after breakfast. We arrived on the Wednesday morning, so it was Wednesday morning when we heard. We saw a whole heap of people packing their bags and they were in a hurry to get out of there and we just asked the question, ‘What seems to be the problem?’ and they said, ‘There’s been a bomb threat to the Jayakarta and apparently eight other hotels.’ We asked, ‘How come we haven’t heard anything about it?’ and they said, ‘You won’t. The owners of the hotels won’t tell you, because they don’t want to lose your—’

Senator JOHNSTON—I want to get a bit of a picture of the level of knowledge and understanding of people travelling to Bali. How many times have you been to Bali yourself?

Mr Marshall—Once.

Senator JOHNSTON—Was that after the bombing?

Mr Marshall—Yes.

Senator JOHNSTON—You are aware of the football club members who went with your father.

Mr Marshall—I knew they were going, yes.

Senator JOHNSTON—You know them reasonably well. You know who they are.

Mr Marshall—Yes.

Senator JOHNSTON—Do you have any understanding of their knowledge of Indonesia, generally speaking?

Mr Marshall—No.

Senator JOHNSTON—Do they understand that Indonesia, firstly, is one of the biggest Islamic countries in the world?

Mr Marshall—I think everybody would probably know that, yes.

Senator JOHNSTON—And that there had been some bombings and some unrest in various places throughout Indonesia over the few years before the Bali bombing?

Mr Marshall—I think we had known about that.

Senator JOHNSTON—Yet everybody had in their minds that Bali was somehow separated from that.

Mr Marshall—I think Australians, as a whole, thought of Bali as the safest place on earth to be.

Senator JOHNSTON—Notwithstanding their question marks over Indonesia generally, they thought that Bali was safe. You think that everyone thought that Bali was safe.

Mr Marshall—Exactly.

Senator JOHNSTON—I think that is correct. I think that people do think that. Let's come back to how we approach the purchase of tickets, for instance. Isn't it appropriate that, at the time that a traveller, a holiday-maker or a tourist going to Bali is at the travel agency, the travel agent should be able to disclose to that person what the travel warnings are at that point?

Mr Marshall—Yes, they should.

Senator JOHNSTON—Before money changes hands—before the decision is cemented into place with money passing across the desk—the person purchasing the holiday or overseas trip knows the travel warning. That would be the preferable and appropriate situation.

Mr Marshall—That would be, yes, because then at least you can make that decision.

Senator JOHNSTON—Did that happen to you when you went to Bali?

Mr Marshall—No. Our trip to Bali was decided within about two hours, because nobody knew where my father was.

Senator JOHNSTON—It would not have made any difference to you, but nevertheless there was no specific drawing of your attention to the travel warning status of Bali before you bought your ticket.

Mr Marshall—Yes.

Senator JOHNSTON—There was?

Mr Marshall—After the bombing, we had heard that all Australians should defer all non-essential travel.

Senator JOHNSTON—How did that come to your attention?

Mr Marshall—Radio, TV, newspaper.

Senator JOHNSTON—Let's say you did not have a radio or a TV, which is obviously unlikely, when you were purchasing the ticket as an ordinary tourist, the travel agent—the person that you purchased the ticket through—did not say to you, 'Are you aware of the situation in Bali?'

Mr Marshall—No, because it was the government who told me. The government bought the ticket, and they told me at the same time. We had that choice.

Senator JOHNSTON—The government bought the ticket, they told you of the status and they gave you a choice at that time.

Mr Marshall—Yes.

Senator JOHNSTON—How many of you were going?

Mr Marshall—Three.

Senator JOHNSTON—How long were you up there for?

Mr Marshall—Two days.

Senator JOHNSTON—Whilst you were there, did you detect any notices or change of status or information that was important to your personal security in Bali?

Mr Marshall—Yes. On the Wednesday, when we heard about the possible bomb threats at the hotel, we felt very uneasy, so we were watching exactly where we were going. Then on the Thursday they had a ceremony at the consulate and it was just after that that Prime Minister John Howard told everyone to get out of Indonesia. He said, 'All Australians get out.' On our way back to the hotel our car was searched four times. It was very intense over there.

Senator JOHNSTON—The security situation was very intense?

Mr Marshall—Very intense. The car that we were in, as I say, was searched four times. We went straight back to the hotel and organised with the family back here to get us on the first plane out, because we were not due to leave until Saturday night, and they managed to get us on a plane on the Thursday night. We packed our bags and went straight down to the airport.

Senator JOHNSTON—What date was that?

Mr Marshall—That was Thursday night.

Senator JOHNSTON—Late October?

Mr Marshall—No, that was four days after the—

Senator JOHNSTON—The week after, so 17 October.

Mr Marshall—It was about 17 October, yes. The funny thing about that was that it was not a warning about a specific place. It was not specifically targeted at Bali. We were just told, ‘Get out.’

Senator JOHNSTON—Just a general anxiety as to the security situation.

Mr Marshall—Exactly, it was just that all Australians were to get out. That was four days after, but nothing specific.

Senator JOHNSTON—You have mentioned a whole range of things. Is there anything else that you would like to draw the committee’s attention to with respect to what you think the government could be doing to highlight the security situations in places such as Bali into the future?

Mr Marshall—What could they do? Be more honest with the Australian public and definitely let us know what is going on. As I said before, Bali is as much a part of Indonesia as Tasmania is of Australia. If there is a threat against Indonesia, whether it is specific or not, people travelling to Indonesia should be warned, whether it be by radio, TV, newspaper or a scrolling machine at the airport. The Australian government has a duty of care to its citizens and we should be given a choice as to whether we wish to go to an area where there are possible bomb threats.

Senator STOTT DESPOJA—Thank you, Mr Marshall, for appearing today. I want to ask you about that duty of care. You have made it clear in your comments that the travel advisories were not something of which your father was aware, and you have given us suggestions as to how they could be improved, but generally do you believe it is the federal government’s responsibility to make travellers and Australians aware of those travel advisories? Is that a federal government responsibility?

Mr Marshall—Yes, I believe it is. On that duty of care issue, Prime Minister John Howard was interviewed by Kevin Crease from Channel 9 on 28 November 2002. He was asked why these warnings were suddenly coming out for Australians to defer non-essential travel to Indonesia and Mr Howard’s answer was that they—the Australian government—must warn

Australians of even non-specific threats overseas, otherwise they could be held recklessly negligent.

I spoke with Brian Deegan about this and we both came to the conclusion that it was a pretty ridiculous statement, because you can only be one or the other. One is worse than the other. You can either be reckless or you can be negligent. That is why I keep talking about this duty of care, because they have a duty of care to Australians travelling overseas.

Senator STOTT DESPOJA—I think a number of senators have picked up on your use of the term ‘duty of care’. If it is a federal government responsibility, particularly the Department of Foreign Affairs and Trade, it is their responsibility to make people aware of travel advisories. You questioned the government’s duty of care. In fact, I think in a comment today you said that the government failed in its duty of care. What happens then? What is the government’s responsibility when they fail in what you perceive as their duty of care?

Mr Marshall—What is their responsibility?

Senator STOTT DESPOJA—Is it simply to get it right or do it better next time or are there other things that governments should do?

Mr Marshall—Speaking on behalf of the Marshall family, they should make sure that this never happens again. No-one should have to be put through what our family has been put through—and, obviously, a heap of other families—especially when we hear and we read that there were supposed prior warnings and they never came out. That is what we would like. We do not want this to happen again. We cannot stop terrorism. We cannot stop some idiot strapping explosives to his chest and blowing people up, but, if we have an inkling that something could be wrong, give the people the choice to decide whether they want to go into an area where they could be killed. That is the main thing the Marshall family wants to come out of all of this.

Senator STOTT DESPOJA—Thank you, Mr Marshall.

CHAIR—I have a couple of questions, if I may, to wrap up your evidence. Some of this you have already answered, but for the sake convenience, if you would not mind, I would like to go back over it. Do you know if your father knew—or did your family know—of the existence of travel advisories issued by the Department of Foreign Affairs and Trade before he departed for Bali?

Mr Marshall—No. We know he did not.

CHAIR—Do you know if the Sturt Football Club did?

Mr Marshall—I cannot say whether they knew or not.

CHAIR—Who booked the ticket? Was it the Sturt Football Club or did your father independently book the ticket?

Mr Marshall—It was, I believe, one of the players, Dean Woosnam. I believe he organised it.

CHAIR—On behalf of the—

Mr Marshall—In about May or June he was getting numbers of people who wanted to go there for the end of season, and he organised it all.

CHAIR—Do you know now how to obtain a travel advisory, if you want one?

Mr Marshall—I do, yes.

CHAIR—If you were going to travel outside Australia now, would you obtain a travel advisory?

Mr Marshall—Yes, I would. I obtained one this morning off the Internet. I have been reading them quite regularly since 12 October last year.

CHAIR—Do you know what the last posted travel advisory before the bombing said about Bali?

Mr Marshall—No. I am not that computer literate so I have been trying to find out if we can get hold of ones prior to that.

CHAIR—I have here the last posted travel advisory by the consular branch of the Department of Foreign Affairs and Trade dated 20 September 2002 which, according to my records, was the last advisory issued formally by the department before the event took place. Could I read this to you and ask you to tell me what you think it means?

Mr Marshall—Certainly, yes.

CHAIR—The advisory—and you have seen these. It is in this form. You have this box within heavy lettering, a sort of summary, and then you have a long text about an expanded detail. I will read you the summary:

In view of the ongoing risk of terrorist activity in the region, Australians in Indonesia should maintain a high level of personal security awareness. Australians should avoid travel to west Timor (outside of Kupang), Maluku, North Maluku and Aceh. Australians in Papua (Irian Jaya) and North Sulawesi should exercise caution and seek current information from the Australian Embassy prior to travel. Australians in Poso, the middle of Central Sulawesi, should avoid inter-provincial and inter-city bus travel and exercise caution following recent attacks on passenger buses. Tourist services elsewhere in Indonesia are operating normally, including Bali.

I am happy to hand this up to you if you want to study it. All I want to ask you is, what do you think that meant as far as travel to Bali is concerned?

Mr Marshall—Quite a few of the areas up in Indonesia obviously have been picked out. What I do pick up there is that it talks about Australians in Indonesia. My father was not in Indonesia when this came out.

CHAIR—As a person reading this and contemplating going to Bali, what do you think it means in terms of a warning of the conditions in Bali?

Mr Marshall—The last line there where it says:

Tourist services elsewhere in Indonesia are operating normally, including Bali.

It says it is operating normally, but when do we know when or where any attack is going to take place? It says to avoid travel to West Timor outside Kupang and Maluku, North Maluku and Aceh. Does that mean they are the only areas that would be subject to terrorist bombings? That is the way I look at it. Okay, it says that Bali is operating normally but it does not say that it is safe.

CHAIR—In the body of this warning—in the top half of page 2, in the middle of that section—it expands on the summary and says:

Tourist services elsewhere in Indonesia are operating normally, including Bali. Further information on developments within Indonesia may be obtained from the Australian Embassy in Jakarta.

Do you see that?

Mr Marshall—Yes, I do.

CHAIR—If you were thinking of going to Bali, given that information, what would your response be?

Mr Marshall—My response would say that it would be safe.

CHAIR—Are you aware that since this inquiry started, the Australian Security Intelligence Organisation—ASIO—are you aware of that body?

Mr Marshall—I have heard of them, yes.

CHAIR—They have a six-level classification of threat levels and meanings for Australia's interests overseas. On 28 September 2001, through all the relevant period, they classified Indonesia as high—the threat levels for Australian interests in Indonesia, Malaysia, Singapore, Thailand and the Philippines—and since 28 September 2001 they classified the threat level in Indonesia as high. Are you aware of that?

Mr Marshall—No.

CHAIR—This is the second highest threat level. The highest threat level, I should say, is not defined. It is above high and that is defined by ASIO as meaning the current intention to attack Australia's interest is confirmed by reliable intelligence. The high classification is defined as being current intent and that the capability to attack Australia's interests are established circumstantially but not confirmed by reliable intelligence. Indonesia was classified as high since 28 September 2001. You are not aware of that?

Mr Marshall—No. I was not aware of that, no.

CHAIR—I am asking you to give an opinion now. If you were aware that ASIO classified travel in Indonesia in terms of the threat level as high, how would you have responded?

Mr Marshall—As far as going over there?

CHAIR—Yes.

Mr Marshall—If they had classified it so high—it was the second-highest one you were talking about, wasn't it?

CHAIR—Yes. The highest one is when they have specific information that an event will occur and that is backed by reliable intelligence. High is when they have circumstantial evidence not backed by reliable intelligence. They classify it as high in those circumstances.

Mr Marshall—I would certainly check it all out and I know my Dad would have if he had known. I know a lot of the Sturt boys would have, if they had known.

CHAIR—Again I am asking you for another opinion and I appreciate the difficult circumstances of this. In terms of the two types of advices—the one that you have before you that I have read, from the Department of Foreign Affairs, and the information I have just given you about ASIO—for the purposes of ordinary Australians making travel decisions, do you have an opinion about which is the most useful? Which advice is the easiest to understand or follow and which advice is the most useful in making a decision as to whether you should go or not?

Mr Marshall—So either go on that type or the ASIO?

CHAIR—Yes. It does not matter if you do not have an opinion.

Mr Marshall—Yes. I really cannot think at the moment. It is fifty-fifty.

CHAIR—That is fine. That is quite a reasonable answer. If you were to want to go to the Philippines do you know how to get hold of a threat assessment for the Philippines, a travel advisory for the Philippines?

