

## COMMITTEE INQUIRY QUESTION

(Question No.3)

Senator the Hon Penny Wong asked the Department of Defence, upon notice, on 11 October 2021:

Senator WONG: Can I just note my disappointment, given the seriousness of the issues before the committee, at the failure to have present certain officers who were part of briefings we've been given. We can read a lot of what you've told us already. Senator Kitching was asking questions about Hekmatullah. I don't think this question was asked or answered: when were we aware?

CHAIR: I did ask that question, and I think Mr Jeffrey was going to take it on notice, hopefully, over the lunch break.

Mr Jeffrey: That's correct.

Senator WONG: When were you aware, General Campbell?

Gen. Campbell: We need to take it on notice. It was information that was advised to the department.

Senator WONG: By DFAT?

Gen. Campbell: If I could ask Mr Jeffrey—

Senator WONG: I'm not asking about intelligence sources; I'm trying to understand whether you were advised by an Australian entity or advised externally.

Mr Jeffrey: We need to be careful how we talk about this in the public forum.

Senator WONG: That's fine, but it's on the front page of the paper and I'm asking a legitimate question about how long before it was on the front page of the Australian was the Australian government aware.

Gen. Campbell: We'll take that on notice.

Senator the Hon Penny Wong – The Department of Defence provides the following answer to the Honourable Senator's question:

Please refer to the answer to question 1.

## COMMITTEE INQUIRY QUESTION

(Question No.86)

Senator the Honourable Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

In August 2021 as the Taliban took over Kabul, what guidance was given to the Defence LEE team to process LEE program 'rejections' in favour of advice for 449 emergency visas. When did this occur? Why?

The Department of Defence has provided the following answer to the Honourable Senator's question:

On instruction of the Minister, Defence reviewed in August 2021 previously certified ineligible applicants to determine if any had been rejected on grounds that they were not at risk at the time they were certified, and who would now be regarded as eligible.

## COMMITTEE INQUIRY QUESTION

(Question No.78)

Senator the Honourable Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

Can you explain the security vetting process for LEE certification applicants? a. Did the Australian Government rely on a US developed lie detector test operated by US contractors?

b. Did Defence use PCASS – a type of polygraph - to certify or deny LEE accreditation to Afghan nationals? How was it used?

c. Are PCASS or similar polygraph tests normally used in Australia? Can you give examples of where they are used?

d. Who authorised the use of PCASS information to be used for security assessments? Where else is this type of polygraph technology used?

e. What backup checks were conducted if a polygraph type result was inconclusive or raised a red flag?

f. What about Cellex? Was it used, and if so, how?

The Department of Defence has provided the following answer to the Honourable Senator's question:

There was no security vetting carried out by Defence on LEE applicants. Home Affairs are responsible for character and security checks as part of their visa assessment process.

Lie detectors and polygraphs of any kind were not used in the Defence LEE program.

## **COMMITTEE INQUIRY QUESTION**

(Question No.76)

Senator the Honourable Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

Scott Morrison became Prime Minister in August 2018, and Senator Fawcett became Assistant Minister for Defence. Was there a change to the LEE certification guidance or policy at or after this reshuffle?

The Department of Defence has provided the following answer to the Honourable Senator's question:

No.

Defence Portfolio

## **COMMITTEE INQUIRY QUESTION**

(Question No.75)

Senator the Hon Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

Did Defence Ministers' offices intervene in any LEE cases? Additional guidance?

The Department of Defence has provided the following answer to the Honourable Senator's question:

Defence Ministers' offices did not intervene in any individual LEE cases. The Minister certified all individual LEE and had the discretion to make individual decisions at that point. Ministers did request specific briefings on some individuals.

Defence Portfolio

## **COMMITTEE INQUIRY QUESTION**

(Question No.72)

Senator the Hon Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

Has Defence provided information to Minister Dutton about the changing situation in Afghanistan and the impact on LEEs and certification?

The Department of Defence has provided the following answer to the Honourable Senator's question:

Yes.

## COMMITTEE INQUIRY QUESTION

(Question No.36)

Senator the Honourable Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

Which international partners did Defence engage with on the Afghanistan evacuation mission prior to 16 August?

- a. Which countries and when?
- b. Did the Defence Minister request updated briefings on the Afghanistan situation in the two months between June 18 and August 16?

