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SENATE

FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES
COMMITTEE

Reference: Security threats to Australians in South-East Asia

THURSDAY, 5 AUGUST 2004

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SENATE

FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE

Thursday, 5 August 2004

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

Substitute members: Senator Stott Despoja for Senator Ridgeway

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

Senators in attendance: Senators Brown, Hutchins, Kirk and Santoro

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 2001 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.

WITNESSES

**KEMISH, Mr Ian, First Assistant Secretary, Public Diplomacy, Consular and Passports
Division, Department of Foreign Affairs and Trade..... 537**

**PATERSON, Mr William, First Assistant Secretary, South and South-East Asia Division,
Department of Foreign Affairs and Trade..... 537**

Committee met at 9.40 a.m.

KEMISH, Mr Ian, First Assistant Secretary, Public Diplomacy, Consular and Passports Division, Department of Foreign Affairs and Trade

PATERSON, Mr William, First Assistant Secretary, South and South-East Asia Division, Department of Foreign Affairs and Trade

CHAIR—I declare open this meeting of the Senate Foreign Affairs, Defence and Trade References Committee and call the committee to order. Today the committee continues its public hearings into security threats against Australians in South-East Asia. This will be the final hearing of the inquiry. Today's hearing is open to the public. This could change if the committee decides to take any evidence in private.

Witnesses are reminded that the 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. Witnesses will be invited to make a brief opening statement to the committee before the committee embarks on its questions.

Before we proceed, is it the committee's wish to publish the answers to questions on notice recently received from DFAT? There being no objection, it is so ordered. Copies will be available from the secretariat. I welcome, yet again, Mr Kemish and Mr Paterson. Thank you for making yourselves available at such short notice. Do you have any opening remarks?

Mr Kemish—Good morning, Senators. I have no formal opening statement to make on this occasion. I would simply note that since the last hearing we have provided some responses to a range of detailed questions on notice asked by the committee.

Mr Paterson—No, I have no opening statement.

CHAIR—We have a series of written questions that we will proceed through. Senator Santoro has some in addition to that. I am still not entirely clear how the process worked within DFAT prior to Bali to enable information from the South-East Asia Division or the International Security Division to be fed into the Consular Branch to inform it of its travel advice. Before we discuss that more generally, I want to clear up exactly what happened after the Downer briefing. I want to go through some quite specific questions with you, Mr Paterson, and I would like as tight answers as you can give. Dr O'Malley described the Downer briefing as 'an eye-opener for the DFAT people'. Do you think of it like that?

Mr Paterson—I think it is possibly overstating it to call the testimony 'eye-opening' for us, but it certainly represented a progression in our understanding of Jemaah Islamiah and its networks in South-East Asia. That had been a progressive thing since the foiled attempt by Jemaah Islamiah to undertake attacks in Singapore in December 2001. From that point on, our attention to the target, both in DFAT and I think it is fair to say in the Australian intelligence community, increased markedly and our understanding grew progressively. It is perhaps

overstating it to say that this meeting was an ‘eye-opener’, but it was certainly a further development in our understanding and assessment of the target.

CHAIR—Mr Farmer said in evidence:

He—

that is you—

came out of our brief—after listening to the brief to the foreign minister—and said that a lot of this was new to him and he was concerned that we were so agitated about the issue, and he asked if we could come and brief members of his division.

... ..

This was immediately following our briefing to the foreign minister. In the anteroom of the foreign minister’s suite ...

Did you speak in those terms to Mr Farmer? Were you concerned that ONA were so agitated?

Mr Paterson—I think ‘agitated’ is overstating the case, again. Yes, indeed, the briefing did provide material that was new to me. By way of background, I should add that I was very familiar with terrorism issues in the immediate period after 11 September 2001, when I headed up the an Anti-Terrorism Task Force. But, by the time of this briefing in mid-2002, I had returned to a line position in DFAT and was therefore not as closely engaged on a day-to-day basis with the intelligence community on assessment of the target. That did influence my reaction to the briefing. Some of this was distinctly new to me. I think it also represented an evolution in the assessment of ONA as well. So, yes, if not an eye-opener, if not dramatic, it certainly struck me as worth reporting back to my department and taking further.

CHAIR—So you briefed DFAT officials the next morning. During the briefing, did you personally give any instructions to anybody to do something by way of taking further action based on the information you were delivered?

Mr Paterson—My job was not to issue instructions; it was to pass them to the relevant officials in the department for them to judge. They were ones who were following this issue on a day-to-day basis. It was for them to make a judgment as to what further action should be taken.

CHAIR—Which department was that?

Mr Paterson—I am sorry, I briefed representatives of the South and South-East Asia Division in the department. That is the division I now head, but at that time I was heading the International Security Division in the department.

CHAIR—I think we are going to deal with how the South and South-East Asia Division and the International Security Division come to consular and travel advisories. Did you at any other time before the Bali attacks have any further personal conversation or official communication with the minister or the minister’s advisers about risks in Bali specifically?

Mr Paterson—No, I do not believe so. It was not my direct responsibility at the time.

CHAIR—Did you convey to any of your higher level SES colleagues, either orally or in writing, concerns about Bali's vulnerability?

Mr Paterson—No. I did, however, convey the gist of the briefing to Mr Downer to colleagues in the South and South-East Asia Division, as you know. But I should add—

CHAIR—What about Dr Calvert? Would Dr Calvert have been advised directly by you?

Mr Paterson—Could I make one point first before answering that. I did not specifically raise concerns about Bali; I debriefed the division on the content of the briefing as a whole. As you know, Bali was a very minor part of that, as I have explained to the committee before. No, I did not advise Dr Calvert directly. These sorts of briefings and that sort of information exchange go on very regularly. It was for divisions, in particular South and South-East Asia Division, to make an assessment as to whether the information that I conveyed warranted informing members of the department's senior executive.

CHAIR—Did you at any time suggest or recommend to anyone that a further approach or briefing should be made to the minister about Bali?

Mr Paterson—No.

CHAIR—Did you yourself seek to make an appointment with the minister or his advisers to talk more about Bali?

Mr Paterson—No. Once again, it was not my direct responsibility to do so.

CHAIR—Whose would it have been if that had been the case?

Mr Paterson—I made the judgment that it was an issue relating to South-East Asia; it was therefore for the South and South-East Asia Division and they accepted that. I should add that that is not to suggest somehow that I am passing the buck. As head of the International Security Division at the time, we had an ongoing interest in the terrorism issue, but the judgment both we and they made was that it was for them to carry forward any action which might follow from the briefing.

CHAIR—At any time subsequent to the June briefing did the minister or his office contact you seeking any additional comment about Bali's security situation?

Mr Paterson—No.

CHAIR—How would you describe the frequency and nature of your ongoing contact during 2002 with ONA's Dr O'Malley, Richard Gordon and others about terrorism in Indonesia?

Mr Paterson—I had continuing contact with officers in ONA over the rest of the year, but it was principally on other subjects. There could have been some incidental discussion on terrorism because the work I subsequently moved on to as head of the Iraq task force later in the year meant that terrorism issues were relevant to my work. In addition, at the time of the Bali bombing I had some peripheral contact with the Bali task force headed by Mr Kemish. But it

was not central to my responsibilities and I had no specific discussions with ONA directed at this topic.

CHAIR—You probably have seen Mr Gordon's contribution to the inquiry, where he says there is an extraordinary range of contacts with them.

Mr Paterson—That is correct. I would feel free to pick up the phone and ring analysts in ONA at any time. I know most of them personally and would pick up the phone and speak to them if there was an issue that I wanted to explore further, seek an additional briefing on or suggest that they might even take on as an analytic subject.

CHAIR—Did you attend the May 2002 SACPAV conference on terrorism in Hobart?

Mr Paterson—No.

CHAIR—Do you know who did from your office? Did anybody?

Mr Paterson—I would have to take that on notice.

CHAIR—Thank you.