Mr Marshall—I assume I go on to SmartTraveller on the Internet and look up travel advice for the Philippines.

CHAIR—You were offering an opinion to Senator Stott-Despoja a moment ago but can I ask you this question: at what point do you think information about travel is of the most use—at the point when you are considering booking the ticket or at the point when you arrive at the airport ready to depart?

Mr Marshall—Both.

CHAIR—Thank you, Mr Marshall.

Mr Marshall—Thanks very much.

[10.33 a.m.]

BONYTHON-WRIGHT, Mr David Thomas, (Private capacity)

CHAIR—Welcome. Mr Bonython-Wright, the procedure is that we invite you to make an opening statement and then be available for questions from the committee.

Mr Bonython-Wright—I run a consultancy in counselling training, cross-cultural awareness and coaching. I would like to say to start with that it is an honour being here with such an important issue and certainly giving evidence alongside some of these fine Australians who are also giving evidence, many of whom I know. I would like to say that I have also been impacted by terrorism in that in the Twin Towers disaster, Andrew Knox was somebody well known to me, so I have worked with and know Andrew and his family.

Earlier this year I contacted Jason McCartney and through that contact I have been to Bali on two occasions this year: with Jason and his wife in March, and on 16 June this year I was back in Bali with Jason and the other two Australians who gave evidence in the trial against Amrosi, where I also briefed the Australians giving evidence prior to them going into court. I sat in the court and was also named in the court and was with Jason afterwards when he spoke to both Australian and overseas media about what had happened.

In that context, something of significance from that was that the transcript of the evidence Jason gave was on the front page of the *Jakarta Post* in Indonesia because the evidence the Australians gave was very much focused on antiterrorism and not anti-Balinese, not anti-Muslim, not anti-Indonesian. The fact it made it to the front page of the paper was fairly significant.

CHAIR—Were you there as a friend or in a professional capacity?

Mr Bonython-Wright—I was there as a counsellor. I was engaged as a counsellor to work with Jason and to work both with Balinese survivors of what happened on 12 October and with many Australian survivors of that, including with Jason again, going to parliament on 19 June, lobbying on behalf of the survivors of what happened on 12 October. I am going back again in about a week's time to Bali with the memorial. I am also caught, like a lot of people, between the information that is here and the travel warnings which I find are very significant, very useful and the fact that various people are going back too; part of me is somewhat apprehensive about going back but I am also conscious that in my role as a support person if the people I am supporting are going back, my role is to go back with them.

While I was in Bali, in the court, I witnessed the advantage of the increased cooperation between intelligence services of Australia and Indonesia. I was in a position where various people from the Australian Federal Police were able to comment on how, because the improved relationships were occurring between themselves and their Indonesian counterparts, that in fact is part of the reason they were able to have the success they were having in the Amrosi case et cetera, because the information flowing was better than had previously been the case.

I had not been to Bali prior to going in March, so my opinions about what happened in the 12 months up to the Bali thing are just comments, although I have spoken to various people for whom the quality of information et cetera is a very significant issue. For me, one of the big issues that I saw over in Bali was that we need to rebuild the relationships and the lessening of fears will help with the sharing of intelligence and reduce the security threat to Australians; that that, ultimately, is one of the significant things that needs to be done. Creating a climate where there is less suspicion and distrust and more cooperative endeavour towards a shared objective is critical. Building bridges through things like victim survivors using ping-pong diplomacy as it was used in the seventies with China using sport, cultural educational exchanges, utilising public relations to challenge others' views of us, are fairly significant in reducing security threats to Australians in South-East Asia. The intelligence is one thing but the establishment or improving of relationships is probably more significant than that.

I only have a couple of points to make and then I can turn to the questions. Terrorism is not a new thing, nor is suicide or murder. We have not been able to stop suicide or murder. We need to understand what we are dealing with and why these things are happening in order to counter them. We need to be careful how we demonise these terrorists, for they do the same thing to us. They demonise Australians in terms of viewing us as being hedonistic Westerners, Australians, Christians et cetera. They demonise us and part of the dilemma with that is that we may miss the opportunity of understanding why these people are doing the things they are. We have to increase our ability to understand what they are doing if we are going to be able to counter that.

The last couple of points I would like to make: for me, a critical point when I was in Bali with Jason was when I went and met with various widows and orphans who had been made so by what happened on 12 October. We met a six-year-old child who, if he had not been taken in by some very kind and caring person, was a possible candidate to be taken to one of the Islamic terrorist training schools. In looking at this six-year-old kid I was thinking, 'I am not looking at a demon, I am looking at a traumatised child and if this person goes to one of those schools where he is filled with the right sort of spin of bitterness, hatred and anger, we have our next generation of suicide bombers being developed.'

That is a very important issue because if we do not find out ways of tackling those things, we are not going to stop this from happening. We should not ignore that, similarly in the past with Hitler Youth et cetera, they were also an incredibly abused generation who were capable of doing great terror and terrible things to other people. With brainwashing and indoctrination it is amazing what people can be persuaded to think is good, even though, in its essence, it is very bad. That is about all I was going to say, apart from answering any questions that you might have to ask.

CHAIR—Thank you very much.

Senator BRANDIS—Mr Bonython-Wright, can I say at the outset that it is very obvious to me, and I am sure it is to other members of the committee, that you have played a significant role as a counsellor and friend to a lot of the victims and the victims' families. They and all of us stand in your debt for all you have done, so thank you.

Mr Bonython-Wright—Thanks.

Senator BRANDIS—Mr Bonython-Wright, in the course of what you have done in relation to the victims and their families since the Bali bombing, can you please estimate roughly how many survivors and families of deceased victims you have dealt with and have had conversations with?

Mr Bonython-Wright—Probably about 40.

Senator BRANDIS—About 40, okay. I assume that in speaking with these people, either the survivors or families of deceased Australians, those conversations would have been fairly wide-ranging in terms of the circumstances in which they came to Bali, as well as the impact on them of the terrorist event.

Mr Bonython-Wright—Yes.

Senator BRANDIS—In the course of those conversations, did any of those to whom you spoke tell you they had or they were aware their deceased relatives had consulted the travel advisories issued by the Australian government prior to the bombing?

Mr Bonython-Wright—Not specifically, because I did ask—

Senator BRANDIS—The last one, can I remind you—it was the one the chair read to Mr Marshall before—was issued on 20 September 2002, so about three weeks before. Sorry, go on, Mr Bonython-Wright.

Mr Bonython-Wright—They never specifically talked about that travel warning. I have heard people talk about the quality of the travel warnings but they did not specifically talk about that travel warning.

Senator BRANDIS—So nobody said to you, ‘We took the trouble of getting hold of this travel warning and we considered it before coming here.’ Nobody said that to you.

Mr Bonython-Wright—No.

Senator BRANDIS—You see, Mr Bonython-Wright, it seems to me there are probably two quite separate issues for us. One is the question of the content of the latest travel warning which the chair read aloud before. The other is the extent of dissemination or the degree of public awareness of the fact that travel advisories were even issued. That was the main issue I understood Mr Marshall to be speaking to. Nobody could have been misled by a travel warning they never saw or consulted, you would agree, and nobody said to you that they had been?

Mr Bonython-Wright—No, they never specifically said that to me.

Senator BRANDIS—There is a broader issue though and that is the extent of awareness among the travelling population of the practice of issuing travel advisories. In the course of conversations you had among the 40 or so people you have estimated speaking to, what was your impression of the level of awareness of the fact that travel advisories were issued?

Mr Bonython-Wright—I would suggest that people had a heightened sense of all those things after the events.

Senator BRANDIS—Sorry, perhaps I put the question badly. What I am trying to get at is do you have an impression from your conversations of the extent to which these people, at the time they travelled to Bali, prior to the bombing, were aware that this practice of having travel advisories even existed?

Mr Bonython-Wright—No. Some people had travelled quite a bit and some were used to looking at travel warnings et cetera. That certainly is not a totally new thing at all.

Senator BRANDIS—No.

Mr Bonython-Wright—Yes, some people that had travelled there quite a lot had taken that into account and a lot of people, because they had had very fond experiences with Bali, even though other things were happening elsewhere in Indonesia, their experiences in Bali were so positive that they may not have given as great a weight to the warning because it did not jell with their own experience.

Senator BRANDIS—Do I understand you to be telling us that among the 40 or so people you spoke to, there was some level of awareness among them of the practice of travel warnings, but the weight they placed on travel warnings was variable?

Mr Bonython-Wright—Yes. That would be a fair comment.

Senator BRANDIS—Would it also be right to say that among those 40 or so there would have been some who were unaware of the practice of travel warnings or travel advisories?

Mr Bonython-Wright—It is possible. Some of them did not speak to me about that, so I cannot judge whether they were aware or not.

Senator BRANDIS—I was listening very carefully to Mr Marshall's evidence. Would you agree with his view that one of the things we can learn from this terrible happening is the need for wider publication of travel warnings at the point of sale of tickets or through the press, or perhaps both?

Mr Bonython-Wright—A combination. I think that is a very valid point.

CHAIR—When you say, Mr Bonython-Wright, that you think the people that you know may not have given as greater weight to a travel warning because of their positive experiences of Bali—I think that is what you said.

Mr Bonython-Wright—Yes.

CHAIR—I think I am representing you correctly. Do you hold that view because people told you that or because you assumed that was the opinion that they may hold?

Mr Bonython-Wright—No. Some talked about their positive experiences of Bali and they were aware there were some travel warnings, and they were also aware that other things were happening in Indonesia. But Bali has this peculiar place in the Australian psyche where it is seen as an extension of Australia by some people, so even though things were happening elsewhere in Indonesia, for some people parts of Bali were like being in parts of Australia. There are streets where a lot of things are written in English, and part of the reason why people went there was for that; so having a taste of Asia while being fairly close to Australia, both geographically and in terms of some Australian culture having spilled over into Bali.

I tend to think that there is obviously much greater weight given to those warnings afterwards and, similarly, that the information is becoming more specific in terms of what is coming out in some of the travel information; certainly from the travel information that came out when we went back in March, compared to what is coming out now. It is becoming more extensive and specific. If I go to Bali, even though I have some reluctance doing so in the next while, I will not be going out in the bush on my own; it will be a calculated risk in terms of being with the people and being at a site that may be a possible target, but also there will be phenomenal security there. I do not feel particularly unsafe about being in places like where the memorial services will be, even though things might happen there. I think the security will be about as good as it could be.

CHAIR—I am sure it will be. Going back to the people that told you that they knew about the travel warnings but they had positive experiences of Bali, how many people were they?

Mr Bonython-Wright—There might have been 10 people that had that sort of comment. They took on board aspects of this, but they had nothing really to measure it against. It was a warning that things might happen and there was alert stuff, but again their experience in Bali was, ‘There’s this alert,’ but where does it actually ring true for those people because they had nothing to bounce it against in terms of their own experiences.

CHAIR—Do you know if those 10 people had actually seen the travel warning?

Mr Bonython-Wright—I know a couple had read the travel warnings. That was not the focus of most of our conversations.

CHAIR—But a couple of them had actually read the travel warning and their positive experiences—

Mr Bonython-Wright—Yes. I read the travel warnings with great—

CHAIR—I am sure we all do now. As Senator Brandis has said, the first question is, did people know about the advisories, and then the second question is, do they understand what the advisories are trying to convey? I read to Mr Marshall what the summary of the advisory was and the relevant part in the body of the document. I think you were in the room at the time.

Mr Bonython-Wright—Yes.

CHAIR—What do you think it means in terms of safety for people for Bali?

Mr Bonython-Wright—There were discussions about the ASIO comments and that sort of stuff.

CHAIR—No, I am not referring to that.

Mr Bonython-Wright—You are not talking about that?

CHAIR—If you came fresh upon the travel advisory and you read it in the plain language that is before you, as an ordinary Australian, what do you think it means?

Mr Bonython-Wright—If I had something to measure it against, I would say I would be reluctant to go there—and I think increasingly we now have those measuring sticks. Part of my point is that there was difficulty, some degree of disbelief, or, ‘This wouldn’t happen to us,’ type of stuff prevailing beforehand, which is also extremely common.

CHAIR—I am sure that is right.

Mr Bonython-Wright—It is like people who get involved in hold-ups and those things, who have the attitude, ‘We don’t work in those areas,’ and part of the issue for them is that they never expected this would happen to them; they thought it only happened to other people. In this case it is happening to a large number of Australians, so that has hit us very strongly in terms of our view of being able to travel overseas with a degree of a ‘things weren’t going to happen to us’ attitude. I think that is shattered now.

CHAIR—Of course, these events cloud our thinking all the way. Do you feel you are in a position to offer to us a view of how you would have interpreted that travel warning before the bomb?

Mr Bonython-Wright—Not really. I think that would be just guesswork on my part.

Senator STOTT DESPOJA—What will make up your mind about whether or not you go for the memorial? You sounded as if you were definitely going, but you obviously alluded to your apprehension. You will definitely attend?

Mr Bonython-Wright—I have to wait on the phone calls with Jason McCartney and others. They will affect my decision. If they are going back—and I think they will—then I will go back. For some people they will not be able to go back; what happened at the Marriott Hotel has changed their views and a lot of people have cancelled because their sense of safety has become a bigger issue and they are concerned. But for some people they will be hooked now into Bali for the rest of their lives because of what happened on 12 October. They will go to some of these events because they feel driven to do so by the circumstances of what has occurred. Some of them will take a great risk in order to go because they feel they are honouring people that have died there and they want to go and be there to represent them. So they will go, unless the warning is, ‘Thou shalt not go or, if thou doest go, thou will be in big serious nasties.’ I think that is the truth of it.