The Department of Defence has provided the following answer to the Honourable Senator's question:

Defence engages closely and regularly with the United States, as we did in the lead up to the evacuation. Defence worked closely with New Zealand, the US, UK and UAE during the evacuation. Defence also had discussions with Japan. The Minister for Defence was provided with regular briefings between 18 June and 16 August.

## COMMITTEE INQUIRY QUESTION

(Question No. 13)

Senator the Hon Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

As per DFAT Budget Estimates 2021-22 answer to QoN 107, DFAT recommended closing the Australian embassy, Kabul, in a submission to the Minister for Foreign Affairs on 4 May 2021.

When was Defence made aware of the DFAT recommendation to close the Embassy?

- a. What advice did Defence provide specifically in relation to the recommendation to close the embassy and withdraw completely from Afghanistan?
  - i. Who provided this advice?
- b. When was the Department of Home Affairs made aware of the recommendation to close the Embassy?

The Department of Defence has provided the following answer to the Honourable Senator's question:

DFAT briefed Defence at the FAS level on 29 April 2021. Defence advised what support it would and would not be able to provide.

Defence advised that it would not be able to guarantee Embassy security once drawdown was complete and responsibility for security of the diplomatic zone transferred from NATO to Afghan Forces. This advice was provided to DFAT by International Policy Division and Military Strategic Commitments.



## COMMITTEE INQUIRY QUESTION

(Question No.50)

Senator the Honourable Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

Can the Department of Defence confirm the reporting that Minister Dutton's office provided no directive to personnel directly? a. What about directions or representations from the Minister to the CDF or VCDF?

b. What did CDF or others in chain of command direct in regards to a priority list?

c. What was the chain of command? We know the ADF issued a statement saying "The CDF is directing the planning and operational parameters for the implementation of domestic and international operations currently being undertaken by the Australian Defence Force. The conduct of the Kabul airlift, and the safety of ADF personnel involved in the mission are the priority for the CDF". But how was the operation's chain of command structured under the CDF?

d. When was this chain of command determined?

The Department of Defence has provided the following answer to the Honourable Senator's question:

No directive was provided directly from Minister Dutton's office to ADF personnel. All directions and representations occurred in accordance with convention and standing national security mechanisms and protocols.

The operational chain of command was structured under the Chief of Joint Operations who works directly to the Chief of the Defence Force. This chain of command supports all ADF domestic, regional and global operations.

The Department of Foreign Affairs and Trade is the lead agency on international crisis response. Defence supported whole of government efforts.

Defence Portfolio

## COMMITTEE INQUIRY QUESTION

(Question No.46)

Senator the Hon Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

Has Defence investigated or sought further information about allegations that ADF personnel ignored visas or insisted they were not real and refused to facilitate access to Australian aircraft?

- a) What guidance was given to ADF/government personnel to escalate disputed visas up the chain of command?

The Department of Defence has provided the following answer to the Honourable Senator's question:

DFAT and Home Affairs evaluated the eligibility of visas before evacuees were granted access to aircraft. ADF personnel did not assess visas.

In terms of escalation, the Australian Chargé and Special Representative had the final authority on visas.

**Defence Portfolio**

**COMMITTEE INQUIRY QUESTION**

(Question No. 88)

Senator the Honourable Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

Is Defence still processing LEE certifications?

- a. What cross referencing does Defence do for 449/humanitarian applications?
- b. Does Defence simply forward enquiries for Afghan LEE's to home affairs now?
- c. Is the same process in place for DFAT LEE certifications?

The Department of Defence has provided the following answer to the Honourable Senator's question:

Yes. Defence is still processing LEE certifications.

Defence does not cross reference 449 and humanitarian visa applications. Defence has no visibility of humanitarian applications, Home Affairs manages this process.

Defence advises enquirers to contact Home Affairs for information on visa options but does not forward LEE program enquiries to Home Affairs.

DFAT's LEE certification process broadly mirrors Defence processes.

Defence Portfolio

## **COMMITTEE INQUIRY QUESTION**

(Question No. 17)

Senator the Honourable Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

In providing comment on or input to the DFAT submission to close the Australian Embassy, did the Department of Defence provide a view on how the absence of any Australian government personnel on the ground would impact the processing of Defence LEE visas?