Senator SANTORO—Before we move away from the issue of meetings, there has been some dispute between ONA and the department in terms of a meeting that was meant to have happened after the meeting in the minister's office. When I questioned representatives of ONA I tried to tease out of them how they went about noting appointments and meetings. Basically, if my memory serves me correctly this morning, they were not able to point to any administrative procedures that they adopted to record a request for an appointment or to note the attendance—and I am talking specifically about that appointment—or take notes during a meeting that resulted from a request for an appointment or meeting. What is the process or procedure within your office, either Mr Paterson or Mr Kemish, in terms of requests? If such a request had been received or if an appointment had been made, what administrative procedures do you normally have in place that would give a committee such as this confidence that that meeting would have in fact taken place, things would have happened and actions subsequent to the meeting would have been undertaken? I am interested in your procedures and processes that may help us to come to a conclusion as to whether or not that meeting took place, from your perspective at least.

Mr Kemish—As the senior officer who has looked into this fairly closely since these events took place, I could just answer in the general. Mr Paterson, as you are aware, has provided evidence about his own alleged involvement in such a meeting. Perhaps he could answer on the specifics. In general, there is available to DFAT officers an electronic diary system, which in the vast majority of cases DFAT officers use very carefully and properly. As you are aware from written testimony we have provided to the committee, we have conducted quite a thorough examination of that record. Those records stand up well on these issues on two counts. One is that those records indicate clearly that the four officers whom ONA recalled participated in a meeting after the Downer meeting were in fact together at a meeting on 7 June. That is actually contrary to the ONA recollection. I should also say that those electronic records indicate very

clearly that none of those officers had an arrangement for a meeting together with ONA subsequent to the Downer meeting.

Senator SANTORO—So there is no record in their individual electronic diaries of them attending the meeting with ONA?

Mr Kemish—That is correct. But, not only that, there is a record of them all meeting prior to the Downer meeting, which is what we recall. The second point I would make is that it is one of the skills that is instilled in our officers and encouraged through training from the time that they are graduate recruits to keep proper records of the conversations in which they are involved. Of course, officers do not have formal records done up of every conversation in which they are involved. But certainly a skilled DFAT officer—and the ones that have been named are all skilled DFAT officers—will take personal notes of such meetings. We have already made it clear to the committee that Mr Paterson has notes of a 7 June meeting but not of a subsequent meeting. That is also true of other officers. In addition to that, one of the other officers kept—it was part of his personal habit—a detailed set of entries in a PalmPilot. Again, that indicates that he was present for a 7 June meeting but not for a subsequent meeting.

Senator SANTORO—I was going to ask you whether, apart from the official electronic records of diary matters, you inspected all other ways and means of keeping records of meetings and reminders of dates. Obviously the PalmPilot is one. Did you go through other potential records of a meeting?

Mr Kemish—Absolutely. As you are aware from previous testimony, particularly written testimony, we consulted leave records of the individuals concerned and official travel records. It has been commented before that in previous remarks I have made about this issue I was pretty clear and emphatic on the point. I remain pretty clear and emphatic on it because the leave and travel records indicate very clearly that for the period in question, with the exception of one very brief period one afternoon, the officers named by DFAT were not in Canberra at the same time.

Senator SANTORO—How brief was that period?

Mr Kemish—As I recall from the testimony we provided, the only possible space was a space of about an hour and a half one Friday afternoon which happened to be an afternoon that Mr Paterson had just returned from overseas. It is just not possible for it to have taken place at that time. In addition to that, the records of entry and exit into DFAT indicate that no ONA officers, including on courier passes, entered the DFAT building during that afternoon.

The final comment I would make about the investigations we have conducted is that there is a contemporaneous record, in the form of an email from one of the officers that participated in the 7 June meeting, indicating clearly that that meeting had just happened. ONA recalled differently. That is their recollection, but a very thorough examination of a full range of records I am afraid does not in any way confirm that recollection. Mr Paterson may have something more specific to say about that.

Senator SANTORO—Yes, if you have anything else, Mr Paterson. What Mr Kemish said is pretty conclusive.

Mr Paterson—I think I have advised the committee before that I have an electronic diary record which shows a meeting with relevant ONA officials on 7 June. I have no electronic diary record of any meeting with ONA officials on this subject subsequent to 18-19 June. I also have notes of the meeting on 7 June which essentially traversed the same ground on terrorism in South-East Asia as the meeting with Mr Downer subsequently did on 18-19 June.

My feeling about all this is that this is simply a misunderstanding on the part of the officers involved in ONA—nothing more nor nothing less than that. There was a meeting but it took place before the meeting with Mr Downer, not after the meeting with Mr Downer.

Mr Kemish—It is important for us to say one additional thing about this whole issue, and that is that we and ONA feel that we agree on the fundamentals here. The Director-General of ONA has made it clear that no-one is claiming that any actionable information in relation to Bali was discussed during the course of any of these meetings.

Senator SANTORO—Or that any actionable intelligence could have been missed at the meeting.

Mr Kemish—Yes, that is right.

CHAIR—I think Mr Paterson has already said that there was intelligence passed on at that meeting which he then went back to discuss with officers of the South-East Asia and international security group—is that the group you went back and discussed it with?

Mr Paterson—I went back and met with officers from the South and South-East Asia Division and relayed the terms of the briefing given to Mr Downer. But I agree with Mr Kemish: there was no actionable intelligence. I was not so much relaying intelligence as finished assessment or analysis on the part of the ONA officers offered to me. You will be aware that I have described this in previous testimony to the committee. You understand that this meeting with Mr Downer took place over two successive days because it was not finished—he had other engagements on the 18th and it went into the morning of the 19th. My notes show that on the morning of the 19th the then director-general of ONA offered the view that ONA was progressively disinterring, as he put it, the networks and links in the region but that there was no current planning discovered for terrorist operations. That was entirely consistent with—

Senator BROWN—I am sorry, what was that word? He was progressively what?

Mr Paterson—Disinterring. Digging up, I suppose—discovering—the networks and links in the region. Not literally, Senator, I might add. I offer that because that was entirely consistent with the judgment made the previous night where—this is in the piece of my record tabled with the committee—the minister asked, ‘Should we be thinking about changing the consular advice?’ and ONA replied, ‘There is no specific intelligence on which to do so.’

CHAIR—So when you go back to the South and South-East Asia group and you get the assessment there, how does that then go to the consular branch?

Mr Kemish—It might help if I outline how things worked then. There are some differences that I do not want to overstate between how we did things then and how we do them now, but a lot of what I am about to say is true generally of the way travel advice is formed.

I have noticed in previous questions from the committee that there is a bit of an assumption that the consular area of the department conducts some kind of almost independent process of forming travel advice, and I think that we simply have not made clear enough exactly how it works, so I welcome the opportunity to talk about it a little. It is very much a collaborative approach. Within the department, there is a triangle, if you like, that is involved in preparing the travel advice prior to it going to the minister for clearance. The first point of the triangle is the consular branch, which is the part of the department that in the end physically passes the draft advisory to the minister for clearance. As the manager of the process of travel advice, it ensures consistency of format across travel advisories. Clearly the consular area can value add to the process, because the consular area has direct experience of the kinds of real difficulties that Australians experience on a daily basis across the world—because we are also managing and supporting people who are involved in those difficulties.

The second point of the triangle is the geographic division. In this case, that was the South and South-East Asia Division. In the way we structure these things in the department, we do rest to some considerable extent on the expertise and specialisation that a geographic division has in its own area of responsibility. So the responsibility for tracking developments, watching threat information and making suggestions about travel advice is shared with that area. The opportunity is certainly available—within the south and south-east Asia division in this case—to suggest a change in a travel advisory. They along with others are monitoring threat information. The third part of the triangle is the relevant embassy, in this case the embassy in Jakarta. Of course, the consul-general in Bali is also involved in these processes over time.

We need to be very clear that every time a draft travel advisory goes to the minister it has passed a clearance process involving all three elements of that triangle. The practice will vary a little from place to place but often the wording is suggested by the relevant embassy. The consular area will look at that, review it, consider its consistency and conduct a quick liaison. That liaison is usually conducted quite quickly, but 24 hours or so would be normal unless there was some very urgent development that required immediate action.