Senator STOTT DESPOJA—You mentioned Jason McCartney and the committee is aware of some work that you have been doing with him. Recognising the difficulty of speaking on

behalf of anyone at these committee hearings, are you in a position to advise the committee as to whether or not Mr McCartney was aware of or had an opinion in relation to those travel advisories that we have discussed this morning?

Mr Bonython-Wright—No, not specifically.

Senator STOTT DESPOJA—You have been to parliament recently. You mentioned that in your opening statement. You mentioned you were lobbying. Could you provide some context as to what your role is now in relation to Bali survivors and your work? Why were you in Canberra?

Mr Bonython-Wright—Why was I in Canberra? It is a wonderful place to be and lots of good people hang out in a very nice building and the parliament. Basically, we are trying to reduce the likelihood of long-term trauma with Australians. That was very much what we went in to bat for. My concerns were that a lot of the football players who had been involved in the Bali bombing would not have accessed counselling. We knew they were not going to counselling because of the macho Australian image and that sort of stuff. I was greatly concerned that if we do not do things to minimise the likelihood of long-term trauma, we face the problem of another generation of people being damaged by that sort of trauma, like our Vietnam vets. We went in to bat to try and reduce the likelihood of that amongst as many people as was possible.

The issue of the six-year-old child that I talked about was very critical in terms of trying to tackle the broader issue of how Australians can get back to a point where they were years ago, where we did travel overseas and being an Australian meant you received some protection overseas in the way other people viewed you. I was in a situation in 1982 when I was in Argentina and Chile. I was there for the world volleyball championships and sport is often one of the vehicles which break barriers between countries. I was in Chile when there was gunfire on the streets at night and curfews. We were in Argentina for six weeks after they lost the Falklands War, and at one stage I was with the manager of the Australian team; we had left the main body of the team and gone to a smaller town where we were taken aside by a paramilitary for an hour. It was rather scary because the manager of the Australian team had both a British and Australian passport—he had dual citizenship—and was in fact I believe the first person with a British passport in the country after the war.

People would ask you, ‘Are you Anglais?’ ‘No, not Anglais.’ You would say, ‘Australia’, and they did not know Australia so you would say, ‘Kangaroo’, and they knew what that meant. You had some degree of protection because you were viewed by people as being non-threatening or easygoing or for whatever reason. I believe being an Australian sportsman in that situation helped save my life. I find it interesting that we are now in a position where I would like us to get back to a point where being Australian or a sportsman is seen as a positive thing in the world.

It is very alarming to see now that terrorist groups are specifically targeting Australians; that they actually dislike us so much that we have switched from having a non-threatening perception by other people to where we are specifically targeted. I think that is of enormous concern to the safety of Australians in South-East Asia and elsewhere. I do believe that bridge-building and public relations stuff is critical in trying to change those opinions, if we are going to get back to anywhere near that position.

Senator STOTT DESPOJA—I am very conscious of the terms of reference. You talked about that visit being in relation to guarding against long-term trauma. Again, this relates to your role. What was the response from the powers that be, so to speak?

Mr Bonython-Wright—We did push for cross-party support on some issues and on some of those issues there were some things that were achieved. I am thankful, for example, that the Prime Minister has talked about issues of offering ongoing counselling support for people, where it is required, for life. That is a massive shift from the three- to six-month thinking or mind-sets that prevail about trauma. I also found that the decision makers were prepared to listen to our examples of people who had gone back to the trial, people who had been very strong for other relatives who had been damaged in the Bali bombing, and who lost the plot entirely whilst they were there because of their trauma reaction at the time.

Similarly, I have concerns that there will be other people who go back on this journey in the next week or two. Some will be extremely traumatised. Some of them will be visiting the trauma site and that will be useful for them, but at the same time it will be painful, and I have concerns that if you have any number of those people go off, we could have some serious problems to deal with over there.

Senator STOTT DESPOJA—Thank you.

Senator BROWN—To follow that up a little, would it have been better if we had a major ceremony in Canberra and a facility for those people who particularly wanted to go to Bali to go there?

Mr Bonython-Wright—Yes. I tend to think we need to set up something like a Bali support association for ongoing support and move it away from government. It is something we talked to the decision makers about. I hope to see that occurring soon, and I am sure it will. Some people have the need to go back to Bali. Very simply, that is where this tragedy occurred and, for some of them, they must go back on that journey, as hard as it is.

I would like to see a greater inclusiveness in terms of how people are consulted in these processes. Even if you come up with as good a set of processes as possible, some people will still be upset, because of the nature of such a great tragedy, but it is dangerous to cut corners when dealing with traumatised people in terms of their responses. They should be very generous to them in terms of consulting with them and finding out what they would like to see happen to the memory of people they have lost or in terms of their ongoing support. I think that is fairly important.

Senator BROWN—I understand that some people will benefit from and will need to go back there, but from what you were saying—and how I would view it too—for some people, there is a difficulty in making up their minds and who they will take with them.

Mr Bonython-Wright—Yes.

Senator BROWN—Just making that decision is putting some people in a stressful situation, and it will continue.

Mr Bonython-Wright—Yes. For some, it may not be something that they need to do straightaway. They may need to do it in the future. They may not be ready. Some people will never want to go back there. That will be the case for some, the same as it was in the Vietnam War. Some went back and found that useful, some did not. At least now we are offering support people for when they go back. That is now in place. When Jason and I went back in March that was not in place, but it is now. I see that as positive. Has it been useful for you to hear some of this?

Senator BROWN—It is. You spoke about the change in the last 20 years and the different way in which Australians are viewed. Why is that happening?

Mr Bonython-Wright—That is a big question. I do not know. If you look at some of the media coverage of Australians, we are not viewed in as positive a light as we once were. I was involved in the Sydney Olympics and I know that for the people who were there from all over the world it was truly a marvellous event, and they had very positive things to say about Australia, but it is concerning to now see people target Australians specifically. This was not the case 10 or 15 years ago.

From my perspective, trying to find out that sort of information is absolutely critical. It is like trying to understand why these problems are emerging in order to develop strategies to tackle them, but I believe we have to be careful with our demonising of people and we have to be more inclusive and consultative in how we develop our strategies with countries and groups of people from overseas. I do not think that that is going to be detrimental to us at all in terms of these sorts of issues.

Senator BROWN—Finally, with the Balinese and the six-year-old boy you were telling us about, do you feel there are other things we can be doing there now in terms of those people?

Mr Bonython-Wright—Yes. I believe that is so. I know, for example, that in South Australia part of the focus will be on raising funds for Bali survivors et cetera. The bridge between the survivors of Bali in Australia is one of the ways to get past some of the political problems, because these people have all shared in something in which they will be locked for the rest of their lives. They have shared this experience, whatever country they have come from, and they will link up and there is a bond.

I have seen various Australians who have gone back and linked up with Balinese survivors, and there is a mutual regard and understanding, because they have been through this tragedy together. I know there are great comparisons between the Australians with burns, comparing themselves and their recovery rates to the Balinese, because of the medical conditions and situations there versus here. It is the wish of a lot of the people who were involved from Australia to see the Balinese people looked after and treated well.

CHAIR—Thank you, Mr Bonython-Wright.

Proceedings suspended from 11.08 a.m. to 11.17 a.m.

WOODGATE, Miss Leanne, (Private capacity)

WOODGATE, Miss Samantha, (Private capacity)

CHAIR—I thank Leanne and Samantha Woodgate for making themselves available. The procedure is that we invite you to make an opening statement and then to be available for some questions, if you would not mind.

Miss S. Woodgate—We were obviously affected by Bali. We were blown up in Paddy's Bar, and we are here to say that we never knew about any trouble with Indonesia or anything like that. If we did know, we would not have gone.

Miss L. Woodgate—I am the same, obviously, as Sam's sister. I had no idea that there were any warnings when we booked our holiday to Bali.

CHAIR—Do you have anything additional to add? You do not have to, but if you do now is the opportunity.

Senator STOTT DESPOJA—Thank you both for appearing. You said on record that you had no knowledge of travel advisories. What about people that you have spoken to who you either travelled with or have met since? Is that a view that is shared?

Miss L. Woodgate—No-one that we know knew to look for anything. We have never done it for a holiday before and we did not even know where to start to look for any warnings or anything like that.

Miss S. Woodgate—The travel agent never warned us when we booked, paid or picked up the tickets or anything like that. We picked our tickets up a month before we left. We left on 7 October and nothing was said.

Senator STOTT DESPOJA—At no stage were you given any information from the people who assisted you with your trip?

Miss S. Woodgate—None whatsoever.

Senator STOTT DESPOJA—In terms of people you have spoken to who may have been in a similar position to you—either travelled to Bali or were involved in the incident in October—do you get a sense that other people were aware of travel advisories?

Miss S. Woodgate—No-one that we have spoken to was aware of any sort of travel warning, web sites or anything like that.

Senator STOTT DESPOJA—Some of my colleagues might ask some more specific questions about how you booked your travel and other things. What I am interested in is what this committee can recommend to ensure that this does not happen again. You may have heard suggestions from some of the other witnesses as to how people can get more information or the

travel advisories can better assist Australians who want to travel. Do you have some ideas for us as to what should be done?

Miss L. Woodgate—It is a little bit similar to what everyone has said previously. You can get it across through TV, newspapers and the radio, but if the travel agent is given notice that there are travel warnings, they should tell you when you are purchasing your tickets.

Miss S. Woodgate—Same thing. I have recently seen every couple of hours on the TV travel warnings for certain things and looking up web sites and all that sort of stuff, so a wide variety of media: TV, radio.

Miss L. Woodgate—That would have been helpful. If we had known that we were at risk, we would not have gone.

Senator STOTT DESPOJA—Whose responsibility is it to ensure that you know these things? You have talked about the media, and I am assuming that the media plays a role in distributing the information, but obviously it is the federal government, through a federal department—the Department of Foreign Affairs and Trade—that drafts these advisories. Where do you see responsibility?

Miss S. Woodgate—The Australian government, I believe, has a responsibility to advise all Australians when travelling overseas if they are at risk.

Miss L. Woodgate—They have the opportunity then to decide for themselves if they want to go or not. We are not going to know if there are any travel warnings if the government does not let us know.

Senator STOTT DESPOJA—You were talking then about choice, that you can make a choice. People do not always believe governments or politicians, oddly enough.

Miss S. Woodgate—But if they have web sites and everything else to have a look at they can look for themselves.

Senator STOTT DESPOJA—If it is a government web site, for example?

Miss S. Woodgate—Yes.

Senator STOTT DESPOJA—One of the suggestions we heard from Mr Marshall—and it was in a number of the submissions—was the idea of having some kind of electronic display at airports. Is that something that you, as travellers, would pay attention to?

Miss S. Woodgate—Possibly.

Senator STOTT DESPOJA—Is it something you might consult?

Miss S. Woodgate—If it is where you go through to get your tickets or your boarding pass or something—somewhere that it is easily accessed—definitely.

Senator STOTT DESPOJA—As you said on record, you were not aware of the travel advisories, and clearly that had consequences. You decided to travel as a result. In retrospect, when talking about government responsibility, do you feel that the government has failed in its duty of care or do you think it is just a question of looking towards the future and making sure that warnings or other things are improved so that this does not happen again?

Miss S. Woodgate—The duty of care did not come to us, and it did not come to a lot of other people that we knew. I believe they are at fault and that it should be changed for the future so that no-one else has to live through what we and other families have lived through.

Senator STOTT DESPOJA—If they are at fault, what should they do?

Miss S. Woodgate—They need to make it better. They need to make the Australian public more aware of different avenues to look at, whether it be a web site or a computer thing at the airport.

Senator STOTT DESPOJA—Thank you both.

Senator BROWN—Did you go by Qantas?

Miss L. Woodgate—No, Garuda.

Miss S. Woodgate—Garuda.

Senator BROWN—Even if you saw that travel advisory, which said that tourist services were operating normally—there was a general heightened alert in Indonesia, but Bali was somewhat different, wasn't it?

Miss L. Woodgate—It was, but Bali is part of Indonesia. You cannot start singling things out. If we knew there was an alert in Indonesia, we would probably not have gone. We did the same thing the year before with September 11. There were warnings in Indonesia, so we cancelled our Bali trip.

Senator BROWN—The year before?

Miss L. Woodgate—Yes.

Senator BROWN—That is interesting. What you are indicating there is that between that period and a year later the warning level had, in your minds, dropped.

Miss S. Woodgate—There were no warnings.

Miss L. Woodgate—We did not hear of any warnings.

Senator BROWN—Even though we have evidence that the alert system had been maintained at the same level or even, in some cases, gone up?

Miss S. Woodgate—We only heard of it in the news from September 11 and all that type of thing. We did not know of web sites to go to or anything like that. We had not heard, ‘It’s safe to travel.’

Senator BROWN—Would it be a better system if there was an actual warning for your destination put into your ticket?

Miss S. Woodgate—Yes, definitely, or a web site to log onto.

Senator BROWN—Although some people might not get to a web site.

Miss S. Woodgate—Or a 1300 number, with somebody manning the phone, or a recorded message that is updated daily to find out about travel warnings.

Senator BROWN—Where there is some doubt by the intelligence agencies as to whether there is a threat or not—they are getting information, but they cannot confirm it—do you think they should tell the public?