The Department of Defence has provided the following answer to the Honourable Senator's question:

There was no impact. The Embassy and its personnel were not involved in the Defence LEE certification process. LEE certification processing was conducted by the Department of Defence in Australia, and visa processing was done by the Department of Home Affairs in the Australian Embassy in Jordan.

## Defence Portfolio

# COMMITTEE INQUIRY QUESTION

(Question No.64)

Senator the Hon Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

- a) How many applications for LEE certification were made to Defence since the legislative instrument IMMI 12/127 was issued in December 2012? a. And what about for 2020, the first quarter of 2021, and since April 2021
- b) What is the average processing time for Defence LEE certification?
- c) What are the general timeframes for certification applications? Where are the guidelines for staff on implementing the legislative instrument, guidance from minister etc.?
- d) What was the average first response / acknowledgement of receipt of email for LEE applications?
- e) As at the fall of Kabul to the Taliban on 14 August 2021, how many emails had been received by the AfghanLEE@defence.gov.au email address?
- f) Of all the emails received, how many have been responded to?
- g) How many certifications currently remain unprocessed?
- h) Did Defence stop processing LEE certification applications in favour of referring cases to Home Affairs for 449 or other emergency visas? If so, when?

The Department of Defence has provided the following answer to the Honourable Senator's question:

Defence has processed 1,619 Locally Engaged Employee cases since the program began. We are currently reviewing 70 case files for possible certification.

Defence registered 28 new cases in 2020. Seven new cases were registered in the first quarter of 2021 and 86 new cases since 01 April 2021.

Defence has not kept a record of the number of emails received over the life of the program. In the immediate period before and during the evacuation, Defence received over 15,000 emails in approximately 10 days.

Defence responded to every genuine enquiry, applicant and correspondent up until August 2021. During the period of the evacuation in August, Defence supplemented its team to manage the increased volume of emails, including across shifts in the evenings and over weekends, and worked closely with DFAT and Home Affairs.

It is not possible to provide a definitive answer on response times for initial enquiries. It is not data the department has kept. The average response time would have changed over the course of the program.

Over the life of the program the initial response to enquiries has changed. Generally, the initial response acknowledged the enquirer's interest, provided basic information on eligibility and sought sufficient information for the LEE team to assess eligibility. All emails receive an automated response, which has also changed over time, but currently provides information and a link to Home Affairs' information on humanitarian visa programs.

Defence continues to consider LEE for certification. During the evacuation, on advice from Home Affairs, Defence recommended some certified LEE for 449s visas to facilitate their evacuation. This was a quicker way to ensure LEE could be evacuated, so was prioritised over certifying LEE.

## COMMITTEE INQUIRY QUESTION

(Question No.11)

Senator the Hon Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

Did the current or former Minister of Defence seek briefings about the deteriorating situation in Afghanistan? If yes, how many times and what were the dates for 2020 and 2021?

- a) Did the Foreign Minister seek briefings about the deteriorating situation in Afghanistan? If yes, how many times and what were the dates for 2020 and 2021?
- b) Did the current or former Minister for Home Affairs seek briefings about the deteriorating situation in Afghanistan? If yes, how many times and what were the dates for 2020 and 2021?
- c) Did the Prime Minister seek briefings about the deteriorating situation in Afghanistan? If yes, how many times and what were the dates for 2020 and 2021? How often and by whom was the PM briefed?

The Department of Defence has provided the following answer to the Honourable Senator's question:

Briefings, intelligence assessments and advice were provided to the Defence Minister through written briefs, published reports and verbal briefings continuously over 2021. These briefings were provided at the Government's request and in the normal course of informing Government decision-making.

Defence Portfolio

## **COMMITTEE INQUIRY QUESTION**

(Question No.48)

Senator the Hon Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

What communication protocols were in place between Australian Govt and ADF personnel inside the airport and coalition forces outside the airport to ensure Australian evacuees could enter the airport?

The Department of Defence has provided the following answer to the Honourable Senator's question:

Both Australian Government Officials and the ADF were integrated into coalition control and communications nodes to enable evacuation operations.



## **Defence Portfolio**

# **COMMITTEE INQUIRY QUESTION**

(Question No. 12)

Senator the Hon Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

What contingencies and operational plans did Defence have in place when the ADF withdrawal was announced on 15 April 2021 – particularly for the remaining 80 troops - in the event the Taliban took control of Kabul while troops remained?