CHAIR—In the case of the meeting on the 18th or 19th where ONA raised issues and Mr Paterson went back and advised the division, would the embassy have been advised of that information at about the same time? In particular, with the heightened threats to Western interests throughout the world, was there a different alert for Indonesia?

Mr Paterson—Perhaps I can answer that, from my experience as head of the International Security Division. ONA written product, which is really their official judgment, if you like, on any particular set of events, rather than any informal discussions they might have with us, is sent to relevant posts by cable immediately it is issued in Canberra.

CHAIR—They would have received it, then?

Mr Kemish—To be fair, all three points of the triangle I have described would have received any written product provided by ONA. I would add two points about the travel advisory process.

Of course we cannot conduct a travel advisory process which is geared to occasional comments here and there; we have to look at considered written assessments. That is understood by us all, including by those in the intelligence community, I am sure. As we have recalled in previous testimony, between the meeting with Mr Downer and the events in Bali, ONA did not dedicate this thought to writing, and between this meeting and the dreadful tragedy in Bali there were, as I recall, 17 reports issued by ONA which were broadly relevant to the subject matter. So, if anything, it would have been that written product that people would have been looking to.

There is a very important additional point to make, and that is that for all of us conducting and looking at travel advice the primary focus was on the Australian government body that is responsible for threat assessment, and that is ASIO. As you recall, ASIO has developed the NTAC in more recent times and NTAC does it now. The point is that we did not see ONA written product as having even a primary input into the travel advisory process. The ASIO threat assessments were then and remain now the things we look at. So our expectation is that, if there is anything fundamentally important to the travel advisory process, it will come through the threat assessment process.

CHAIR—So there is the triangle of the consular branch, the geographic division and the embassy. Mr Paterson, you weren't working for the consular branch at that time, were you?

Mr Paterson—No, I was the head of the International Security Division.

CHAIR—As you said, Mr Kemish, ASIO is the main source of information. Does the consular branch get the information from ASIO?

Mr Kemish—Yes, we do. In fact, formal threat assessments are again sent to all three points of the triangle, including the embassy. Particularly since Bali, we have strengthened much further and made much more systematic that interaction between the department and ASIO about their threat assessments. Particularly since Bali, the absolute key point of interface with ASIO about its threat assessments has been the consular branch.

CHAIR—We have concentrated on the meeting between the minister, ONA and you on 18 or 19 June. It is more than likely that the consular branch met with the minister or the minister's office after 18 or 19 June?

Mr Kemish—About this issue?

CHAIR—Yes.

Mr Kemish—No, it did not.

CHAIR—No officer spoke to the minister or the minister's office and raised Bali at all?

Mr Kemish—No. The way the process unfolded was that the meeting with Mr Downer at one important level reached its own conclusion, as Mr Paterson has said. It reached a conclusion that there was no specific information to warrant a change to the advisory. Mr Paterson debriefed the geographic division, one point in the triangle, which was—and I think the record indicates this—taking very seriously its responsibilities to think about information and its responsibilities as one

of the points of input into the travel advisory process. The reason I say that is that the record shows that, notwithstanding the meeting coming to the conclusion that there was nothing actionable, the geographic division subsequently took a prudent step, which was in the form of an email to ONA to say in effect, 'Is there anything else you can tell us about this?' The understanding of the officers concerned in the South and South-East Asia Division of DFAT was that, if there was something further and actionable—something that we could do something with—it would come through in the watch reports compiled by ONA. So I suppose they would have been looking for that. The fact is that it did not come through. The fact that the consular branch was not involved in this does not surprise me and does not particularly trouble me, in process terms, because the South and South-East Asia Division was doing its business and, from my knowledge of those people, I am sure that, had there been something actionable, they would have drawn it to the attention of my area and it would have become part of the travel advisory process.

Senator BROWN—What was the specific content of that email?

Mr Kemish—We have previously tabled that. It essentially sought any evidence to support the notion that Bali might at some stage be a target.

Senator BROWN—The committee has that document?

Mr Kemish—Yes. I do not have it in front of me, but we have tabled it.

Senator BROWN—Was there a reply?

Mr Kemish—No.

Senator BROWN—There was no reply to that document? That was an inquiry to ASIO.

Mr Kemish—No, it was an inquiry to ONA.

Senator BROWN—And ONA did not respond to it.

Mr Kemish—That is correct. We have spoken about this to the committee before, as has ONA. The committee has also asked what we were expecting out of that email. As I understand it, the officers concerned were looking to ONA to flush out something that had been mentioned in dialogue previously, to see if there was anything concrete or if there was anything more to support it. That makes sense to me in looking at the record. In all fairness to ONA, the fact that it did not emerge in the several subsequent written reports provided by ONA in my mind only supports what ONA itself was saying, which is that there was not anything concrete or specific to support the reference in the first place. As Mr Paterson has several times testified, it was mentioned as an illustrative example in the context of a much broader discussion about terrorist threats in South-East Asia generally.

Senator BROWN—I think I might be missing something. After the Downer briefing, the geographic branch—the South and South-East Asia Division—sent a message to ONA and said, 'Can you give us further information about the threat to Bali.'

CHAIR—‘Theory’, isn’t it?

Mr Kemish—Thank you, Chair. It was ‘theory’ that was mentioned.

Senator BROWN—The theory of?

Mr Kemish—I do not have a copy of the email in front of me.

CHAIR—‘Theory/evidence’, isn’t it?

Mr Kemish—As I recall, it was seeking evidence to support the theory in association with Bali.

Senator BROWN—Yes. They got no reply. Is that usual?

Mr Kemish—The department was looking to the formal documentation, the reports issued regularly by ONA on this issue, as the place where any additional information or guidance would come from. In effect, the department was looking to those reports as the reply.

Senator BROWN—Then why send an email?

Mr Kemish—Because, as the email actually makes clear, the department was looking to stimulate ONA—as a customer and as a client of ONA’s product—on issues of interest to us. That is quite clear.

Senator BROWN—But the evidence you are giving me is that they failed to stimulate ONA.

Mr Kemish—The evidence I am giving you is that we, as a department, provided some stimulus in the form of that email. The assumption in the department would have been that, if there was anything more concrete or specific to support it, it would emerge over time in the ONA watch reports. It did not.

Senator BROWN—What I would presume, though, is that a response would come from ONA which explicitly stated that. I find it hard to fathom that such an important request would go to ONA—I am looking at it as an outsider, but it seems to me to be an important request—and there would be no reply. Was there a follow-up request?

CHAIR—Is this because there was a theory, and you asked them to provide evidence of their theory?

Mr Kemish—That is how the email read.

CHAIR—And they never provided you with evidence of their theory about the threats?

Mr Kemish—That is right. It was looking for evidence. As I know you appreciate, from your earlier remarks, we have a laser-like focus on this particular development now, because the word ‘Bali’ is mentioned in it. I think it is important to remember, in considering the approach and

reputation of both agencies involved, that this was part of an ongoing dialogue about quite a range of issues that were important in our full range of responsibilities.

Senator BROWN—But it was not a dialogue. If you send a message requesting information and nothing comes back, it is a monologue.

Mr Kemish—I am not sure how I can respond to that. It is more a point than a question, Senator.

CHAIR—Your request was: ‘What is the evidence/theory behind your assessment of Bali being a threat,’—I am paraphrasing, but is that the information you sought?

Mr Paterson—Let me just say on that that I do not think we ever saw ONA as presenting evidence of Bali as a threat.

CHAIR—What about theory?

Mr Paterson—Not even a theory—‘illustrative example’ I think were the words I used before. Senator Brandis has taken me through this, in effect word by word, at previous hearings of the committee. It was in the context—and you have this extract, of course, tabled from my notes—where the ONA analyst talked about ‘possible Western targets, possibly Singapore’. My notes record: ‘for example, a US or Australian aircraft in Indonesia, Bali, Singapore.’ My notes do not show the word ‘Riau’, but I accept that Riau was mentioned as well. My point is that it was a speculative discussion but nevertheless one that led Mr Downer to ask, ‘Does this present a basis for changing the consular advice?’ to which the reply received from the analyst was, ‘There is no specific intelligence.’