Miss S. Woodgate—Definitely.

Miss L. Woodgate—Definitely. We have a right to know. Even if they are not sure, we still have a right to know what is happening.

Senator BROWN—We have had evidence that thousands of pieces of information come into ASIO and the other intelligence agencies and they sort it out. They then work out how high the threat level is. The Department of Foreign Affairs and Trade looks at that and from there gives out an interpretation to the travelling public. Would you be happier if some of that information, at least, on which that threat assessment is based—without giving away secrets—was available to the public? In other words, if you wanted to, you could go into a more complicated assessment of what the information is and where the assessment of the threat is coming from.

Miss S. Woodgate—Yes, it would help for future travel, especially if it was in layman’s terms so that people could understand it.

Senator BROWN—How do you view the anniversary coming up?

Miss L. Woodgate—We are not going back.

Miss S. Woodgate—We are not going back.

Senator BROWN—Why not?

Miss S. Woodgate—Not after the Jakarta bombings. It is too close to home.

Miss L. Woodgate—There are travel warnings, so we would not be going.

Senator BROWN—Has that been a difficult decision to make?

Miss L. Woodgate—Not really, because we are not prepared to put ourselves at risk again. We have gone through so much and I would not want anyone to go through that. There is no chance in the world that I would want it to happen to me again, so there is no way I would go.

Senator BROWN—What more can be done now by government for you and the people who got caught up in this terrible tragedy?

Miss S. Woodgate—We are far from being normal—what we were beforehand. Our whole lives have turned around. We still have sleepless nights, nightmares and all that sort of stuff. We do not know when it is going to end, do we?

Miss L. Woodgate—We need a lot of support—support groups and things like that. Do not sugar coat things. If you get information, let us know so we can make the decision to travel or not.

Senator BROWN—This is a fairly obvious question, but I think it is important to ask it. Will you get some compensation out of knowing that in future a much tighter and more accessible warning system is available to travellers from Australia, even though it cannot undo what has happened before?

Miss S. Woodgate—Yes, I think that would be better. I cannot see myself going overseas in the next five years, because I know what is out there, whereas I never knew before. Hopefully, the world will turn around and we will be able do that. At least we will have the warnings there or will know where to get the warnings from.

Senator BROWN—Thank you both very much.

Senator KIRK—Thank you both for coming here today. You said that a year before your trip to Bali you had booked your trip and then you cancelled as a consequence of September 11. You said it was as a consequence of the information that was out there. Could you elaborate a bit on that? Was it just the September 11 event that caused you to cancel your trip?

Miss S. Woodgate—Yes.

Miss L. Woodgate—Yes, Obviously, we saw it on TV and we heard the warnings, so we went to the travel agent and said, ‘We want to cancel our trip.’ Even then, they said, ‘Bali is not at risk. You don’t need to cancel,’ but we ended up cancelling. They have to help you a little bit too.

Senator KIRK—It was not any information specific to Indonesia or Bali?

Miss L. Woodgate—No, we did not know anything.

Miss S. Woodgate—It was just from news reports.

Senator KIRK—When you went back to the travel agent, did they refer you to any travel advisories that might be available on Indonesia?

Miss S. Woodgate—No.

Senator KIRK—They just said, ‘You don’t need to be concerned about Bali,’ yet you still said, ‘We want to be cautious and not go.’

Miss S. Woodgate—Yes.

Senator KIRK—In that instance, the sort of information that caused you to change your minds was information that was obviously widely available on TV, radio, news and that kind of thing. From what you are saying to us, that is the same sort of information that would cause you to change your plans in the future—perhaps not in your case, because you are now always going to check, but do you think that for the average Australian it has to be that broadly disseminated in order for people to get the message?

Miss L. Woodgate—Definitely, because not everyone uses computers and things like that. If you do not use them, sometimes it is difficult to access the areas that you want to try to get into.

Senator KIRK—We have talked a lot about responsibility and on whom the responsibility rests to bring these matters to your attention. Would you agree that perhaps the responsibility is on the government to ensure that travel agents, for example, disseminated this information at the time of booking a flight or when you pick up your ticket? Is that the system that you think would be best to ensure that you are aware of what is happening in—

Miss L. Woodgate—Yes, let us cover all bases. We can never be too safe. Then if you do not hear from one thing you have got another thing to back it up.

Senator KIRK—It is a combination of things—all the steps along the way, from the time you book to when you pick up the ticket to when you arrive at the airport to when you get on the plane.

Miss L. Woodgate—Yes.

Senator KIRK—When you arrive at your destination, do you think it would be helpful to have some central point where Australians could go in a place such as Denpasar, where you could check the latest information, because obviously if you are there for two or three weeks you are not going to be able to get the most up-to-date information. Would that also be of assistance to you?

Miss L. Woodgate—I suppose so, yes. It is there if you need to go and look at it. As someone said before, there were warnings for Jakarta. If you were going to Jakarta on a holiday, you would not think of checking the warning rates out or anything like that.

Senator KIRK—Absolutely.

CHAIR—Could I ask you a couple of questions to conclude this. If you were going to go to the Philippines, do you know how to get hold of a travel advisory about the Philippines?

Miss S. Woodgate—We know now that you can log onto a web site.

Miss L. Woodgate—You can log onto the DFAT web site or something.

CHAIR—You know how to get hold of a travel advisory?

Miss L. Woodgate—Now we do. That is only now, after the incident.

CHAIR—I did this before when Mr Marshall was at the table—you may have been here—but I will do this again. The last issued travel advisory for Indonesia prior to the bombing in Bali was dated 20 September. What I would like to do is read to you the top part of this advisory and ask you to tell me what you think it means, if you would not mind. I will read it reasonably quickly:

In view of the ongoing risk of terrorist activity in the region, Australians in Indonesia should maintain a high level of personal security awareness. Australians should avoid travel to West Timor outside of Kupang; Maluku, North Maluku and Aceh. Australians in Papua, Irian Jaya and Northern Sulawesi should exercise caution and seek current information from the Australian Embassy prior to travel. Australians in Poso and the middle of Central Sulawesi should avoid interprovincial and intercity bus travel and exercise caution following recent attacks on passenger buses. Tourist services elsewhere in Indonesia are operating normally, including Bali.

That is the summarised advice on the travel advisory. How would that influence the decision, in your mind, about whether you should travel to Bali or not?

Miss S. Woodgate—Looking at it, it is telling you that Bali is okay to go to, but then the other areas are in Indonesia so I suppose you can—

Miss L. Woodgate—They should put a whole warning out on Indonesia, not just certain areas.

CHAIR—That is the summary. The whole document is much bigger than that. Going through the rest of the document—I am not going to read the whole document—the relevant part about Bali says:

Tourist services elsewhere in Indonesia are operating normally, including Bali. Further information on developments within Indonesia may be obtained from the Australian Embassy in Jakarta.

Does that change your view at all? Does that change the answer to the question I asked you?

Miss S. Woodgate—Where are you reading from?

CHAIR—From top half of page 2 ‘Tourist services elsewhere in Indonesia’. That is, as far as I can tell, the only other reference to Bali in the advisory.

Miss S. Woodgate—If I had known that other things had been going on—like robberies, and we know now that there were church bombings; all that type of thing—we would not have gone.

Senator BRANDIS—In the document that the chairman has given you, on the middle of the first page under the headline ‘Safety and Security’ it is stated:

Bombs have been exploded periodically in Jakarta and elsewhere in the past, including areas frequented by tourists. Further explosions may be attempted. In view of the ongoing risk of terrorist activity, Australians should maintain a high level of personal security awareness at all times.

That is a general statement, as you can see. What do you make of that, just following along from the chairman's question?

Miss L. Woodgate—If we knew that before 12 October there is no way in the world I would have gone.

Senator BRANDIS—To Bali?

Miss L. Woodgate—Yes.

CHAIR—Evidence has been given to us by the Australian security intelligence service, ASIO. Are you aware of that organisation generally?

Miss S. Woodgate—I have heard of them, yes.

CHAIR—They are the intelligence service that operates for Australia. They have classified threat levels for Australian interests in six different ways. I do not know whether you have this paper, which is their definition of threat levels, but level 1 is the highest level, but it does not have a designation against it. It reads:

Current intention to attack Australia's interests is confirmed by reliable intelligence.

Level 2, the threat level, is classified by them as high; level 3 as medium; level 4 as low; level 5 as very low; and level 6 as very low. High is defined as:

Current intention and capability to attack Australia's interests are established circumstantially but not confirmed by reliable intelligence.

Were you aware that ASIO classified the threat level for Indonesia from 28 September 2001 all the way through up until the relevant period as high?

Miss L. Woodgate—No, we were not.

CHAIR—Looking at the security advice, the intelligence services advice about the threat level as high, and what is written here in the travel advisory, for your purposes as travellers which do you regard as the more reliable or useful piece of information? This document or what ASIO have said?

Miss S. Woodgate—Probably knowing that it is a high risk and maybe a little bit of information of what has gone on would have been beneficial for us.

CHAIR—Do you see any difference in the levels of advice?

Miss S. Woodgate—Definitely. With the high one at least you know it is high; the other one is a bit misleading. On the front page it said that bombs have exploded throughout Jakarta in tourist areas; on the other page it said that Bali is safe to go to. So you have two conflicting interests.

CHAIR—When you are going to Bali, do you regard it as going to Indonesia?

Miss S. Woodgate—Yes.

CHAIR—I do not want to lead you into saying anything you do not want to say. I want to ask questions for you to say what you want. The travel advice describes situations elsewhere in Indonesia. Do you see Bali as separate from those parts of Indonesia or obviously involved with those parts of Indonesia?

Miss L. Woodgate—It is involved. It is still part of Indonesia and they are close together.

CHAIR—It has been said that Indonesia is the world's largest Muslim country. Are you aware that the Hindu religion is the most predominant religion in Bali?

Miss S. Woodgate—You know they are Muslims but you do not judge anybody.

CHAIR—I know but I am asking, do you know that the Muslim religion is not the predominant religion in Bali?

Miss S. Woodgate—I have never really thought about it.

Miss L. Woodgate—I have never thought about it.

CHAIR—Thanks very much.

Senator BROWN—The year before your trip you cancelled because of September 11. When you went to the travel agent—you were looking forward to going to Bali on this occasion—at any time did you ask or were you given any assessment of what the threat level was in Bali?

Miss S. Woodgate—In 2001 or 2002?

Senator BROWN—In 2002.

Miss S. Woodgate—No-one was told. We were not told anything.

Senator BROWN—Obviously in your mind, in the meantime, the danger period had passed.

Miss L. Woodgate—Because we had not heard anything.

Miss S. Woodgate—We had not heard any warnings or anything. If you do not hear anything you do not know better.

Senator JOHNSTON—How long before had you booked your ticket before you actually undertook your trip?

Miss S. Woodgate—We booked some time in July—about the middle of July.

Miss L. Woodgate—We paid for it 30 days before.

Miss S. Woodgate—And then left on 7 October.

CHAIR—Thank you very much.

[11.42 a.m.]

BURTON, Mr Julian Andre, Player, Sturt Football Club

WHITEMAN, Mr Andrew John Donald, Player, Sturt Football Club

CHAIR—Welcome. You may not have been here at the beginning, Mr Burton, but the procedure is basically that we invite you to make a short opening statement, summarising your views, and then to answer questions from the committee.

Mr Burton—We are part of the Sturt Football Club which organised an overseas football trip. We booked it in early July and arrived in Bali the night before the attacks. We were there for 12 hours. I suffered 21 per cent third-degree burns to my body, which I still battle every day. My team-mates also suffered injuries, but not to the same degree. We still battle mental and emotional problems every day. Andrew and I are speaking on behalf of our nine team-mates at the back and the nine team mates who are unable to be here today. We are here to support the other Australians who lost their lives in Bali in 2002.

CHAIR—Thank you. Does your colleague wish to make a statement?

Mr Whiteman—Just backing up on what Julian has said, I was the primary person who organised the trip with the travel agent. I have come here to answer any questions you might have about dealings with the travel agent.

CHAIR—If you want to say anything else that occurs to you in the course of questioning, please just add it in.

Senator BROWN—Cast your mind back to when you were preparing the trip and getting those tickets. Did the thought of Bali being unsafe come into your mind at any stage?

Mr Whiteman—No, it did not. All of us had figured that everything was fine. We were just going to Bali for a footy trip, as everyone else had for the last 10 years to 20 years. We were not aware of any warnings or that there was any danger where we were headed. We were not told anything different by anybody.

Senator BROWN—This is my experience, too. You had never heard of anybody coming back and saying, ‘You’ve got to watch yourself in Bali.’ It was generally seen as a holiday place, wasn’t it?

Mr Whiteman—Pretty much. We had figured that there were going to be 40 other footy trips, so there was going to be a whole lot of people over there, just having a good time and spending the week there in the pool or whatever. We were not aware of anything else that could happen. We were not told by our travel agent or anyone to be careful. We were there to enjoy ourselves for the week.

Mr Burton—More specifically, I had never been on a football trip before. I was always encouraged to go on this trip because Bali has always been the place where Australians go. My first 12 hours there changed that severely.

Senator BROWN—On which airline did you travel?

Mr Whiteman—Qantas.

Senator BROWN—So nobody—the travel agent or anyone at the airport—at any time mentioned anything. This is general experience. You did not become aware that Indonesia had a high level of—

Mr Whiteman—No. I was in constant contact with the travel agent, once every couple of weeks, trying to organise people. We were never told that there was anything to be concerned about—when we were at airports in Australia or over there. No-one mentioned that there was anything to be concerned about.