- a. What about for DFAT staff in Kabul?
- b. Did Defence have a specific plan for a non-combatant evacuation operation from Afghanistan as at 15 April?

The Department of Defence has provided the following answer to the Honourable Senator's question:

As at 15 April 2021 prudent planning options existed to cover contingencies in Afghanistan, and the 80 ADF personnel remaining were within scope for extraction in one airlift should the need have arisen. These remaining 80 ADF personnel were located at Kabul and therefore had significant force protection from US and NATO forces. ADF personnel were withdrawn in line with the NATO Resolute Support Mission in Afghanistan.

The DFAT Kabul Crisis Action Plan identified options for DFAT staff to withdraw from Afghanistan that could be supported by ADF.

There was no specific plan for a non-combat evacuation operation (NEO) from Afghanistan as at 15 April 2021. However, Defence maintains a NEO contingency plan that can be rapidly applied to any country. The ADF (HQJOC) commenced specific and detailed Afghan NEO planning in May.

**Defence Portfolio**

**COMMITTEE INQUIRY QUESTION**

**(Question No.9)**

**Senator the Hon Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:**

**Please outline how many times defence agencies and ONI provided advice to DFAT about the deteriorating situation in Afghanistan throughout 2021, including in April.**

- a) What were the factors on the ground that led to these assessments?**
- b) How dependent on US military and security assets was the Australian Embassy?**

**The Department of Defence has provided the following answer to the Honourable Senator's question:**

**In 2021, the Defence Intelligence Organisation gave advice 39 times to DFAT on the deteriorating security situation.**

**Defence is unable to comment on the factors leading to these assessments as this relates to classified intelligence assessments, the release of which would damage Australia's national security.**

**The ADF did not provide security to the Australian Embassy in Kabul. Foreign military and security assets provided many of the critical enablers for the international diplomatic presence in Kabul.**

Defence Portfolio

## COMMITTEE INQUIRY QUESTION

(Question No. 10)

Senator the Hon Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

How were these briefings/advice were provided?

- a. Were they at the request of the Defence Minister? If so, when?
- b. Were they at the request of the Foreign Minister? If so, when?
- c. Were they at the request of the Prime Minister? If so, when?

The Department of Defence has provided the following answer to the Honourable Senator's question:

Refer to the answer at Question 9.

**Defence Portfolio**

**COMMITTEE INQUIRY QUESTION**

**(Question No.104)**

**Senator the Hon Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:**

**How many Defence LEE visa holders remain in Afghanistan?**

**The Department of Defence has provided the following answer to the Honourable Senator's question:**

**This is a question for Home Affairs. Defence provides to Home Affairs details of those LEE who have been certified as eligible under the program. From that point, Home Affairs manages the visa process, including communication with applicants and visa holders.**

Defence Portfolio

## COMMITTEE INQUIRY QUESTION

(Question No. 63)

Senator the Hon Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

What were Defence's Locally Engaged Employee (LEE) certification processes that were in place prior to 14 August 2021?

- a. Defence's submission to this Inquiry states "In the lead-up to Australia's withdrawal from Afghanistan, Defence accelerated efforts to certify eligible LEE applicants" – can you detail what you mean by "accelerate"?
- b. Was the main contact point the AfghanLEE@defence.gov.au email address?
- c. How many staff were working in the Defence LEE certification team on 15 April 2021?
- d. How many staff were working in the Defence LEE certification team on 15 August 2021?

The Department of Defence has provided the following answer to the Honourable Senator's question:

Defence provided information on how to apply for Locally Engaged Employee (LEE) certification to individuals, where possible while they were employed. Defence maintained a contact point for enquiries at the Afghan LEE inbox: This was the primary point of contact.

Defence would respond to initial enquiries with information on the program and provided application forms to individuals who provided information that indicated they were possible LEE. Upon receipt of a completed application form, Defence created a case file, checked Defence records and any documentation provided by the applicant, interviewed any nominated referees who could be located and made a recommendation for certification as either eligible or ineligible. Once the Minister certified the applicant, eligible applicants had their status advised to the Department of Home Affairs. Applicants were advised of the decision, along with what options were now open to them. For eligible applicants, this was to apply for a Humanitarian visa via a specified email address in Home Affairs. For ineligible applicants, it was to consult Home Affairs regarding the other visa options still open to them.