CHAIR—But your request to them was that Bali might be a symbolic target, wasn’t it?

Mr Kemish—Sorry, but that does confuse another issue which had come up quite a long time before all of this. The reference to tourist hotels in Bali being potential symbolic targets actually arises at the bottom end of an ONA report from September the previous year. It was a September 2001 reference, and it is about Laskar Jihad. Those of us who were involved in that set of issues at the time are all very clear about that. It really was an entirely different set of issues. It went to our serious concerns about Laskar Jihad’s behaviour—its harassment and intimidation of tourists in Western spots. That has tended to get a bit mixed up with the issues relating to terrorism.

Senator BROWN—If I can divert you here for a moment—because this is a point that matters to me—can you tell me what the relationship between JI and Laskar Jihad was?

Mr Kemish—We are not an intelligence organisation. We cannot really respond to those kinds of questions; we can only rely on what the intelligence community tells us. Is that a fair comment?

Mr Paterson—That is correct. I can offer some general comments, but, frankly, I think that for a precise assessment of any linkages that question would be best addressed to ONA.

Mr Kemish—My earlier response was simply based on my firm understanding of testimony from those in the intelligence community, including, as I recall, the Director-General of ASIO.

Senator BROWN—But it does not separate out these two organisations as being—

Mr Kemish—My recollection of his testimony is a bit different, but I cannot really get into a debate on that.

CHAIR—Mr Paterson and Mr Kemish, it is interesting that you mentioned aviation. Was that the level of the discussion—that that briefing was only concerned with aviation? In ONA's submission and evidence, they seem to suggest that the discussion was wider than aviation.

Mr Paterson—I think the discussion with Mr Downer was about the growth of terrorism—Islamic terrorism, if you like—in South-East Asia and our understanding of its growth. The new element that was progressively coming in over that year was that this terrorism might well have links to international terrorism and could be widened beyond what had occurred in Indonesia before. Again, I am not setting myself up as an expert on this, as I mentioned to Senator Brown, but a number of the terrorist acts we had seen in Indonesia over the years were essentially carried out by domestic terrorist groups and based at domestic targets. They were communalists attacking Christian communities and Christian churches, and one of our concerns was that that could continue and it could widen and it could target Hindu groups as well.

The difference, I guess, over this period—and this is what ONA was informing us, through its written and oral briefings—was that there was increasing evidence being 'disinterred', as the then director-general said, of JI having links with international terrorism, therefore raising the possibility of their targets including Western ones. Aircraft were obviously used as an illustrative example, but the discussion was of a more general nature, saying, 'They could be after Western targets.' The discussion did not suggest other targets. It did not suggest hotels, bars, shopping malls or anything else.

CHAIR—You have seen the ONA submission, haven't you?

Mr Paterson—I have seen it.

CHAIR—They say:

Towards the end of the briefing session, in response to a question from Mr Downer about possible targets, Bali, Riau and Singapore were assessed to be attractive targets for Jemaah Islamiyah—which was identified as the primary regional terrorist threat. This judgement was not made on the basis of any specific intelligence but was the result of analysis of terrorists' probable capabilities and likely intentions. International hotels, nightclubs and airlines/airports were assessed as being high on terrorists' target lists.

So, they were specifically mentioned in the Downer briefing.

Mr Paterson—At this point, two years after the event, I can only go by my notes, which you have, and give an illustrative example of US or Australian aircraft in Indonesia. I did not record hotels and other possible sites. I do not wish to suggest that was not said. It is not in my notes and I have no recollection of it, but—

CHAIR—They did not keep any notes, but they certainly made a submission, as you know—Mr Jones and Mr Farmer.

Mr Paterson—Yes. I am not suggesting that those words were not uttered. They may well have been, but they do not appear in my notes.

Senator SANTORO—But the probability of them not being uttered, certainly from your point of view, would have to be fairly high, wouldn't it? I am not trying to put you on the spot, and I am not trying to pick one against the other, but, to a professional like yourself, they would have been quite significant words that were worthy of noting. So, in your assessment, the probability of those words not being uttered would have to be fairly high, wouldn't it? I understand your reluctance to be drawn into an answer, but there is a lot at—

Mr Paterson—You are somehow setting up that my notes represent some absolute—that I take extremely accurate notes.

Senator SANTORO—I understand that. Unless there is a video or audio recording of a conversation, I understand that notes may contain some deficiencies—and, in some cases, significant deficiencies—but, really, in the context of that discussion, those words would have been quite significant, wouldn't they?

Mr Paterson—My instinct is to think that, had they been uttered, I would have recorded them. I consider myself to be nothing more, nor less, than a reasonably conscientious note taker. I suspect that is largely because I do not trust my memory over a period of time.

CHAIR—Isn't there an old expression: 'He who keeps the minutes writes history'?

Mr Paterson—I do not wish to set this up as some absolute record, but I think your point is correct: I probably would have recorded other sites had they mentioned them. But I would not want to be absolute in my judgment and my recollection of that.

Senator SANTORO—I appreciate your answer. Thank you.

Mr Kemish—I would like to just add that Mr Paterson is being commendably careful about these issues. To save his modesty, I would like to add that Mr Paterson does have a reputation in the department for being a very careful, methodical and conscientious note taker.

CHAIR—We will take that into account—if we ever speak to him. Mr Kemish, in our questions on notice we sought DFAT's response to Hugh White's observation that Bali was 'the biggest soft target around' and that agencies 'failed to run through that syllogism'. Your answer finishes with the observation:

Mr White's conclusion after the event that Bali was an obvious target for terrorists needs to be set against the simple fact that no government, intelligence agency or travel advisory reached that conclusion prior to the event.

Are you suggesting that it is only in hindsight that Bali can be seen as 'the biggest soft target around'? Does DFAT currently consider that, in terms of risk to Australians, Bali is the biggest soft target around in Indonesia?

Mr Kemish—There are two parts to that question. The first part has to do with Mr White's comments. I would simply stand by our written testimony there. There was no real point we were seeking to make, other than to state the simple fact that, prior to Bali, I never heard or saw anything—and no-one ever wrote anything—about Bali being the biggest soft target around. As to now, is it the biggest soft target around? There are many candidates for such a status.

Senator BROWN—What are the other candidates?

Mr Kemish—You may be aware from ministerial comments over the last couple of weeks that we have been working conscientiously and cooperatively with the Greek government to ensure there is the best available security in the circumstances surrounding the Athens Olympics. I should make it clear, because I am on the public record, that the Greek government has invested very considerable effort and resources in this. The concern of all—and this is known broadly—is that it is very difficult to protect soft targets, including in that context. To the extent possible that these things can be foreseen and thought about, we seek to make clear in our travel advisory process now, as we did before Bali, what soft targets might constitute. The way we did it before Bali was to talk about the types of locations that might be at risk. As you know, in our travel advisory for Indonesia and in other public statements we did name and identify areas frequented by tourists as being at risk. I am simply not in a position to say, 'Place A and place B are soft targets to worry about.' It is very important for me, as head of the consular service, not to provide additional public commentary about risk which is not already contained in the travel advice.

Senator KIRK—In the written answers that you provided to committee members in the last few days you say that DFAT took into account the fact that Australian tourists had the view that Bali was notably safe compared to other tourist destinations. You say that DFAT took these considerations into account and:

Bali was often judged in the public mind to be safer in terms of the risk of overt threats such as civil unrest, but our practices did not differentiate it from the rest of Indonesia.

In your answer you also say that, in the public mind, Bali was considered 'safer in terms of overt threats'. Do you think in the public mind Bali was also judged to be safer in terms of the risk of a terrorist attack?