Mr Burton—I rang the travel agent a couple of times leading up to the overseas trip to change some tickets not only for me but for some team-mates who were wishing to go at the last moment. At no time were we warned by the travel agent about high alerts or of any problems happening in Indonesia.

Senator BROWN—Have you thought about a better system? We have to grapple with the problem of how the spy agencies, if you like, work out whether a place is threatening to Australian travellers or not, and then how that gets put across to the travellers. You will have heard us asking those questions earlier on. What do you think would be the best way to receive a warning, if an area becomes threatening to Australian travellers?

Mr Burton—I think as is done now on TV. The only reason we are aware of what is happening is that you wake up and see it in the papers, on Channel 7 and Channel 9. We do not wake up until we see something severe which tells us, ‘This is happening’ and, ‘This has happened.’ Before that, I do not think that was the issue. It is not up to us to tell you what to do; I think it is up to you to tell us what we need to know. I think those questions should be put back to you, not us.

Senator BROWN—In terms of future travel to Bali, at the moment the threat level is high. How do you view the potential of going back to Bali at some time in the future?

Mr Whiteman—I would like to go back in the future—certainly not in the near future—and make peace with the place where this terrible incident happened. I certainly would not be going while the threat was high.

Mr Burton—I think the reason a lot of people will not return is that we have been made aware of the alert. The media or the Australian government have decided that there is a high alert there at the moment, people will ‘take 2’ and think again. Before the bombing, that did not occur.

Senator BRANDIS—Perhaps you have already answered this question. Forgive me if you have. I want to make this clear, Mr Burton and Mr Whiteman. Is it the case that before you went

to Bali you were unaware of the current travel advisory issued by the Australian government in relation to Indonesia?

Mr Burton—Yes, I would say that we were unaware.

Senator BRANDIS—Is that the case with you, Mr Whiteman?

Mr Whiteman—Yes, correct.

Senator BRANDIS—To the extent to which you can speak on behalf of your friends and team-mates, is it your understanding that they were unaware of that as well?

Mr Burton—I agree with that. We spoke about this and we asked if anyone had looked at the Internet or had done research. A few of them said that they looked at hotels and at the weather via the Internet sites. With a football trip, you are going away and you are excited about your holiday. At no time was it discussed. No-one mentioned anything about alerts or troubles with Indonesia, specifically Bali.

Senator STOTT DESPOJA—Mr Whiteman, you said that you were primarily responsible for organising the tickets and that the airline was Qantas. Did you book everyone's tickets, or were there people who made their own arrangements?

Mr Whiteman—No. I booked everyone's tickets. There were a few people—Julian and another boy—changing tickets. They were coming back early, so they did have some dealings with the travel agent. But they mainly came through me and I went and collected the 20 tickets and distributed them to the boys.

Senator STOTT DESPOJA—That was my next question. It was one travel agent, 20 tickets and the airline was Qantas. It was obviously a relatively large group booking.

Mr Whiteman—Yes.

Senator STOTT DESPOJA—But no information was made available to you about travel advisories?

Mr Whiteman—None whatsoever, no.

CHAIR—I want to start out at left field and ask you a question that is on everyone's minds this week. You guys are footballers. Who is going to win the grand final on Saturday?

Mr Whiteman—I go the Pies.

Senator STOTT DESPOJA—You dare ask a South Australian?

CHAIR—I am a West Australian. I can ask it with impunity.

Mr Whiteman—I say the Pies. I am going for the Pies.

CHAIR—What about you, Julian?

Mr Burton—I have been a Collingwood supporter all my life.

CHAIR—Asked and answered! Andrew, when did you book those tickets?

Mr Whiteman—Some time in July. I think it was probably the beginning of July. From then I spoke to the travel agent once every couple of weeks, organising who was going and the payment. I was going in periodically and paying a certain amount of money as a deposit, and then I would pay another \$1,000 off—right up until the week before we left, I think.

CHAIR—It was not just one visit. This was continuous from July until departure—fairly regular contact.

Mr Whiteman—I would say so, yes.

CHAIR—The Department of Foreign Affairs and Trade issued a travel advisory, as best I can work it out, on 28 March, and updated it on 12 July. From what you have said, I assume that you were booked probably before 12 July.

Mr Whiteman—Probably, yes.

CHAIR—That is about right?

Mr Whiteman—Yes, I would say so.

CHAIR—After you booked and while you were going through this regular period of contact, the Department of Foreign Affairs and Trade issued a travel advisory on 12 July, 13 August and 10 September, and then they issued the advisory that I read from, that you may have heard, on 20 September. What you are putting to us is that no-one told you about any of those.

Mr Whiteman—That is correct.

CHAIR—On 28 March, the travel advisory is headed ‘Consular services travel advice—Indonesia’. It states:

This advice has been reviewed. It contains new information or advice.

I read the last piece of advice. I do not want to go through the theatre of reading it again, but I think it is an important piece of advice. It states:

Australians travelling to or resident in Indonesia should register with the Australian Embassy in Jakarta or the Australian Consul-General in Bali. All travel to Aceh, West Timor and Maluku and North Maluku provinces should be avoided until further notice. Australians travelling to Irian Jaya and North Sulawesi should exercise caution and seek current information from the Australian Embassy prior to travel.

That was the travel advisory at the time you were booking your tickets. That is what you were not advised of. I know it is hard to look back and put yourself in a position of when you were booking your tickets, but I ask you to undertake that exercise and to tell us what those words meant to you about travel to Bali.

Mr Whiteman—I would say that information says do not go to the other areas that were mentioned. I would say that it would be fine to travel to Bali. It does not look like there is any danger in Bali; just the other places—'Be careful when you're there.'

CHAIR—That is the summary. The advisory goes for about 1¾ pages. I am trying to find the reference to Bali. It is in the third paragraph. What they have done is describe some of the events in the other places. It states:

Elsewhere, tourist services in Indonesia are operating normally, including in Bali.

The paragraph goes on:

Travellers in Indonesia and Australians resident in Indonesia should keep themselves aware of developments that might affect their safety and should maintain a high level of personal security awareness. Demonstrations occur from time to time, particularly in Jakarta, and Australians should avoid large public gatherings and areas where demonstrations might occur.

That is the full paragraph. If you can take yourself back to the time that you were booking your tickets, if you were aware of that, what would your response have been?

Mr Whiteman—Obviously, it is pretty hard to go back to then.

CHAIR—Sure. If it is too hard, just say so.

Mr Whiteman—No. I cannot speak on behalf of everyone. I think I would probably speak to everyone that was involved in the trip about it, if we were made aware of it, but I cannot see any real concern there. I think we would still go.

CHAIR—The next update was 12 July 2002, and the heading is again 'Consular services—travel advice Indonesia'. It says:

This advice has been reviewed and reissued with no substantive change to the information or advice provided.

It is different, but 'no substantive change' is the heading. I think the relevant part in the summary is again the sentence which reads:

Tourist services elsewhere in Indonesia are operating normally, including Bali.

Is your response the same as the one you gave before?

Mr Whiteman—I think so. It would have to obviously be reviewed at the time—what was happening.

CHAIR—In the body of this advisory it says:

Tourist services elsewhere in Indonesia are operating normally, including Bali. Further information on developments within Indonesia may be obtained from the Australian Embassy in Jakarta.

Is your response the same to that?

Mr Whiteman—I think so.

CHAIR—The next update was on 13 August 2002, and the heading of this summary is:

Australians in Indonesia should monitor carefully developments that might affect their safety and should maintain a high level of personal security awareness.

It goes on about those other places, roughly, that we talked about. It concludes with the sentence—and we are all familiar with it now:

Tourist services elsewhere in Indonesia are operating normally, including Bali.

The body of the report says the same thing as I read to you before, including:

Further information on developments within Indonesia may be obtained from the Australian Embassy ...

I presume your answer is the same.

Mr Whiteman—I just want to make it clear: I do not want to speak for everyone. I can only speak for myself, because everyone else might have different views. But if I was made aware of that, I think I would probably still travel.

CHAIR—Yes, but you are the link man that is organising all of this and you are in constant consultation with the travel agents, so you are the most likely person to have obtained this information.

Mr Burton—Excuse me, Chair. Where was this advisory at the time and who was it by?

CHAIR—It is by the Department of Foreign Affairs and Trade—they issue these advisories through their consular services—and it is a formal government advisory.

Mr Burton—As a normal Australian who wakes up every day, just like you, where do we view that?

CHAIR—This is one of the questions of our inquiry—obviously not through the travel agent. I think at the relevant time you could have obtained it if you had contacted the Department of Foreign Affairs and Trade.

Mr Burton—Would you contact the department of foreign affairs if you were travelling?

CHAIR—I think we all agree that it was on the web site of the department at the time. You are asking me a question, Julian: would I have contacted them? I am in a special category. I talk to the Department of Foreign Affairs and Trade when I travel—most times.

Mr Burton—But I do not. That is the point I am making: you have advisers telling you what you want to know. We expect our government—they are our advisers—to tell us what we need to know. An advisory such as that is like a real estate document: when you buy a house, do you read every point? You do not. When we travel—if we do not have that, unless it is highlighted to the Australian people—we have our belief in the Australian government that they are doing the right thing by us. To me, the Australian government—whether they are guilty or not guilty—did not do the right thing. So to me, it is all hypothetical to a certain extent.

CHAIR—It is hypothetical if you did not—

Mr Burton—We did not access—

CHAIR—You did not know about it.

Mr Burton—We did not know. That is the thing here. We are putting all the pressure on the Australian people. At the same time, I think the pressure is going to the wrong area. You are asking questions of the wrong people.

CHAIR—I understand exactly your point. One of the things that we are trying to sort out—or at least I am trying to sort out in my mind—in conducting this inquiry is how accessible travel advisories are. Do people normally come across them or access them to find out, and can that system be improved if they are not accessible? Secondly, even if people have access to them, is the language in them language that communicates the level of endangerment or not, or is the language that complex or weighted that differently that it confuses people?

Mr Burton—I think it does. I will throw one at left field: when you go and see a doctor and he gives you a medical report and uses all the medical terminology you do not understand one thing, but if he uses basic words you will understand it. To me, that is exactly the same with what is happening here.

CHAIR—Yes, I am going to ask you a question about that in a minute. I wanted to complete with Andrew, if I may, the updates that were made, to see if there is any different response. I am speaking now about what my views are. This may not be the view of the committee, it may not be the recommendation we make, but my view is that the department has to look at the language in which it communicates risk so that people can understand what is being said. I am wanting to ascertain what people think this language means. Does it convey the level of risk properly or not?

I will not go through the same sort of process, Andrew, but on 10 September a further update was issued, and the heading was:

This advice has been reviewed—

that is, the previous advice—

It contains new information or advice but the overall level of advice has not changed.

What they are saying here is that they have reviewed it again and there are more developments, but the overall level of advice has not changed. So the words that I would read to you, as I read previously, remain the same—about tourist services elsewhere, including in Bali. I am not trying to put words into your mouth; I need to know your own view. Is your response the same as a consequence?

Mr Whiteman—Yes. Again, that is my own personal response. Like it says, it has only slightly changed. You are going to have to read through that whole document to find out what actually has changed.

CHAIR—Yes, that is right. You have to read through it all.

Mr Whiteman—I do not know if the layman is going to do that. They are not going to go onto the Internet and read a three-page summary—read each individual part. They would look at the heading and say, ‘Okay, nothing much has changed.’

CHAIR—The heading is:

It contains new information or advice but the overall level of advice has not been changed.

Subsequently, the one that came out on 13 September—

Mr Whiteman—Were those key statements bolded?

CHAIR—Yes. I will pass it to you so that you can see, if you like. You have it in front of you. The one on 13 September, under the heading, ‘Indonesia’ and in bolded letters, says:

This advice has been reviewed. It contains new information or advice but the overall level of advice has not been changed.

And then those words that we are all now so familiar with, because I have kept reading them, are repeated. Then we come to the advice on 20 September, the last formal advice before the event, and it contains that heading again:

This advice has been reviewed. It contains new information or advice but the overall level of advice has not been changed.

In other words, if you knew what the earlier advice was, the same level of advice pertains. I assume your answers are the same.

Mr Whiteman—My own personal answers, yes.

CHAIR—Yes, of course. We had the Australian Security and Intelligence Organisation give evidence to us yesterday and also in June. They gave us a submission which set out their understanding of what the intelligence reports said, particularly between 9/11 and the events in Bali. They included an attachment A, which has a heading ‘Threat levels and meanings for Australian interests overseas’. There are six levels, and I think you may have been in the room when I referred to them before. On the back it mentions Indonesia, Malaysia and Singapore and

what the level is in each country. Since 28 September 2001 the Australian Security and Intelligence Organisation has classified the threat level for Australian interests in Indonesia as high. What does that mean to you?

Mr Whiteman—I would say there is a fair bit of concern and you have to certainly reconsider your travel. A high warning is a high risk.

CHAIR—If you knew that ASIO classified the threat level for Australian interests in Indonesia as high when you booked your airline tickets, would you have proceeded?

Mr Whiteman—I do not think so personally, no. I would be concerned for my safety and the safety of my team-mates. That is an individual thing.