The process was accelerated by dedicating more staff to the process and applying a simplified definition of who was at risk, based on a revised risk assessment for the LEE cohort as a whole.

In April 2021, when almost all outstanding LEE applications had been finalised, Defence had one staff member working on the LEE program. This increased to six in August 2021.

Defence Portfolio

## COMMITTEE INQUIRY QUESTION

(Question No.52)

Senator the Hon Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

Please provide a breakdown of the 4,100 people that were evacuated by Australian personnel—

- a) How many Australian citizens
- b) How many Permanent Residents
- c) How many foreign nationals
- d) How many Defence LEE visa holders
- e) How many DFAT LEE visa holders
- f) How many partner visa holders
- g) How many humanitarian visa holders
- h) How many 449 visa holders

The Department of Defence has provided the following answer to the Honourable Senator's question:

The breakdown of the 4,168 evacuees is as follows:

- 167 Australian citizens
- 2,984 Afghans with approved visas
- 52 New Zealand citizens
- 310 New Zealand sponsored Afghans
- 635 British nationals
- 18 US citizens and US sponsored Afghans
- 1 Singaporean citizen
- 1 Fijian citizen

Defence Portfolio

## COMMITTEE INQUIRY QUESTION

(Question No.43)

Senator the Honourable Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

Which international forces were operating outside of Hamid Karzai International Airport (HKIA) to secure the airport perimeter? a. Was the ADF working with any private security operating outside HKIA?

b. Was there ever any discussion about stationing ADF personnel at the airport checkpoints to help identify Australian evacuees? If not, why not?

c. Did any allied countries request Australia to help at the airport checkpoints?

The Department of Defence has provided the following answer to the Honourable Senator's question:

The ADF did not work with private security operating outside HKIA.

The ADF received no requests from allied countries to help at airport checkpoints and the ADF largely operated within the airport. At times there was a requirement for the ADF to facilitate movement of Australian passport and visa holders through checkpoints into the airport, to then be processed by Home Affairs and DFAT officials.

## COMMITTEE INQUIRY QUESTION

(Question No.45)

Senator the Hon. Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

There have been media reports of ADF personnel turning people away at the airport or refusing to accept their Australian visas. Why did this happen?

- a) Does any department have any estimates of eligible Australian evacuees - citizens, PRs, visa holders - who were turned away at the airport?
- b) What efforts have been made to get them to safety since the end of the evacuation?
- c) What guidance did DFAT provide to ADF personnel to determine if visas not in passports were valid and if evacuation flight offer emails were valid?
- d) What processes did ADF personnel have to verify visas and other documents?
- e) Can you table the guidance they were given?

The Department of Defence has provided the following answer to the Honourable Senator's question:

No-one with an Australian passport and visa was turned away by ADF personnel at Hamid Karzai International Airport. To the best of their ability, ADF personnel brought individuals with any form of recognisable documentation through airport checkpoints for evaluation by Home Affairs and DFAT officials.

DFAT and Home Affairs managed the passport and visa processing at Hamid Karzai International Airport. ADF did not assess passports, documentation or emails.

DFAT is the lead Agency on international crises coordination. At the request of DFAT the ADF continues to facilitate the movement of evacuees to Australia on regularly programmed sustainment flights.



## COMMITTEE INQUIRY QUESTION

(Question No.47)

Senator the Honourable Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

What steps were taken by Australian personnel to help reduce bottlenecks outside Kabul airport?

The Department of Defence has provided the following answer to the Honourable Senator's question:

ADF personnel were not involved in reducing bottlenecks outside Kabul airport and were only deployed to the perimeter.

## COMMITTEE INQUIRY QUESTION

(Question No.48)

Senator the Hon Penny Wong asked the Department of Defence, upon notice, on 15 October 2021:

What communication protocols were in place between Australian Govt and ADF personnel inside the airport and coalition forces outside the airport to ensure Australian evacuees could enter the airport?

The Department of Defence has provided the following answer to the Honourable Senator's question:

Both Australian Government Officials and the ADF were integrated into coalition control and communications nodes to enable evacuation operations.