Mr Kemish—It is hard for me to say what was in the public mind at the time. All I can say, in the first flush of seeking to respond carefully to your question, is that our processes certainly sought to take account of both types of threat. One thing I would emphasize is that, particularly in that last month prior to Bali, but progressively prior to that, we sought as best we thought appropriate at the time to underline very clearly that there was a risk of terrorism throughout Indonesia. That is why you have that first sentence in the travel advice for all of Indonesia. I will stop there. I do not know if I have answered your question properly.

Senator KIRK—My question really goes to the fact that, as you have identified, the public did consider Bali to be safer than other parts of Indonesia. I think that is fair to say, and you said that in your answer to us. My next question is: can you point committee members to an aspect of DFAT's travel advice that is an example of how DFAT took into account and relayed in the travel

advisory the fact that the travelling public tends to regard Bali as being a safer destination than other parts of Indonesia?

Mr Kemish—This is one of those issues where—and I do not mean this in any disrespectful way—looking at our own assessment of it all and the way we thought about it at the time, one's perspective obviously changed after 12 October 2002.

In the minds of officials at the time, the very fact that the first sentence of the travel advice was, 'In view of the ongoing risk of terrorist activity in the region, Australians in Indonesia should maintain a high level of personal security awareness,' and the very fact that we went on to identify areas frequented by tourists, was an effort to seek to underline that the threat was throughout the country, including areas frequented by tourists. In the minds of officials at the time, another measure which I suppose sought to ensure that people had an even understanding of the risk across Indonesia was that our own officers were under very firm instructions—there is a longstanding, abiding instruction that when callers ring with any concerns about threat in Indonesia officers are not to pluck out from the travel advice the reference to Bali simply because the person is asking about Bali; rather officers are to give a full account of the overall travel advice for the entire country. That has been a point of public and political interest subsequent to Bali, and a lot has been made of this. Clearly our approach accentuates it much more now, but it does take account of the public and political comment that has taken place since Bali.

Senator KIRK—I hear what you are saying. I understand that the way the travel advisory was conveyed was to give the impression that the whole of Indonesia was at some risk, and there was no reason to exclude Bali from that. However, insofar as Bali is specifically mentioned, it is mentioned in the context that tourist services elsewhere in Indonesia are operating normally, including Bali. That is the only place where Bali is specifically mentioned, so it is not unfair to think that the average tourist considering travel to Indonesia may glance at the travel advisory and the only thing that stands out to them in relation to Bali is that line.

Mr Kemish—In cold examination, line by line as you go through it, I can understand why you would come to that conclusion now. I guess the important thing is to ask myself whether I have ever met an Australian who—as you are now, and as we all are now—went through the travel advice line by line and came to that reassuring conclusion about Bali on the basis of that reference. I have not. My point is that, as you rightly said, you can construct a situation where someone might have come to that conclusion.

Senator KIRK—Just to clarify: you are saying to me that people you have spoken to post Bali have said to you that, upon reading the travel advisory that was current at the time, they do not feel reassured about the state of play in Bali. Is that what you are saying?

Mr Kemish—No, that is saying more than I have said. We are talking about 'maybes'. We are talking about what people might have thought from looking at the travel advisory at the time. We can certainly construct the thinking in all our minds that you have just outlined subsequent to the Bali attacks. I am only remarking that, in my own contact with a very great many of the Bali families, none of them has said to me, 'I looked at your travel advice and I was reassured by that reference to Bali; therefore I proceeded to travel to Bali.' None of the families has said that.

What I am saying is that, contemporaneously, I am not aware of people coming to that conclusion. Is it possible that people came to that conclusion? Perhaps, but the important point to make here is that the judgment people were making at the time and the reason that officials included that reference at the time was that we were receiving a lot of anxious inquiries—and had done for some time prior to the Bali attacks—about an evident, concrete threat that people could see on the screens of their television. This was the other type of threat: civil unrest, overt threat. The travel advisory service does try to provide the answers to questions in the public mind. One of the questions was: ‘Are tourist services operating normally? We have seen all these problems elsewhere.’ We made a general remark that tourist services elsewhere in Indonesia—that is, other than in the particular locations already mentioned—were operating normally. We did go on to say ‘including Bali’.

Senator KIRK—Can I ask you what your view is about this—and this is my personal opinion. It seems to me that, given that the ASIO threat for Indonesia was high throughout the relevant period and given, as we all seem to agree, that Bali should not have been treated any differently in relation to that threat but also taking into account the fact that Australians and probably Westerners generally regard Bali as being a safer alternative, what would be your view about a travel advisory that says something along these lines: ‘Bali has long been considered a safe haven but the risks of terrorism are as high there as elsewhere in Indonesia’? Would that not have more clearly drawn to the attention of the travelling public that, whereas Bali may be considered to be a safe haven and different from the rest of Indonesia, the risks of terrorism are as high in Bali as elsewhere? Would that not have been a clearer statement to the travelling public that, no, you cannot single out Bali for special treatment and to convey quite clearly to those people who are contemplating travel that Bali cannot be singled out as somehow different from the places that were specifically mentioned through the travel advisory as being of high risk?

Mr Kemish—All I can fairly and honestly say about that is that certainly since I have, with you, worked through these issues over the best part of two years now it is possible to come to that kind of judgment. But let us remember that we have all been down a long road here. We have all considered in hindsight all the factors very carefully and we are able now, in full knowledge of what happened in Bali, to work out what the absolute optimal travel advice might have been had we been informed about the specifics of such a threat. All I can fairly and honestly say is that nobody came to that conclusion prior to the event.

Senator SANTORO—I want to follow up what you said. I agree with you that hindsight is a wonderful educator and a wonderful imparter of insight about how to go about dealing with issues which were difficult at the time. This has been on the record. In view of the way that the questions have gone this morning, is it correct to say that, from early September 2002, despite the fact it might not have been as specific as Senator Kirk was suggesting a few minutes ago, the travel advisories were in fact ramped up? This is despite the fact that there was no actionable evidence, no specific evidence, about anything going wrong or about anything untoward in Bali. Does my memory serve me adequately in being able to confidently say that the advisories were ramped up from September 2002?

Mr Kemish—Yes, very much so.

Senator SANTORO—Could you take us through a little bit of the evidence to support that statement?

Mr Kemish—Certainly. I welcome the opportunity because we have spent quite a bit of time in this inquiry picking over threat assessments versus travel advisories, particularly through that July-August period of 2002. Personally, I really think it is important that the committee take full note of the very high level of attention that was given to risks broadly in South-East Asia and in Indonesia in our public statements from early September 2002. The reason that period from early September 2002 through to the Bali bombings is important is that we are now talking about the various public statements, guidance and travel advice that were extant at the time of the Bali bombings. This is the most relevant area. We are talking here about a series of public statements that were extant for a good month or so prior to the Bali bombings. It does frustrate me slightly that these very strong statements by the government can sometimes be conveniently forgotten by those in the media who reported them very heavily at the time.

There are in total four public documents or statements that need to be acknowledged. The first is the travel advice for Indonesia. What I am about to describe was valid and on the public record from 10 September 2002 through to the Bali bombings. It said, as I have said before:

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 said:

Bombs have been exploded periodically in Jakarta and elsewhere in the past, including areas frequented by tourists.

It noted:

Further explosions may be attempted.

It also—

Senator SANTORO—You said ‘areas frequented by tourists’?

Mr Kemish—Yes.

Senator SANTORO—I am just picking up on a point that Senator Kirk was making before which I think was a good point. ‘Areas frequented by tourists’—like Bali—is I think a pretty direct warning or reference to possible risks.

Mr Kemish—Not only was it a clear statement but it was actually—and we have provided evidence of this—given a lot of airplay and press at the time. So, the travel advisory said:

Bombs have been exploded periodically in Jakarta and elsewhere ... including areas frequented by tourists. Further explosions may be attempted.

For completeness, we need to note carefully that in the context of talking about threats elsewhere in Indonesia to tourist services, including passenger buses, there was this line:

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

Let us note that carefully.