CHAIR—Sure. I accept that you are talking on your own behalf. The next question you may or may not feel comfortable in answering. If you do not feel that you are in a position to make a judgment, please say so. I am inviting both you and Julian to offer an opinion. As travellers confronted with the advice that I have read from the department of foreign affairs—this summary and this detail, and the advice from ASIO with classifications of very low, low, medium, high—would you care to offer an opinion on which you think is most useful in making a decision about whether you travel or not.

Mr Burton—Speaking on my own behalf, I believe that the simple words of ‘high’, ‘high’, ‘high’ are—but they are useless words unless they are shown to people. Were they shown to the Australian people?

CHAIR—No. This is advice from the intelligence service to the government that goes to make up this advice.

Mr Whiteman—It is very simple, but the only way they can advise Australian people is to make it regular, consistent, updated knowledge which is on TV and in the papers. From my point of view, that was not done. It has only been done since the occurrence.

CHAIR—Do you have an opinion, Andrew?

Mr Whiteman—I agree with Julian. The ‘high’, ‘low’ and ‘medium’ is a lot better than the other one. It would have more of an impact if people know about it.

CHAIR—Put yourself in the position of travellers, as you were. Would you prefer to know what the security intelligence service thought the risk was or would you prefer the advice that comes from the department of foreign affairs?

Mr Burton—Both.

Mr Whiteman—Yes, probably both. They have to know all the information.

CHAIR—Yes. I think someone said earlier that you want to cover all bases—so as much information as possible. Thank you.

Senator BRANDIS—Julian, one of the documents there in front of you is a consular services travel advice which has 20 September on it. Can you locate that?

Mr Burton—Yes.

Senator BRANDIS—It says:

Last updated: 20 September 2002

Previously updated: 10 September 2002

You might show Andrew as well, because I would like both of you to comment on it. The headline part that you can see on the top of the front page says:

In view of the ongoing risk of terrorist activity in the region, Australians in Indonesia should maintain a high level of personal security awareness.

It goes on in the bolded part to mention certain localities. In the last sentence of the bolded part it says:

Tourist services elsewhere in Indonesia are operating normally, including Bali.

Immediately underneath that, under the subheading ‘Safety and security’, the second paragraph says:

Bombs have been exploded periodically in Jakarta and elsewhere in the past, including areas frequented by tourists. Further explosions may be attempted. In view of the ongoing risk of terrorist activity, Australians should maintain a high level of personal security awareness at all times.

That was the last travel advisory issued about Indonesia, prior to the event. That was what was in place at the time you started your trip. If you had known about that, what effect would that have had on your decision to travel?

Mr Burton—Personally, I would not have gone.

Senator BRANDIS—What about you, Andrew?

Mr Whiteman—I do not think I would have gone. Obviously it is hard to go back now and think about it, but I do not think I would have gone. It says, ‘Bombs have been exploded periodically’.

Senator BRANDIS—The document I have just been reading from is a publicly available document but, as you have told us, you were not aware of it. You were not aware of the system of travel advisories. Is that right?

Mr Whiteman—Or made aware of it, yes.

Senator BRANDIS—Or made aware of it. We heard evidence from another witness earlier today, Mr Marshall, who lost his father in the Bali bombing—and indeed from others, too—regarding a series of recommendations about giving wider publicity to these travel advisories by placing them in the media. Earlier witnesses suggested a 1300 number that people could ring. Would you recommend to us, as a committee, that when we make our recommendations to the parliament one of the key recommendations we make is that travel advisories such as this should be more widely publicised—whether that is done through the media or by a telephone information service or at the point of sale of tickets—so that the Australian public become generally aware of the fact that these documents exist and are encouraged to consult them before deciding to travel?

Mr Burton—I agree with every word you said. Again, it has to be done; it has to be implemented. These are only my thoughts, but I think it is the government's responsibility to put something in place so that when you buy a ticket it should be the travel agent who says, 'Please have a look at this before you go.' If there are any updates there has to be something consistently on the Internet, on TVs, in the paper, just like sports or news. Again, no matter what we say, no matter what the ideas are that we put forward, it really comes down to you men and women to look after us, because that is what we vote you in for.

Senator BRANDIS—Yes. Thank you.

CHAIR—Thank you very much, Mr Whiteman and Mr Burton.

[12.15 p.m.]

DEEGAN, Mr Brian, (Private Capacity)

CHAIR—Mr Deegan, welcome to the table.

Mr Deegan—Thank you, Mr Chairman.

CHAIR—I do not know if you were here earlier when we announced what the procedure was but we have invited witnesses to address us in summary on their concerns and then to be available for questions.

Mr Deegan—Yes.

CHAIR—And when the witness commences, we are inviting you to introduce yourself and whoever else you have with you at the table.

Mr Deegan—Thank you very much, Mr Chairman. Just to preface anything that I have to say, I noticed a facsimile that I received this morning, part of which suggested that any submission that I make or anybody else makes should last about five minutes. I do wish to seek the chair's latitude in that regard. I will attempt always to be as brief as I possibly can. Quite frankly, I could keep the committee going another five hours but I do not intend to destroy the rest of your day. But, having said that, I respectfully ask for latitude.

CHAIR—I think the five minutes is meant for guidance. It is not a mandatory provision.

Mr Deegan—Thank you.

CHAIR—It is meant to point to the fact that we encourage people to be succinct but to deliver what they have to say before us.

Mr Deegan—I will be as succinct as I possibly can. Before I commence, Senators, I do wish to introduce some people to this inquiry. I firstly wish to introduce Joshua's mother, who is seated at the back, and Joshua's stepfather, who is seated next to her. I would like to introduce my wife, Virginia, who is seated towards the back; I would like to introduce my son, Nicholas, who is seated towards the back; I would like to introduce my daughter, Eloise, who is seated towards the back; and I would like to introduce my youngest son, Patrick, who is seated with me. I would further like for the Senate inquiry to have a glimpse of the one child that I do not have but, not 12 months ago, I did have.

I think it is important, Senators, that I give you this warning: I intend dividing my submission up into areas that I think are of concern to this inquiry, to this government, to Australia but, more importantly, to my family. To know a little bit about where I am coming from, you need to know a little bit about me. I am 48 years old. I have been a magistrate for 15 years. I was a solicitor prior to that for nearly 10 years, and I have been a father for over 23 years. In addition to law, I have the following qualifications: I am a licensed builder, I am a licensed building supervisor, I

am a licensed junior karate instructor, I am a licensed football coach and I have engaged over the years in designing and building furniture. I put myself through university; my father, who fought and subsequently died for the country, retired.

Since my teenage years I have had a dream. As I got towards my 20s, I met Angela, and she shared that dream. When I was 25 and one week, my dream was realised. Angela gave birth to Joshua on 20 February 1980. Since that day, we have lived that dream. We have followed every movement that Joshua has made. We have been with him each time he has been injured and we have been with him each time he has made achievements, but we were not with him when he subsequently died. This was Joshua's first trip away from the family. He and his brother, Nicholas, had travelled once out of this country and that was with their mother when they were about 10 and eight respectively. They went to Bali, which was a safe haven, and I paid some of the moneys contributed. I, for one, have never been out of this country, nor sought to travel. I am not a person who has been involved in computers. I do not know how to really look up the Internet. I rely very heavily on the information that I receive, as do most people in this country, through news reports and television.

When Joshua left, which was on the Friday, the 11th, he came to my home. The last words I said to Joshua as he drove out of my driveway were, 'Be careful. There are people in that part of the region that no longer like Westerners. Do not drink Bali water and, above all, do not end up in a Bali hospital.' He left. Not 30 hours later, the boy that is depicted in that photograph, the flagship of my family, was taken from me. He was butchered, and for three weeks thereafter he lay unattended in some Bali morgue, while I waited.

He left Australia in one piece, with one bag and on one flight. He has been returned to me in piecemeal fashion. I received his bag with some of his goods. We waited. I received part or most of his body. Having been told on the Monday morning that he had been killed, two days later we were advised that he was not dead. We had to wait, and it was another 10 days after that that we were advised he was in fact dead. Thereafter, I have received parcel post deliveries by this government. I have received him back in piecemeal fashion.

I warned Joshua about what I knew to be the case in Indonesia. I warned him because, since the government has taken office, I have had a keen interest—I have watched the thrust for an elevation in Australia's position in world affairs. I have watched as this government has diverted moneys from the health and welfare systems to the military, and I have watched whilst Australia embarked on the liberation of East Timor, a Muslim country. I have watched as Australia then embarked on the capture of Osama bin Laden through a Muslim country. I have watched as Australia blockaded Iraq from 1990, part of that blockade being responsible for the deaths of some 5,000 children per month, and I have watched as Australia thereafter sought to re-enter Iraq. All of these are Muslim countries. I knew—as I believe the government would have known—that, despite the debate as to whether these incursions were right or wrong, somebody somewhere was going to dislike Australia.

We have called all of the deaths of innocent children, men, women, fathers collateral damage. That is precisely what they could call my son—collateral damage. I knew, as many others did, as ASIO did, that the more we embarked upon our new military way, the more there would be reprisals. Whether we liked it or not, whether we were being honest with the world or not, whether we had the right to do it or not, I do not wish to debate. That is not why I am here. The

reality is, however, that many Muslims in many countries did not agree with what we were doing.

It is therefore, Mr Chair—and it is my opinion only—a reckless manner in which the government was taking Australia. When this occurred it seemed to me that the government, in adopting its reckless policies, was likewise adopting a reckless manner of dealing with those policies. The fact that there was an explosion—the fact that young Australian children were killed, maimed, their lives destroyed—was not a surprise to me at all. What was a surprise to me is that it occurred in Bali.

Joshua would never have gone—would never have left these shores—had I known for one moment that Bali was a possible haven for terrorism. Unlike some fathers, I love my children. Unlike some fathers who do not mind being away from their children at length, I do. Over the course of the last 15 years when I have had to attend on circuits, I have driven home in the middle of the night—middle of the week—so that I could wake up with my children.

I have coached Joshua, I have coached Nicholas, I have coached Eloise and I have coached Patrick. I have been coaching football and basketball for some 12 years. I was paid back for those achievements immediately after Bali occurred when I drove past Patrick's then primary school and my entire year 6 and year 7 team ran to the fence just because it was Brian driving past. That is the difference between how I deal with my family and how others might deal with theirs, but it is important that you note it, because Joshua is not here to answer the questions of whether he might go or might not go. You can rest assured that he would not have gone. Bali is a Hindu island, removed from the balance of Indonesia, which is Muslim. Bali is a fun-loving haven for Australian children.

As a result of this incident in Bali, the Prime Minister was questioned on 18 October whilst in Bali. It was suggested to the Prime Minister that there had been failings in our intelligence, that there had been failings in the office of foreign affairs. The Prime Minister answered those questions by saying, 'It will be up to the Australian public to determine whether or not there have been failings in that department.' Following that, the Minister for Foreign Affairs undertook a very brief review—within a matter of days—and on 18 October, after review, he said that there was nothing specific to Bali that could have prevented this incident.

The Prime Minister has continually said, both in parliament and out, that there was nothing specific that could have prevented this incident in Bali. I accept those words. I accept that the Australian intelligence service did not know that eight minutes and 31 seconds past 11 o'clock Bali time on 12 October a bomb would explode outside the Sari Club, thereby killing my child. I accept that. If I did not accept that, I would have already launched criminal proceedings.

What I sought immediately after this incident was an inquiry. Senator Bob Brown sought an inquiry. Others sought an inquiry. What inquiry took place? An inquiry launched by the Prime Minister with one person in the intelligence services, Mr Bill Blick. That inquiry and its findings could have always been odious and nothing more. It was akin to a doctor charged with negligence having a fellow practitioner in his own practice going through his notes, going through what occurred and then giving his opinion. By contrast, in 1964 when the *Voyager* was sunk by the *Melbourne* the then Prime Minister Menzies did not ask for a Senate inquiry. He did

not simply appoint the admiral of the Navy to inquire as to whether something had gone wrong. He launched a full judicial inquiry immediately.

We must remember this: when Prime Minister Howard made the comments about whether or not the Australian public would be the judge, they must also be taken in light of a comment that he made on 15 June to parliament: ‘But it is also absolutely essential to take the public with us in any decision that we make. We live in an age of unbelievably high levels of accountability and the idea that policy in areas like defence or foreign policy—or, indeed, any other area of policy—can be handed down like the tablets from the mountain, those days are long since gone.’

I wrote to the Prime Minister on 22 November, because at that stage it appeared that the Blick report was the only report that the Prime Minister or this government was contemplating. I asked the Prime Minister these questions:

I am writing to you in relation to my late son Joshua, a beautiful young boy aged 22, who along with scores of other beautiful Australians died on the island paradise called Bali five short weeks ago.

Joshua has three siblings and, until 12 October, they had always looked to me to perform one basic parental duty—protect them. Until then, I always thought I could, but now I wonder.

Prime Minister, I ask you, not as our nation’s leader but as a father to answer some of my questions.

Why did our children die and why have others been sickeningly maimed? Was it because we, as a nation, have pursued a role in the US-led war on terror that we possibly cannot fulfil?

I do not need to read the entire letter, but I asked this:

Does your government intend to rehabilitate all those young children who are injured and psychologically damaged? I was dismayed when one of my son’s best friends told me the other day that people told him that it was now four weeks and he should be “getting over it”.

I also asked him this:

To what extent was your Government aware of imminent danger to our citizens prior to 12 October? After all, the US was reportedly well aware and had apparently alerted your Government. But your government did not make my son aware.

Why is your government torturing certain citizens—

and the rest is irrelevant for today’s purposes. The Prime Minister replied within a few days:

I read your letter with deep sympathy. I can only begin to understand the grief you feel and the void in your life as a consequence of the wantonly evil act that claimed the life of your son, Joshua.

He went on to describe how it was clear that 20 German citizens who died in an explosion in a synagogue in Tunisia earlier this year were the victims of an al-Qaeda attack, yet German Chancellor Gerhard Schroeder had been publicly distant from US policy concerning Iraq. He

went on to say that the attitude that I had expressed was not the attitude of the government. He said:

I am very conscious that, where appropriate, support services for people affected by this terrible event will need to continue for some time.

He never once answered my question: ‘What will the government do to inquire into how my son was murdered?’

This incident overshadowed, but did not diminish, the previous worst peacetime tragedy in Australia’s history. In 1964 I believe that something in the order of 74 sailors lost their lives. In 2002 there are now 91 Australians who lost their lives. This incident was murder. Following the reply, I approached several members of various political persuasions—some of whom I appear before today. I approached Senator Bob Brown, because he had already expressed his views—and he confirmed them—I approached Senator Natasha Stott Despoja; and I approached Mr Kevin Rudd. In fairness, I had also approached the Prime Minister. I had sought an inquiry—I had sought a judicial inquiry; I had sought a Senate inquiry; I had sought at least an inquiry that had an air of independence, free from government intervention.

On 24 March, I am acutely aware, this inquiry was debated in the Senate—your Senate, my Senate, my son’s Senate, these boys’ Senate—and I am acutely aware that the vote went 33 to 30 along political lines. I am acutely aware that it was the government’s position that the Blick report—a five-page report that I was given—was all that was going to occur. I have a unique position. I am perhaps the first judicial officer in Australia to have had a child murdered, most assuredly by terrorism, but I believe that I am the first judicial officer that has had to beg, borrow and pay for the privilege of setting up an inquiry into my son’s death.

It is the first time that the judiciary has sought assistance for an inquiry from parliament. Frankly, I am disgusted. I am disgusted with the government. I am disgusted with those members of the Senate that voted against this. This is not about lost baggage, this is not to determine Australia spent \$400 million on torpedoes that do not fit the submarines that do not float; this inquiry is set up so that my son knows, and will know in the future, how it was that, despite whatever the government says, his elder brother was murdered.

I am grateful for today’s hearing, because up until now it has been me—very sadly—who is in the public eye, it has been me calling for this inquiry and it has been me that has, at times, been pilloried. In the interim, when the voting took place, there were no victims there. I was not there, Joshua’s family was not there and, accordingly, a vote was taken in the absence of people—but it is to do with people. I just wonder whether the senators that voted against this inquiry, now having heard the victims give their evidence, would adopt the same position as they did on 24 March. Do they now see this, as Mr Downer saw it on 5 March, as a political stunt? I wrote to Mr Downer and I said this, in another open letter:

On the 6th day of March, two separate news bulletins were forwarded to me by members of the Associated Press. The first related to the proposed establishment of a full Senate inquiry into Australia’s security organisations and their knowledge—or lack thereof—pertaining to the risks that we, as Australians, were exposed to prior to 12 October 2002. The second related to your reported response to the same. I believe that you were quoted as saying that, in your opinion, it

was a “political stunt”. I take umbrage with that comment. You have been aware for months that I have been agitating for a full inquiry.

... ..

I am unaware if you have taken the time to speak privately to any other individual apart from myself—whose life was changed irreversibly by the Bali massacre.

If you had, you would realise that most, if not all, are dissatisfied with your government’s response to allegations of incompetence and mismanagement.

If you suggest—and I think that you do—that Mr Blick’s five-page report represents your government’s complete analysis of events leading up to the greatest peacetime murder of unarmed civilians in Australia’s history, then I am astounded. Its shallowness insults the dead, is an indignity to the survivors and, more importantly, neglects your government’s duty to protect its constituents.

The irrefutable fact remains that 88 good Australians died from the most horrific injuries. Hundreds more have suffered immeasurably. This apparently occurred under the watchful eyes of a number of intelligence agencies, including Australia’s.

... ..

I note the initial British report signals significant faults in their own system.

Whilst I concede hindsight is a wonderful tool, our taxpayers should expect more. Your department is not paid to rely on hindsight but to have foresight and respond to it.

I have hindsight. I can say that, looking back, my eldest son was ill-advised in travelling to Bali.

... ..

In light of what is now history, your arrogant assertions that all was well in the intelligence departments must surely be premised on the supposition that Australian intelligence sources were unaware of the existence of those terrorist groups or at least the extent of the problem. If they were not aware, then why not?

If they were aware of either the existence or the extent, or worse, then why did they not let on?

Are we to believe that all the information presently at our disposal has been gained post-Bali? Are you saying that in the aftermath not one recommendation for a change in processing information has been made in any department involving intelligence gathering or the dissemination of the same?

If not, then would you accept that we, as a nation, are justified in feeling decidedly uncomfortable, as a repeat of Bali is almost inevitable?

I wrote that letter because it is my intention to protect my son Patrick, it is my intention to protect my wife, it is my intention to protect my son Nicholas and it is my intention to protect my daughter, Eloise. I am a taxpayer. I have a right.

Sadly, I cannot dissuade, as I attempted to on 16 February, the government's position on its military stance in the world. But let me say this: everything that I said on that day outside Parliament House on North Terrace I meant. Everything that I did say on that day came true. We have now liberated Iraq. On a daily basis allied soldiers die, and they will continue to die. And who will give a damn? Who gives a damn? It is them; it is not us. But let me tell you this: as I watched in Afghanistan, as each misguided bomb fell on another village, fell on another market, I cringed. As each child had its legs, arms, head removed from its body, I cringed. I wondered how I would feel if I were the father of such a child. I now know.

I detest the people that did this to my son and I would do everything in my power to prevent it occurring again. Were it not for my position and my education, perhaps I too may have been involved in reprisals. These are matters that are just seriously overlooked. But, again, I say this: whilst the government maintains its position, whilst we are a supposed new military force in the world, whilst we have invaded three Muslim nations but deny that we are anti-Islamic, we can expect reprisals. And while we can expect reprisals I would feel a damn sight safer if I knew that our intelligence agencies were operating a little more effectively than they were prior to 12 October.

But all of this is in a vacuum, because what is not being taken into account is this. We talk about 'What did Australian intelligence know?' It is as though we are discussing a few ASIO agents in situ, walking around the streets of Bali. No, it is more than that. When Australia was involved in East Timor the Americans supplied billions of dollars of intelligence hardware. They reactivated satellites. Australian intelligence on the ground could pick up conversations between the military. We watched, we took photographs of butchering that was occurring in East Timor. We have them, but we have not disclosed them. Why? Because we wish to maintain a cordial relationship with Indonesia.

Why did we not warn my son—and the boys and the girls that stand behind me—as to Bali? Was it for the same reason—that we wished to maintain a cordial relationship with Indonesia? Was it the case that we did not wish to cause economic strife in Bali? Why was it that in the lead-up to this—between 2001, when we entered into Afghanistan, and 2002—there were 27 advisories given to potential travellers? Why was it that none of those advisories reflected the height of the concerns of ASIO? Why was it that on 3 October in Jakarta, the bulletin had been changed and it suddenly reflected what the Americans were warning as of 26 September? Why did that all occur? Why was it that the 27 bulletins—if we had known they existed—would not have made a difference, because Bali was excluded? Senator Brandis is a lawyer. He would know full well what that means. Once, in any form of law, in any form of legislation where there are exclusionary clauses, that is precisely what they are—exclusionary clauses. You do not have to be a lawyer to know this. When one buys a home there are exclusionary clauses: 'It will exclude from the sale certain items.' Everybody understands what that means. In legislation, certain areas are excluded, and that is exactly what that means.

I did not need to know about the advisories because I relied, and I still do, on the media. The media are very quick to pick up on changes and the media then publish them. Those changes, published in the media, then alert me and I am free to alert my children. That was why I alerted Josh 30 hours before he died—'Be careful.' Had I known for one moment—one moment—that the Americans, that the Australians, were advising travellers to stay out of nightclubs, bars, anywhere where Westerners might congregate, I could have given Josh that advice, too. But I

was not given the benefit of that. Some people in Jakarta might have been, but I was not in Jakarta; I was in Adelaide.

It is not going to be difficult for this inquiry to come to a conclusion that the Australian government seriously failed not only in its intelligence gathering. This is, after all, as I said, the worst tragedy. It is Australia's equivalent to the 9-11 tragedy. On a pro rata basis, it beats it. The 9-11 tragedy equates to the previous greatest intelligence failing, and that is Pearl Harbor. When you look at it in perspective, I would have thought that something more than a cursory glance of the documents might have been in order. I would have thought for the Australian public to judge whether or not there had been failings that an independent inquiry might have been ordered.

But for this inquiry, the Australian public could never have reached a conclusion other than that which was supplied by the Prime Minister. The Prime Minister's conclusion mirrored Mr Blick's conclusion, which mirrored Mr Howard's suggestion, which mirrored Mr Downer's suggestion. They are all identical. How could a citizen of this country for one moment think that justice was being done? Justice has been denied up until this point in time.

I have lost my son, and I do not sleep. I do not like watching my children play sport any more. I am exhausted. What have I had to do for the last almost 12 months? Beg for a little bit of justice. That is what I have had to do. That is a disgrace.

Why should this tribunal come down with the findings that I think you will easily be able to—or, better, do that as well as refer this to a royal commission? This is not a bipartisan inquiry. I have watched with interest the manner in which this inquiry has been undertaken, and I know that at least two senators do not even wish to be on it and regard it as a waste of time. So I am never going to be satisfied with this inquiry either. But at least it is a start, and it is a move in the right direction.

But for this inquiry, I would never have known the following: the airline upon which my son flew to Bali, Qantas, had, prior to taking my son to Bali, asked a specific question of ASIO: 'How safe are our fleets and our equipment in Bali?' Nor would I have ever known the answer: 'No safer in Bali than in any other part of Indonesia.' I would never have known that.

Furthermore, I would never have known, notwithstanding my attendance at Mr Downer's office on 21 February, that on 19 June Mr Downer had a meeting with ONA and ONA had told Mr Downer that Bali was a potential target. Much has been said about ONA and many questions have been asked of them. It is guesswork. Yes, it is. But that is exactly what they are paid to do. They are paid to receive all the evidence from ASIO, from any other intelligence organisation, collate it and put an opinion to it.

They gave Mr Downer an opinion, but there was nothing specific. That has been reflected in the answers thus far by the government: 'There is nothing specific.' I am not interested in what 'specific' is—I know and I accept that there was nothing specific—nor did the terrorists who were going to bomb the Sari Club the night before. I accept all of that. I want to know what was not specific. Let me be the judge, let all the truth come out, not just the truth that benefits the government. This is a responsible government. Let it govern responsibly.

To the government ministers, to the senators, I say this: do not ask what you can do for your party but ask what you can do for your electorate. It is not the party but your electorate that implants you into the Senate. These kids behind me are part of your electorate, Australia is your electorate.

When I was admitted to the bar, I took an oath of office. When I was commissioned I took an oath of office, and I have obeyed that oath right through. You members, you senators, likewise took oaths. I would ask that you at least adhere to them. Why is this so important? It is important for a number of reasons. I am entitled to know why my son died. I am entitled to know if anybody put him in danger. By analogy, let us have this situation: one goes on a safari to a zoological park, an outdoor park. If you are transported there and you are attacked by one of the animals in the park, it is not the driver of the bus that may kill you or injure you, and one can only blame the lion, the tiger or whatever it is that causes the injury. But, surely, the blame must also fall fairly and squarely on the individuals that were responsible for you, who knew that could have occurred.

Negligence just does not stop with the person who commits the act that causes the injury. Negligence encompasses any person anywhere who owes a duty of care: in this case the Australian government, in this case DFAT, in this case Mr Downer, in this case ASIO. I am entitled to know whether any one of those individuals or organisations slipped up. The Australian public are entitled to know that. The Australian public are entitled to know whether or not certain persons that have the power over the population should maintain that power, or should they be removed? We are all entitled to that.

It goes further than that. All of the individuals that have given evidence today—the victims—are, in the normal course of events, entitled to some sense of restorative justice. They were entitled to it from the moment that bomb exploded and they are entitled to seek that justice from any person or any individual, whether it be in Australia or in Indonesia—or in Saudi Arabia, for that matter—and they are entitled to assess, and so am I.

We have a situation that they purchased a ticket from a travel agent. They were not warned. The agent is their agent, but they were not warned. They then got on the airline that knew, because they had asked ASIO, but they were not warned. If they did know about—and they did not—the advisories they would not have helped them either, because the advice did not reflect the danger. So just within Australia we have three organisations that may come within the loop of negligence.

Then one looks overseas. We have the Indonesian government, who the Australian government was calling reckless in the extreme with their dealings with terrorism, and we have the terrorists themselves. Let us work backwards. There is no possible way, shape or form that any person in this room that is entitled to restorative justice can issue proceedings against the terrorists. They are impecunious.

Secondly, let us look at the Indonesian government. Under international law, we cannot issue proceedings against the Indonesian government unless we have the imprimatur of the Australian government or unless they do it on our behalf. Both of those areas are precluded. Therefore, in order for these children to get restorative justice, they have to look within Australia, and that is exactly what I will be doing. But I would not have had a starter had I not had this inquiry.