It is not just the travel advice; I said there were four statements. The second was a very strong warning about possible terrorist activity in South-East Asia and it was also issued on 10 September 2002. It said, 'Australians in South-East Asia should note the ongoing threat of terrorism in the region and maintain a high level of personal security awareness at all times.' That was released again on 11 September 2002—for emphasis, if you like.

Third, the Australian embassy, on 3 October 2002, circulated advice to Australians who had registered with the embassy that Australians should maintain a high level of personal security awareness at all times and keep themselves informed of developments throughout Indonesia. It noted:

As in the past around religious holidays, militant groups may conduct intimidatory activity against night clubs, bars and other places where expatriates are known to gather.

It talked again about bombs being exploded periodically in Jakarta and elsewhere, including areas frequented by tourists.

Finally, we have noted in the media—and I would really like to make this clear—suggestions that the United States came up with some kind of statement immediately prior to the Bali bombings and that this was not matched by Australia. This frustrates those of us who actually know the truth of the matter and recall quite clearly the public attention that was given to the matter. In fact, the Australian and United States governments issued statements about these issues at the same time. These were global warnings and they were not informed by knowledge about Bali and about bars. These statements, issued at almost exactly the same time, advised our respective travellers overseas generally to remain alert to their own security. We took the additional caution on 11 October 2002 to relay to Australians—in the form of a bulletin—the full text of a statement issued by the United States government.

Senator SANTORO—At any rate, as we have heard repeatedly, there were quite a number of American diplomats enjoying themselves holidaying in Bali.

Mr Kemish—American officials were present. It is very sad that, as I recall, 12 United States citizens were killed in the Bali bombings.

Senator BROWN—To whom did that warning or bulletin that was issued on 11 October go?

Mr Kemish—It was a public statement. It was sent out through our travel advice subscription process. It was issued on the web. As I recall, it was given some public attention. It had nothing to do with Bali.

Senator BROWN—There has been speculation about a high alert about a potential terrorist attack circulating on that day or the day after to embassies in Jakarta, Bangkok, Kuala Lumpur and elsewhere. Have you got any information about that, other than what you are talking about here?

Mr Kemish—There is nothing else. It is a matter of absolute faith and one of the fundamental principles of consular work for us and all our partner governments that supplementary advice—additional statements—must not be provided to our own staff. The choice is between not providing any information at all and issuing information which can be fully made available publicly. The issue of ‘no double standard’ is fundamental.

Senator BROWN—I am talking about information that may not have had time to go to the public.

Mr Kemish—There is nothing from that time—nothing at all.

Senator BROWN—So there was no message, other than this bulletin of 11 October that you are informing us about, that went to Australian embassies in Bangkok, Jakarta, KL or anywhere else?

Mr Kemish—Nothing whatsoever.

Senator SANTORO—You have mentioned four documents. Can you take us through the second one again?

Mr Kemish—The second was a regional travel bulletin issued on 10 September. We did several things on 10 September, and I have mentioned two things that are directly applicable to Indonesia. We reissued in a significant upgrade of our language the travel advice for all of Indonesia. I have also mentioned the regional bulletin we issued, which had applicability to the region of South-East Asia generally. By the way, in addition to that we also upgraded in very similar terms our travel advisories for all other South-East Asian countries. This was in response to information that has sometimes been referred to in a US context in this committee. It was information that became available to the government as a result of a debriefing which suggested a specific threat in East Timor, which was given a great deal of publicity at the time. We actually went so far as to close the embassy in East Timor on or around that date.

Senator BROWN—It was on 10 September.

Mr Kemish—The date we actually closed the embassy was 11 September. Again, it is important that we make our public statements before we take action in respect of our own staff. That is a fundamental tenet of the way we approach these things. In addition, the information was not specific in nature but it suggested the existence of a renewed threat through South-East Asia, which inter alia focused on US interests. The US made a range of public comments, and so did we. It is particularly this time, around 10 and 11 September, that our public statements are given a great deal of prominence in the Australian media.

Senator BROWN—Where did this information come from?

Mr Kemish—We have said in previous testimony that this was the result of a debriefing and it was the result of intelligence information.

Senator BROWN—A debriefing of whom?

Mr Kemish—If I may, I would like to check with the intelligence agency as to whether I am able to say that. I simply cannot recall whether I am able to say that publicly. I can, hopefully, provide you with an answer very quickly.

CHAIR—I am not sure. I think Senator Brown was asking whether it was ASIO or ONA.

Senator BROWN—No, I am talking about the individual or individuals.

Mr Kemish—I will stand by initial response, if that is all right. It is actually well understood. Who the individual was has been a matter of some public discussion. I can tell you clearly that it was not Jabarrah, if that is what is on your mind.

Senator BROWN—Just on the matter of Jabarrah, seeing that that has come up here, can you put to rest the concern that information coming from the debriefing of Jabarrah in the United States was given to other governments in the region but did not come to the Australian government?

Mr Kemish—I have noted the testimony of senior representatives of the intelligence community on that, and I have nothing to add to it. Personally—and I am confident as far as the department is concerned—we had no knowledge of that information whatsoever.

Senator BROWN—If it had gone to other governments, would you expect you would have had knowledge of it?

Mr Kemish—That relates to intelligence liaison. It is a question better put to the intelligence community.

Senator KIRK—As I understand it, the current travel advice in relation to Indonesia is that Australians should defer non-essential travel to Indonesia, including Bali. Is that correct?

Mr Kemish—Yes, that is correct.

Senator KIRK—As I understand it, the ASIO threat level at present is ‘high’, as it was throughout most of 2002.

Mr Kemish—Yes, that is correct.

Senator KIRK—In the view of DFAT, do you currently regard Bali as being just as vulnerable to terrorist attacks as other parts of Indonesia?

Mr Kemish—On the basis of the ASIO threat assessment, which does not distinguish between Bali and other parts of Indonesia, yes.

Senator KIRK—So you think that Australians going to Bali today in tens of thousands are just as vulnerable to attack now as they were in 2002?

Mr Kemish—I choose my words carefully because any remark I may make about that publicly is a potential headline. The fact of the matter is that Australians are travelling in

significant numbers to Bali. They are travelling around the world in very significant numbers. What we are experiencing on a global scale—and I say this as head of the passports service—is close to a record number of passport applications and outbound travel. Our analysis is that, following on from Bali, the SARS concerns and a range of other concerns, including September 11, there was a very significant dip in travel. You can see this in the travel statistics to Bali as well. It was a very significant dip, and Australians are now in catch-up mode. They are travelling in significant numbers. Even at this stage, the numbers of Australians travelling to Bali is nowhere near the number of Australians who travelled to Bali prior to the attack.

CHAIR—Is that because it is more vulnerable than any other part of Indonesia?

Mr Kemish—I think it is because something happened in Bali on 12 October 2002, which left a clear mark and impression in Australians' minds.

Senator BROWN—Senator Kirk is asking what the situation is in Bali now compared to that period in, say, September 2002.

Mr Kemish—I will say that the situation in Indonesia—and I do not distinguish Bali from Indonesia—is, according to the relevant agency, a situation that warrants a threat assessment level of 'high'. What that means is there is a general threat and possibility of terrorist activity in Indonesia. The government does not have any specific information about particular locations, including Bali, and if it did we would be saying so in our travel advice. What I have just said would have been true prior to Bali as well.

Senator KIRK—You have just told us that there is no specific intelligence in relation to Bali.

Mr Kemish—No.

Senator KIRK—Why then do you now in your travel advisory, and unlike prior to 12 October 2002, say that Australians should defer non-essential travel to Indonesia, including Bali? Why is now seen fit to single out Bali in a manner that just did not occur prior to the terrorist attack in October 2002? We have established that the ASIO threat level remains at 'high', as it was in 2002.

Mr Kemish—I want to check what the current travel advisory says. It is not a major point of difference, but my recollection is that Bali is mentioned to help people to understand that Bali should not be separated out from Indonesia. In fact, it is not in the first sentence any more.