I went to Mr Downer on 21 February, the day after my son's 23rd birthday. I made mention of the fact that the government should look at giving some form of compensation—not 'from' the government but 'by' the government. There is a difference. I am not suggesting, and I was not suggesting—although Mr Downer thought I was—that that implied some liability. That is not the case at all. Criminal injuries compensation has been in existence since the fifties. It has existed in every state and every territory in the Commonwealth of Australia since the sixties.

In 1985 Australia was a signatory to a United Nations resolution not only authorising but suggesting the setting up of a compensation scheme. In the seventies, the eighties, the nineties, attorneys-general—the federal Attorney-General—met and they decided that there was an inequality. We have the perfect instance where that safety net could be set up. We have not done it, so I will be forced into investigating matters further, to take up the matter civilly, and why shouldn't I?

We have had episodes where there has been excess water down at the bay and people's homes were damaged. They sought compensation. The government paid it. My court is full of this. I oversee, on a daily basis, compensation. For 15 years I have been awarding compensation. Not once in those 15 years has there ever been a suggestion that I am doing something wrong. But now, as soon as I am involved—as I was told the other night, so quaintly—I am seeking money on my son's head. What that person did not realise is this: I am already entitled to it, but I am not going to accept it until all Australians are entitled to it.

There have been a number of victims who have given evidence here today. I challenge you to tell me which ones are entitled to compensation and which ones are not, which ones should be and which ones should not. Should my son receive it but two beautiful girls that were burnt, their lives almost destroyed, not receive it? No.

I will proceed. At that meeting with Mr Downer he never told me about the meeting with ONA. He never told me about the meeting between Qantas and ASIO. I have had to extract that from this inquiry. Senators, I said at the beginning that I would probably take a little bit more than five minutes. I have. I apologise. I could continue, but I will not. I reserve the right to make written submissions.

I am grateful that you have allowed me this opportunity. I hope that in due course you will come to the conclusion that I have. Let me say this: I started off on the premise that all was right. Where my anger came from was the fact that I knew something had to occur at some time. We had lit the flame and the pot was certainly going to boil over somewhere at some time. By looking at the evidence that you have before you, I think you will reach the same conclusion as I have—that, sadly, the government has been somewhat reckless, and reckless with young Australian lives. Thank you.

CHAIR—Thank you, Mr Deegan.

Senator STOTT DESPOJA—Thank you, Mr Deegan, for your evidence today. I want to begin by asking you about the meeting that you had with the Minister for Foreign Affairs on 21 February. You said in your closing remarks that the information in relation to ONA—that briefing, that information about the report, that was provided indicating that Bali could be a possible site of attack—was not made available to you when you met the minister.

Mr Deegan—No. Present at that meeting was one Mr Kemish, who had flown in from Canberra for the meeting, the minister's press secretary, the minister and me. No, I was not advised of anything. What I was advised of, however, was that I was incorrect in my assertion that Australians were targeted. I was advised that I would receive, over the course of the next three weeks, a volume of translated confessions. I waited for three weeks and my 22-year-old secretary attended at my chambers as I was about to open the door to undertake a general list. The box was about the right size but the wrapper was not. In lieu of getting a box of translated confessions, I received an urn. I have to say to you that trying to undertake a general list when I have got a funeral urn sitting in my chambers with a clerk crying is a little bit hard.

I then waited another three weeks. I finally received a letter from the minister dated 10 April which supposedly enclosed information, as he said that he would, that would suggest that Bali or Australians were not a target. The only problem is that there was no enclosure with that letter, so I basically gave up. But two weeks following that I did receive the enclosure.

The enclosure was a one-page letter—I expected something in the vicinity of about 100 pages; volumes—addressed to the foreign minister from the Federal Police. The Federal Police indicated to the foreign minister that, having reviewed their evidence, Australians were not targeted; nothing specific targeted. In subsequent months I have undertaken my own research and I have now received a copy of a translation of Samudra. Samudra, who was one of the masterminds of the Bali bombing, quite clearly indicated that Australians were targeted. It has been a roundabout way of obtaining information in respect to this.

Senator STOTT DESPOJA—You mentioned your own research. My understanding is that you have undertaken a great deal of research, at personal expense and personal hardship, obviously.

Mr Deegan—Yes.

Senator STOTT DESPOJA—You have alluded to some of that in your opening statement. Is there anything more you could provide the committee with in relation to the research and any information that you have obtained or discovered that indicates Bali would be the subject of, or that there was a likelihood that there would be, an attack in Bali, be that on Australians or other westerners?

Mr Deegan—Yes. About the second week back at work I received a message, a phone call. It was an international phone call. At the time, the caller would not disclose who he was. I was advised by the registrar of the court that an email may be forthcoming. I turned the computer on, located an email and there was an urgent message. It said, 'Dear Mr Deegan. Please make contact with a gentleman by the name of Fabian Dawson, an editor with a Vancouver newspaper. That person has information very relevant to the Bali bombing.'

For some time I thought that it was Fabian Dawson relaying his own information. It turned out not to be the case, and I have now almost confirmed that the person that sent me the email had no connection with Dawson whatsoever. I then made several phone calls to Mr Dawson in Canada. Finally, he returned my call later that night. Mr Dawson told me that the Australian government were aware of certain matters leading up to 12 October; that they did have

information; that they did have intelligence reports that specified two targets in Bali, one being the Sahid Club and one being the Hard Rock Hotel. It did not refer to the Sari Club.

Following that, I maintained considerable contact with Mr Dawson. At his suggestion I made contact with the United States consulate in Canberra. I was advised that they may have the document. They informed me that they were unaware of the document but that if it did exist it would still be highly confidential. I then received an email which disclosed certain facts from what I believe is a 48-page report. It is a strategic report compiled by all of the intelligence agencies that might, as you would expect, be located in Indonesia.

I go back to what I earlier said. The impression is that there are a few ASIO officers sitting in a cafe in Bali trying to get some information. No. What we do have over in Bali and Indonesia is a very heavy American contingent of intelligence resources. What we do have is satellites directed on Indonesia. What we do have is British, French, Israeli—various countries—intelligence organisations all working together. They put together a report and I received a copy of that. That was the basis upon which I made contact with you. That was the basis upon which I made contact with other senators and with other parliamentarians. I was not running without any fuel, if you like. That was an alarming exercise for me, and it quite clearly showed to me that there was more—potentially more—than I had been made aware of.

CHAIR—I must interrupt at this point. My main reason for doing so is that the committee formally released yesterday—and I announce this to draw it to your attention, because you may not have had a chance to become aware of it—to the public, a letter of 3 July from Dennis Richardson, the Director-General of Security for the Australian Security and Intelligence Organisation. It encloses a letter from James A. Kelly, the Assistant Secretary of State, Bureau of East Asian and Pacific Affairs in the US Department of State—that is, the State Department—to our ambassador to the United States, Michael Thawley. It deals with that report in which—I can pass the letter up because it is public—the US government informs our ambassador that there is no substance, basically, in the allegation. You can read it yourself.

Mr Deegan—That would not be the first time something like that has occurred.

CHAIR—Quite. But I am just pointing that out for the sake of this matter.

Senator BROWN—I wonder if you are aware of the evidence yesterday which came from ASIO and ONA. I would like you to be given a full transcript of that evidence, which includes ASIO going away to deliberate as to whether or not they will give this committee some information that was asked for—in camera or at all. I would like you to look at that information and the information from ONA and the information from Mr Blick regarding the Canadian contact you had, so that we might question you about those matters when we get back to Canberra.

Mr Deegan—Certainly.

CHAIR—*Hansard* will be available on the web in the normal way very shortly. The secretary of the committee has advised me he will send you a copy in any case.

Mr Deegan—Just before I go—and if I cannot ask you this, Senators, I do not know who I can ask; I have given up asking elsewhere—I am still unaware of the security arrangements that have been put in place, if they have been put in place, for the commemorative occasion on 12 October. Members of my family, excluding myself, have given an indication that they wish to go. In light of the warnings that have been issued today, I have asked the office of the Prime Minister and I have asked other senior government officials to give me some indication of the level of security. To date I have not received a reply.

CHAIR—I cannot provide you with any information on that. We are a parliamentary committee; we are not a government body. It is the government that obviously is the authority that can answer the question. We do not have any information about that.

Senator STOTT DESPOJA—Can the committee undertake to ask the government, as a committee request, stating that this is a request that has come from a witness?

CHAIR—The committee can undertake to do that. I am not sure about the question of timeliness.

Senator STOTT DESPOJA—Can we put it as a question on notice to the government.

CHAIR—Any member of this committee can do that.

Mr Deegan—I think it is pertinent, because I would hate to be reappearing before you this time next year.

Senator BROWN—Absolutely, yes.

CHAIR—Thank you, Mr Deegan, and thank you, Pat.

[1.31 p.m.]

MARSHALL, Mr David Grant, (Private capacity)

CHAIR—Mr Marshall, you have a few additional comments to make, I understand. Please proceed.

Mr Marshall—Thank you. There was one thing that I did forget in my first statement, which I will come back to. In regards to the travel advice that you passed on to me, I am quite concerned about a few parts of it., Senator Brandis even mentioned the part about the bombs that have exploded periodically in Jakarta and elsewhere in the past. If you turn over to the next page, it has the one that was dated 13 October. It says:

Australians are advised to defer all travel to Bali until further notice.

But the last line says:

Tourist services elsewhere in Indonesia are operating normally, including Bali.

What would have happened if there had been a bomb on 14 October? They are contradicting themselves. If you go to the next page, which is the advisory for 13 October, they are saying, 'Defer all travel to Bali,' and they talk about the ongoing terrorist activity in the region, but again the last line says:

Tourist services elsewhere in Indonesia are operating normally, including Bali.

How could those services still have been operating normally when they had just had a bomb go off?

Senator BRANDIS—Mr Marshall, I do not know this for sure, but I suspect that that is an error in a document that has obviously been prepared hurriedly the day after the bombing occurred. Obviously, that sentence should have been withdrawn.

Mr Marshall—I never had that document before today. You actually gave it to me.

Senator BRANDIS—That was a document issued on 13 October.

Mr Marshall—I know. This is a huge thing that needs to be looked at.

Senator BRANDIS—Yes, quite right.

Mr Marshall—Had a bomb gone off on 14 October, what would have been said then? Would the department have said, 'It was an error.'

Senator BRANDIS—I think, in fairness, one should read it from the top. The first line of the 13 October advisory reads:

Australians are advised to defer all travel to Bali until further notice

Mr Marshall—How can you say, after a bomb has gone off, that everything is okay in Bali?

CHAIR—Can I say, from my point of view, that I think you raise a pertinent question. It may be that what Senator Brandis has said is true, but we have not yet completed our examination of the Department of Foreign Affairs and Trade.

Mr Marshall—Okay.

CHAIR—I had it in mind, in any case, to draw their attention to those inconsistencies—because they are obvious when you read the advisories—to see whether they believe they made an error in order to rush the advice out. We need to comprehensively deal with that. That is a question for them, and we have not had a chance to put questions about that yet.

Mr Marshall—I was thinking more of the level of endangerment—exactly what you were saying, Chair, when you were previously talking about the level of endangerment.

The only other thing that I wanted to quickly mention was in regard to this inquiry. I had no idea that this was happening. I just happened to stumble across it when I had nothing to do at home except read yesterday's paper. In that I saw a little article about today's hearing and I rang Audrey over here at the phone number that was in it and found out about the hearing. I was told that nobody knew anybody's contact numbers in Australia—they did not know how to get in contact. So I was never actually invited here; I pushed to make sure that I came here.

CHAIR—Thank you for coming. We have been trying to publicise this inquiry as best we can. We have been mindful that some people who are, if you like, victims of Bali do not want to have to come forward publicly and talk about it. The view that has come to us is that for them it is too traumatic. We do not want to invade their privacy, but we do want to give an opportunity to those people who wish to come forward, and we have tried to strike that balance. We may not have got it right, but I am glad that you have learnt of the inquiry and have come forward. We appreciate that.

Mr Marshall—The last thing that I wanted to bring up is very similar to what Mr Brian Deegan said before. It was the reason I brought this particular photograph along. In the recommendations that come out of the inquiry I would like you to think from the heart, not from the mind, and I would like to pass this on to the Senate. It is a photograph of my father of 44 years, taken six days prior to the bombing, when his beloved Sturt Football Club and his beloved Sturt football players won the South Australian premiership. That was six days prior to the bombing. He was on top of the world. He was one of the boys. He might have been 68 years of age, but he was about 20 years of age at heart, and he was with the boys, the majority of who are behind me right now. I am really asking you to think from your heart on this. Do not only think about the young kids that died, the young kids that were injured and the young kids that have been traumatised—these kids are probably never going to be able to father or mother a child and they will never be able to give their parents a grandchild—but also think of my father, who has

five grandchildren. He will never see his grandkids grow up. I want you to think about this from the heart. This is a huge issue, and we do not want this ever to happen again—never again.

CHAIR—Thank you, Mr Marshall. I am sorry I did not make this remark when Mr Deegan was in the room, but I can assure you—I think on behalf of everyone on the committee—that we offer you our deepest condolences and sympathy. The reason we are undertaking this inquiry is to try and do something that might make a difference and prevent it from ever occurring again.

Mr Marshall—Thank you very much.

CHAIR—Is there anyone here that wants to add to any of the statements that have been made? No-one is under any pressure to do so, but if anyone feels that they have a point of view that they wish to put this is an opportunity to do so. Otherwise, you can write to the committee, if you wish to do so. Thank you very much for your attendance.

Committee adjourned at 1.43 p.m.