Senator KIRK—We will look at that. What you have just said is quite right: the reason why it says it now is to tell the travelling public that Bali should not be treated any differently from the rest of Indonesia. Why didn't you see fit to single out Bali, or to mention Bali specifically, in September 2002 thereabouts to highlight the fact, as you and I have just agreed, that Bali is not to be treated any differently from the rest of Indonesia? That is my question. What was the different thinking prior to October 2002?

Mr Kemish—It is simply this: we have had drawn to our attention many, many times publicly, including by this committee, the possibility that the reference in the Indonesian travel advice prior to Bali might have provided false reassurance to Australians. I think it is a moot

point, but let us be practical here: it has been a point of very considerable public debate and political attack since Bali. Of course we have amended the approach. We, like everybody else, are informed by an event that left a serious scar on Australian thinking. Of course we differ in our approach these days. Every other government does too.

Senator KIRK—So what you are saying is that there has been an acknowledgment that Bali should not be treated any differently from the rest of Indonesia and, in order to ensure that that is the case, you are now specifically mentioning Bali as a place that you should defer all non-essential travel to. There has been that acknowledgment. The absence of it prior to October 2002 was not clear enough to enable the average travelling tourist to be made fully aware of the fact that Bali is part of Indonesia. It is not a safe haven; it has to be regarded as just as much of a threat.

Mr Kemish—I would put it slightly differently. I would just say that it is clear to us, post Bali, how the way we did it before Bali might be construed post Bali.

Senator SANTORO—Would it be fair to say that the mention of Bali and Jakarta, or any other location where lots of Australians do business, now is really illustrative, that there is an emphasis on them? You could say that non-essential service should be deferred in any other place where Australians go. Am I correct there?

Mr Kemish—I think the key thing is that Bali is now much more clearly in the public mind. There are more questions in the public mind about whether there is a threat that continues in Bali, given what happened there. It is natural for us to accentuate that Bali is part of Indonesia. It has been commented since the Bali attacks that some Australians might not have actually understood that Bali is part of Indonesia. Against all of those possibilities, against all of those points that have been raised in political and public debate since Bali, we have naturally made an additional effort to accentuate the point. That does not go so far as to acknowledge that the way it was managed prior to the Bali events was judged at the time by anybody, including the public, as underplaying the threat in Bali.

CHAIR—On the interaction between DFAT and ASIO pre Bali, in the written answers you say that the people preparing travel advice did not get feedback from ASIO about the bin Laden statement in November 2001. Who normally delivers feedback about ASIO briefings to the travel advice people? Is it the case, and can you summarise the current process as being, that ASIO alerts DFAT to a possible need for a change to travel advice?

Mr Kemish—As we have made clear in the past, it was a different process prior to the Bali attacks. The process rested on the relevant DFAT officers at all points in the triangle, which I have described in the past, coming to a judgment about the import of information contained in threat assessments provided by ASIO.

CHAIR—How does ASIO get into the triangle?

Mr Kemish—It issues threat assessments which all three points of the triangle see.

CHAIR—So the embassy gets it?

Mr Kemish—Yes, absolutely. It is actually distributed in the form of a cable which goes to all three points in that triangle. At the time, officials were within their abilities working to make judgments about the import of those assessments and ensure that they were reflected in the travel advisory.

CHAIR—Would the people making those assessments have any particular training in how to assess the assessment?

Mr Kemish—This is a nub issue. This is where we have done a lot to strengthen this interaction since Bali.

CHAIR—So there was no particular training for that task prior to Bali, but there is now?

Mr Kemish—ASIO are much more in the process now. I will come to that in a second. Prior to Bali the system rested on the experience of these people. These are not inexperienced people. This is a collection of people in each part of the triangle who have a career of experience in managing difficult situations and in coming to judgments about what should be said publicly and what should not. These are not untrained people as such. As you know, what has happened since Bali is that we have provided additional strengths in the system. In the cases of countries where ASIO assess the threat to be high, ASIO are consulted about each travel advisory prior to it going to the minister for clearance. We seek their comment; they are directly engaged in the process. If you like, in those cases for countries where the assessment is high the triangle has been extended into a square.

CHAIR—Mr Gordon mentioned in his evidence how DFAT was changing. I do not know if you recall that part of his evidence.

Mr Kemish—I do. My comments about that is that the Australian government and all its agencies were progressively developing their understanding of the general threat in South-East Asia. It was an evolutionary thing, as Mr Paterson has noted. I think that is true of all agencies.

CHAIR—What is different about the training people get now, compared to the trade or the craft that they may have? You mentioned earlier that they get additional training now.

Mr Kemish—The important thing is that fully trained ASIO officials are part of the process in those cases where the country threat assessment is high.

CHAIR—Whereas before they just used to advise consular, geographic and embassy staff and then it was over to the triangle to make the judgment?

Mr Kemish—Yes. It was obviously open to DFAT officials to talk to ASIO and discuss the significance of an assessment, and that happened.

CHAIR—But now ASIO is right in there?

Mr Kemish—Now it is a much more formal process which requires a tick in a box to say that ASIO has had a look at the language. So it decompartmentalises ASIO and DFAT. It brings them together in a much stronger and clearer way.

CHAIR—Has any assessment been done on the clarity of travel advice? Can it be picked up by people, or is still possibly written by Bill Paterson?

Mr Kemish—Absolutely. We have done quite a bit of market survey work, including through the Smartraveller initiative, to gauge the clarity of advice. It is an important issue. It is very important that the language of the advice and what it means is as clear as is humanly possible to the reader. We take professional advice on that but we also gauge the results of market survey work. The market survey work is actually pretty encouraging. The feedback we are getting about travel advice is surprisingly positive, in one sense. I have always judged this area of work as being an area where it is difficult to please just about anybody, because the judgments are difficult and there are critics of the travel advice from both ends of the spectrum. But, in fact, I have been quite heartened by the level of feedback we have received about travel advice and Australians' awareness of and understanding of the issues. It is an ongoing process. I cannot telescope it publicly, because it is a matter of some internal discussion, but we are again looking at some additional things we can do to make even clearer what our advice means.

In the end, there is one complex issue that needs to be managed in this dialogue we have with the public about risks, and that is that risks are difficult to gauge and that the way our society works is that Australians need, in the end, to make their own judgment about risks and their applicability to them as individuals on the basis of the best advice that the government can provide. There can be an expectation on the part of Australians that we will make decisions for them. That question often arises: 'You are saying, "Defer non-essential travel." What does that mean? Is my travel essential?' Of course, our response has to be: 'In the end, you have to make a judgment about that on the basis of a range of factors. This is what we know. This is what we are telling you as clearly as we can. You need to think about whether, in all of that context, you need to travel now.' This comes up in our dialogue with the public from time to time. It is reasonably well understood, but it is an ongoing process.

Senator BROWN—What is the best assurance? Does every Australian going to Bali at the moment have the threat assessment put before them?

Mr Kemish—Every Australian travelling to Bali is issued with a publication with their passport which urges them strongly to consult the travel advice. That happened before Bali, too. That was the case for several years prior to the Bali attacks.

Senator BROWN—Wouldn't it be better if there were a simple system—even using the US yellow, orange, red alert system—of putting on tickets, or on the front of passports that require visas, a relative warning, when the warning is either high or moves to extreme, so that travellers from this country absolutely know that they are moving against a threat assessment that has danger written into it?

Mr Kemish—What we do is not quite that, but it is not that far from that. In cases where there is a very extreme situation and where we know that there is an action under way or it is imminent, we do pull out every stop in ensuring that every Australian we know about, either in the area or travelling to that country, knows exactly what the advice is.

Senator BROWN—But that did not happen before 12 October, did it?

Mr Kemish—It did in cases where we had something specific. It absolutely did.

Senator BROWN—Not for people going to Bali.

Mr Kemish—Not for Bali, because we had nothing specific.

Senator BROWN—My concern is that, nevertheless, the threat assessment was high.

Mr Kemish—The threat assessment is high for more than a score of countries currently. There were many countries through South-East Asia where the threat assessment was high.

Senator BROWN—In this age where we have fridge magnets and so on sent to us, shouldn't there just be a red sticker saying 'Threat assessment: high' put onto the ticket of all travellers going to those countries that are involved so that they cannot avoid it? We are in an age of information overload, where people do not read fine print. Oughtn't we to be simply putting a sticker on those tickets so people cannot avoid seeing the threat assessment and therefore taking responsibility for their right to travel?

Mr Kemish—Having watched this process for quite a long time, I am pretty reassured that Australians in those cases are getting the message.

Senator BROWN—But we have had testimony before this committee from people saying, 'If we'd only known, we would not have gone to Bali.' You know that. So it is not reaching people.

Mr Kemish—All I can say is that, in my own contact with the Bali families—and it is a very broad representation of the Bali families that I have had contact with—I have not received that message. The message is largely contrary to that.

Senator BROWN—But I am saying to you that message has been before this committee. We have had people tell this committee that.

Mr Kemish—And what I am telling you is what my experience of those, the vast majority who do not appear to have any axe to grind about these issues, is. I can only honestly tell you what my judgment is on the basis of that contact.

Senator BROWN—But you are not hearing that there is evidence before this committee from people who say, 'If we had known the danger was high, the threat assessment was high, we would not have gone.'

Mr Kemish—And I have also tabled evidence before this committee that is contrary to that, in the form of communication from Bali families.

Senator BROWN—But not from those people.

Mr Kemish—I can tell you that of all the people in this room I have had the broadest and most contact with the Bali families, and I can tell you honestly what my sense of that broad majority view is.

Senator BROWN—Let me put it around the other way: what is the difficulty with putting a simple warning onto the tickets of travellers going to places where there is a high threat assessment?

Mr Kemish—There are two difficulties. One, it dumbs down the travel advice to a point of simplicity where the message is lost. Two, our feedback from the vast majority of Australians currently consulting travel advice is that they do not want that. They want what we are giving them, in, vastly, the main.

Senator BROWN—Surely the advice that you are putting out, which you have told us goes to all travellers, dumbs down—to use that term, which is not mine but yours—the travelling public. Isn't that a matter of concern?

Mr Kemish—What I said was that it dumbs down the advice. The government's efforts to put clear travel advice before the travelling public comprises what I have described already. It also includes the placement of consular kiosks in airports around the country to try and make sure that at points where Australian travellers are coming and going they have access to the advice. It also includes a very active program through travel agents to ensure that they, with us, are committed to passing advice on. One of the commitments—and we have thousands of travel agents signed up to this charter now—is that in cases where there is a very present, clear threat all travel agents who are part of this charter will pass every word of the travel advice on to their clients. Prior to Bali—and this is something I was trying to say earlier when you were asking about situations which were extreme and where there was a very clear threat—Qantas, it is worth noting, was in the habit of taking very seriously its obligation to ensure that the full text of the travel advice was passed to and read by every passenger travelling to that destination.

Senator BROWN—How did they ensure that every passenger read that information?

Mr Kemish—By issuing the advice on embarkation. I know about it from my own experience in the Solomon Islands in mid-2000, and I certainly know about it from Bali on 13 October 2002.

Senator BROWN—A logical thing to do here might be an assessment of how Australian tourists in Bali perceive or recognise the threat assessment currently. Has the department done any such surveys in Bali?

Mr Kemish—We have done surveys through a range of posts about this. I do not have it before me. Our market survey work does take account of destination. I can look into that and see what we can give you.

Senator BROWN—Would you see specifically whether, since the Bali bombing, there has been a survey of whether Australians going to Bali are now universally or close to universally aware of the threat assessment?

Mr Kemish—It is the kind of thing that we in our professional work are interested in doing, because it is an important source of input—as we reassess now what the advisory is.

Senator BROWN—I am interested in knowing whether it has been done.

Mr Kemish—It is a terrific idea. I can check whether we have done it, but thanks for the idea.

Senator BROWN—What is the highest alert called, the one that comes when there is specific information that there is an imminent possibility of or the potential for a terrorist attack?

Mr Kemish—I would rather speak in terms of how it works for DFAT. You are asking a question about the ASIO threat assessment levels. As I understand it, the assessment level is high, but on top of that you can have very clear evidence, irrespective of the level, that there is something planned and under way for a particular location. In those cases we obviously act very quickly and strongly, as the chair has acknowledged we have done in Sulawesi in recent times.

Senator BROWN—I want to go back to the meeting on 18 and 19 June and the minister's appearance there. The evidence we have is that the minister was told that there were people who were capable of carrying out an attack in Indonesia, and that they had the intent to do so and the wherewithal to do so. What was the minister's reaction to this information, as you recollect?

Mr Paterson—The minister was quite concerned by this advice and that led him to ask a question—again this is in the part of the discussion that I tabled. He asked, 'What were their objectives in South-East Asia?' The answer he got specifically, according to my notes, was: 'To destabilise local governments to allow Islam to gain more hard-line adherents.' He then asked, 'What are the targets?' The ONA analyst responded, 'Principally Indonesian Christian targets,' and made the judgment that local rather than Western targets were possibly more likely, but then went on to say—and you know this from the piece I have tabled—that Western targets were also possible. That was when the illustrative examples were given of the US or Australian aircraft in Indonesia, in Bali, Singapore and Riau. Mr Downer was concerned and at that point he said, 'Should we be thinking of changing the consular advice?' That was when the ONA answer came in: 'There is nothing specific in intelligence that would warrant that.'

Senator BROWN—Was there further discussion about what else to do? There is no other threat advice but information is cascading in that the threat has actually increased since the original advice of high danger the previous year. What were the options available? Were they discussed by the minister?

Mr Paterson—No, Senator, that is a policy issue, and ONA would not normally offer policy options. That is not their job; they do not do it. That would be something that would be taken up with my department and with other policy departments and agencies as was appropriate.

Senator BROWN—And was it?

Mr Paterson—Indeed. I began that process the next day by informing the South and South-East Asia Division with a full account of the contents of the meeting with Mr Downer.

Senator BROWN—Did you discuss it further with Mr Downer?

Mr Paterson—I did not personally discuss it further with Mr Downer.

Senator BROWN—Did anybody else, that you know of?

Mr Paterson—I would not know about that, Senator. I do not know.

Senator BROWN—To your knowledge, did Mr Downer come back to you or the department at any time about this?

Mr Paterson—He certainly did not come back to me, because it was not my direct responsibility at the time. I do not know whether he went back to others in the department on that.

CHAIR—Senator Brown, I am not trying to cut you off, but if there are questions you would like to put on notice to the witnesses we would hope they can be answered expeditiously. We have to finish because we only have permission from the Senate to sit until 11.15. Is there anything you would like to say in summation, Mr Kemish?

Mr Kemish—I would like to say a couple of things. Firstly, travel advisories are a very recent thing; they go back to about 1997 in their current recognisable form. They have assumed very great attention and prominence internationally because of the current overall terrorist threat. They have been carried on the platform of the Internet and have assumed greater prominence through that means. They are a new product and they are a work in progress. We conscientiously regard them as a work in progress because there is always something we can do to improve them, strengthen them and make them clearer to the travelling public. In the end, the way this government and this department construct travel advice rests on judgment; there is no exact science here. People in DFAT, on the basis of the inputs they had available to them, made the best judgments possible at the time. I think the record shows that the statements made progressively and particularly in the last month prior to Bali were pretty clear. I ask that the committee acknowledge that. The only other thing I would say is that all of us are conscious—I certainly am—of the importance to those who were deeply affected by Bali of these deliberations and the overall assessment provided by this committee. I certainly join you in this: we are all under an obligation to ensure that a fair and clear assessment of the government's actions in relation to these matters is made available to them.

Senator BROWN—You will get that from a Senate committee, I can assure you.

Mr Kemish—It is a point of support.

CHAIR—Thank you, Mr Kemish and Mr Paterson. I declare this hearing closed.

Committee adjourned at 11.37 a.m.